



To: Members of the Planning & Regulation Committee

***Notice of a Meeting of the Planning & Regulation Committee***

**Monday, 19 October 2009 at 10.00 am**

**County Hall**

Tony Cloke  
Assistant Head of Legal & Democratic Services

October 2009

Contact Officer: **Graham Warrington**  
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**Membership**

Chairman – Councillor Steve Hayward  
Deputy Chairman - Councillor Mrs Catherine Fulljames

*Councillors*

Alan Armitage  
Anda Fitzgerald-O'Connor  
Tim Hallchurch MBE  
Jenny Hannaby  
Ray Jelf

Peter Jones  
Lorraine Lindsay-Gale  
David Nimmo-Smith  
Neil Owen  
G.A. Reynolds

John Sanders  
Don Seale  
John Tanner

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**Notes:**

- ***Lunch will be available at County Hall at 1.00 pm.***
- ***Date of next meeting: 23 November 2009***

## Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Section DD of the Constitution for a fuller description.

### **The duty to declare ...**

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

### **Whose interests are included ...**

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

### **When and what to declare ...**

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

### **Taking part if you have an interest ...**

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

### **"Prejudicial" interests ...**

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

### **What to do if your interest is prejudicial ...**

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Exceptions ...**

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

### **Seeking Advice ...**

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

**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 opposite**
3. **Minutes** (Pages 1 - 12)

To approve the minutes of the meeting held on 14 September 2009 and to receive for information any matters arising therefrom

4. **Petitions and Public Address**
5. **Planning Applications for Energy from Waste Incinerators - Covering Report** (Pages 13 - 226)

Report by the Head of Sustainable Development (**PN5**)

The following two reports 5(a) and 5(b) set out two separate planning applications for energy from waste incinerators: by Viridor at Ardley and by Waste Recycling Group at Sutton Courtenay. The covering report sets out some common background between the two proposals, in terms of the reasons why the applications have been submitted now, the drivers behind the need to divert residual waste from landfill, the planning policy context and in terms of the regulatory process involved.

Application For:

**(a) The Construction and Operation of an Energy from Waste (EfW) Facility together with Associated Office, Visitor Centre and Bottom Ash Recycling Facilities, New Access Road and Weighbridge Facilities and the Continuation of Non Hazardous Landfill Operations and Landfill Gas Utilisation with Consequent Amendments to the Phasing and Final Restoration Landform of the Landfill, Surface water Attenuation Features and Improvements to the Existing Household Recycling Facility at Ardley Landfill Site, Ardley Fields farm, Ardley – Application 08/02472/CM**

Report by the Head of Sustainable Development (**PN5(a)**)

This is an application for an Energy from Waste (EfW) facility and associated development together with changes to the landfill operation and improvements to the existing household recycling facility (HWRC) at Ardley landfill site. The proposed facility would process 300,000 tonnes of municipal and commercial and industrial waste per year. The waste is proposed to come primarily from within Oxfordshire together with some from adjoining counties. The EfW building would be 229 metres long with a maximum width of 70 metres and a maximum height of 36 metres. The chimney stack would be 82 metres high.

The key planning issues are site specific waste policy and management issues, strategic location of the EfW plant against planning/transport criteria for waste management facilities, landscape and countryside impacts and amenity/impacts on local people. There are some policy and other matters that are common to this application and to the Sutton Courtenay EfW application. The covering report to both of these proposals addresses these issues. It explains the context within which the need for waste management facilities to divert waste from landfill arises.

The application has attracted many responses from local people that raise a range of concerns. The report takes all of these views into account together with those received from consultees and other interested parties.

The development broadly accords with waste management policy as it proposes a facility to deal with Oxfordshire's residual waste within the county.

However, there is conflict with policies which seek to prevent permanent built development in the countryside. The proposal would have impacts on local amenity but it is possible to limit these.

The report concludes that the need for a waste treatment facility to serve Oxfordshire, and the appropriateness of the location in relation to the strategic road network, outweighs the conflict with policies relating to landscape and countryside.

***It is RECOMMENDED that:***

***(a) subject to legal agreements to cover the following matters:***

- (i) limitation on waste import to the site from outside the County to allow:-  
all residual MSW and a minimum of 50,000 tonnes of C&I waste a year to come from Oxfordshire to the EfW Plant and two thirds of waste to come to the landfill from Oxfordshire;***
- (ii) route of all large HGVs to/from the M40 via the B430 through Ardley;***
- (iii) provision of a construction travel plan – all vehicles to be routed to/from M40 via B430 through Ardley;***
- (iv) provision of an operational travel plan, with £1k monitoring fee;***
- (v) provision of a pedestrian crossing on the B430 in Ardley (£15k cost);***
- (vi) commitment to submitting an application to divert bridleway 27;***
- (vii) funding for improvements to the Rights of Way network (£200,000);***
- (viii) long term maintenance of the restored landfill;***
- (ix) public access to the old quarry face.***

***the planning application for the development described in planning application 08/02472/CM be approved subject to conditions to be determined by the Head of Sustainable Development but to cover matters to include the following:***

- 1. Construction works not to start until access works completed;***
- 2. No waste to be treated until link to Electricity grid is completed;***
- 3. No traffic movements except during between:-  
7am – 7pm Mondays to Fridays;  
7am – 1pm Saturdays and;***

- on 12 nominated Saturdays 1pm – 4pm;*
- 4. construction hours to be agreed;*
  - 5. no import of non-recyclable waste;*
  - 6. plan to be agreed for incinerator bottom ash operations;*
  - 7. details of changes for bridleway 27 provision on definitive line and implementation if line not diverted;*
  - 8. implement approved flood risk assessment and site drainage plan;*
  - 9. agree details of groundwater and surface water drainage plan;*
  - 10. agree plan for external lighting;*
  - 11. no external lighting outside hours permitted for traffic movements except for security;*
  - 12. control of recording and lifting dinosaur footprints;*
  - 13. maximum of 500,000tpa of waste to site until landfill completed;*
  - 14. maximum of 2,000tpa of waste to site each day until landfill ends;*
  - 15. conditions from existing landfill permission updated with an end date of 2019*

*(b) the application being referred to the Secretary of State as a significant departure from the development plan and the Secretary of State not calling in the application for his own determination;*

*(c) the Head of Sustainable Development be authorised to refuse the application if the legal agreements recommended in (a) above are not completed within 10 weeks of the date of approval of the application.*

**(b) Energy From Waste Incinerator (EfW) Infrastructure plus that for Combined Heat and Power (CHP), Incinerator Bottom Ash (IBA) Processing Plant with Outside Storage Area and Air Pollution Control Residue (APCR) Treatment and Disposal facilities, Visitor and Office Accommodation and Landscaping within Sutton Courtenay Recovery Park**

Report by the Head of Sustainable Development (**PN5(b)**)

This is an application for an Energy from Waste (EfW) incinerator and associated development at Sutton Courtenay landfill site. The proposed facility would process 220,000 tonnes of waste per year. The application states that the facility would process municipal and commercial and industrial waste from within Oxfordshire only. The facility would export approximately 17 mw of electricity to the grid per year. The EfW building would be 197.9 metres long with a maximum width of 51.4 metres with a maximum height of 49 metres. The chimney stack would be 96 metres high and 4 metres in diameter.

The key planning issues are site specific waste policy and management issues, strategic location of the EfW plant against planning/transport criteria for waste management facilities, landscape and countryside impacts and amenity/impacts on local people. There are some policy and other matters that are common to this application and to the Sutton Courtenay EfW application. The covering report to both of these proposals addresses these issues. It explains the context within which the need for waste management facilities to divert waste from landfill arises.

The application has attracted many responses from local people that raise a range of concerns. The report takes all of these views into account together with those received

from consultees and other interested parties.

The development broadly accords with waste management policy as it proposes a facility to deal with Oxfordshire's residual waste within the county. However, there is conflict with policies which seek to prevent permanent built development in the countryside. The proposal would have impacts on local amenity but it is possible to limit these.

The report concludes that the need for a waste treatment facility to serve Oxfordshire, and the appropriateness of the location in relation to the strategic road network, outweighs the conflict with policies relating to landscape and countryside.

***It is RECOMMENDED that***

***(a) subject to legal agreements to cover the following matters:***

- (i) the routing of HGVs along such routes as to avoid travelling through local villages and urban areas;***
- (ii) a contribution of £43,824 (index linked) towards the Didcot Integrated Transport Strategy (DIDITS);***
- (iii) a limitation on the amount of tonnage to the EfW; a limitation on the amount of total waste being carried to the site by road; a limitation on the total number of vehicles using the secondary northern access and the number of vehicles travelling eastbound to the A4130;***
- (iv) a contribution of £1,000 towards the monitoring of a travel plan;***
- (v) the funding of a 25 year long term management plan for any approved restoration scheme;***
- (vi) a contribution towards mitigation measures for both on site and off site public rights of ways;***
- (vii) a restriction on the area from which waste can be imported (a hinterland).***

***that the planning application for the development described in planning application SUT/APF/616/60-CM be approved subject to conditions to be determined by the Head of Sustainable Development but to cover matters to include the following***

- 1. Compliance with details of application submitted (as revised). This includes a restriction to incinerating waste arising from within Oxfordshire only.***
- 2. Detailed duration – 3 years.***
- 3. Schedule of external materials to be agreed.***
- 4. Noise levels.***
- 5. Contaminated land risk assessment to be carried out.***
- 6. Details of groundwater drainage scheme.***
- 7. Development shall halt if previously unidentified contamination is discovered.***
- 8. Details of piling or other foundation designs using penetrative methods to be submitted.***
- 9. Details of final surfacing and containment arrangements for all areas used for storage of liquid fuels etc.***
- 10. Details of underground land drainage scheme.***
- 11. Details of all surface water drainage arrangements.***

12. **Total amount of waste to be imported to the site by road to be restricted to a maximum of 320,000 tpa.**
13. **A travel plan to be drawn up.**
14. **A construction travel plan to be drawn up.**
15. **Details of proposed cycle storage provision.**
16. **Final details of proposed car parking layout.**
17. **The northern site access onto the B4016 to be limited to 100 vehicle movement per day.**
18. **Macrophyte surveys of water bodies to be carried out.**
19. **Works in the vicinity of badger setts.**
20. **Great crested newt (GCN) surveys to be carried out. Should GCN be found to be present, a mitigation strategy should be prepared and licence obtained from Natural England.**
21. **An updated water vole survey to be carried out.**
22. **Water bodies should only be drained down in winter months (November to February inclusive).**
23. **Exclusion fencing to be erection around little plover nests.**
24. **No disturbance to grassland areas during the bird breeding season (March to August inclusive) as skylark are likely to be nesting there.**
25. **The quarry face which is a sand martin colony should not be removed during the bird breeding season (March to August inclusive).**
26. **No vegetation clearance to take place during the bird breeding season (March to August inclusive).**
27. **Details of any external lighting should be submitted for approval before development commences.**
28. **Bat surveys to be carried out prior to removal of trees to determine whether the trees are being used as bat roosts.**
29. **A water vole strategy should be submitted.**
30. **A detailed restoration and landscaping scheme to be submitted.**
31. **A 25 year management and monitoring plan to be submitted.**
32. **Local liaison group to be established.**
33. **Details and scheduling of any night time construction activities to be agreed.**
34. **Hours of working to be agreed.**
35. **Dust suppression measure to be agreed.**
36. **Details of scheme to prevent pollution of watercourses.**
37. **No increase in infiltration through contaminated ground**
38. **Hydrogeological risk assessment to be agreed.**
39. **Final routeing of waste heat recovering infrastructure.**
40. **Phasing of waste disposal.**
41. **Area of waste disposal to be solely for APCR from Sutton Courtenay EfW plant.**
42. **No reversing beepers except those whose noise levels adjust automatically to surrounding noise levels.**
43. **All internal site haul roads to be maintained.**

**Informatives to cover:**

- **Waste heat recovery infrastructure**
- **Oil and chemical storage areas**
- **Environmental Permit**
- **Water extraction and dewatering**

- *Discharge consents*
- *Works within 8 m of designated main rivers*
- *Culverting of watercourses*

- (b) *the application being referred to the Secretary of State as a significant departure from the development plan and the Secretary of State not calling in the application for his own determination.*
- (c) *the Head of Sustainable Development be authorised to refuse the application if the legal agreements recommended in (a) above are not completed within 10 weeks of the date of approval of the application.*

**6. Extension of Temporary Consent for Continued Use of Site as a waste recycling Centre Until 30 September 2014 at Dean Pit Waste recycling Centre, Grove Lane, Chadlington, Oxfordshire OX7 3JY - Application R3.0125/09 (Pages 227 - 244)**

Report by Head of Sustainable Development (PN6).

This application is made by Oxfordshire County Council (as the waste disposal authority) to retain an existing Household Waste Recycling Centre at Dean Pit, Chadlington for a further period of five years until 30 September 2014. The current planning permission expires on 30 September 2009. No changes to the current operations at the site or its hours of opening are proposed. Objections to the application have been received on the grounds that: the site is inappropriate within the AONB; the site impacts on the amenity of neighbouring residents; the local highway network is inappropriate to serve the site and alternative sites are available and have not been assessed. Full details of these objections and the comments of other consultees are summarised in the report.

***The Committee is RECOMMENDED to approve Application Number R3.0125/09 for the extension of temporary consent for continued use of site as a waste recycling centre until 30 September 2014, subject to conditions to be determined by the Head of Sustainable Development to include the following matters:***

- 1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.***
- 2. Temporary permission – that at the expiration of a period ending on 30 September 2014 the use specified be discontinued. The site shall be restored to agricultural use by 30 September 2016.***
- 3. Hours of use – the hours of use of the site shall be restricted to the following times:***
  - ***Operating hours to be between the hours of 7.30am to 8.30pm (1 April – 30 September)***
  - ***Public opening hours to be between the hours of 8.00am to 8.00pm (1 April – 30 September)***
  - ***Operating hours to be between the hours of 7.30am to 5.30pm (1 October – 31 March)***
  - ***Public opening hours to be between the hours of 8.00am to 5.00pm (1***

**October – 31 March)**

**No operations on Christmas Day, Boxing Day or New Year's Day.**

- 4. That the details of the routes used by Heavy Goods Vehicles accessing the site shall be submitted to and approved by the Head of Sustainable Development in consultation with Transport Development Control within one month of the date of this permission.**
- 5. Landscaping – that a scheme for replacement tree and shrub planting on the western boundary of the site shall be submitted to and approved by the Head of Sustainable Development within 1 month of the date of this permission.**
- 6. Landscaping implementation – that all planting comprised in the approved details of landscaping shall be carried out in the first planting season following the date of this permission.**

- 7. Retrospective Application for Building Supplies Compound and Importation of Aggregates for Sale from Site at East Quarry, Duns Tew - Application 09/01105/CM (Cherwell) and 09/0996/P/CM (West Oxfordshire) (Pages 245 - 256)**

Report by Head of Sustainable Development (PN7)

This is a retrospective application seeking consent for a compound for the storage of building supplies and for the import of aggregate at Horsehay Quarry, Duns Tew. These activities are carried out in association with the permitted sand extraction at the quarry and are proposed to be temporary for the life of the quarry. There have been no objections from local residents to the proposal but the application is being reported to this committee as Cherwell District Council have objected. The grounds of objection are that they do not consider it to be necessary for the activities to be carried out by the quarry and it results in a new employment generating site in an unsustainable location. The report outlines the objection along with the other consultation responses received. The existing routing agreement attached to this site is to be retained. The conclusions of the Head of Sustainable Development, taking account of the representations received, and relevant development plan policies are included.

***It is RECOMMENDED subject to compliance with the existing routing arrangement that planning permission for application 09/01105/CM 09/0996/P/CM be granted subject to conditions to be determined by the Head of Sustainable Development but to include those matters set out below:***

- 1. Detailed compliance is in complete accordance with plans and particulars***
- 2. Detailed duration - development to commence within 3 years***
- 3. Development to end at the same time as the quarry operations – 2018***
- 4. A 15 metre stand-off area between the storage and processing activities and the geological features of interest to be agreed and implemented.***
- 5. Stockpiles of imported aggregate not to exceed the height of the adjacent quarry sides.***
- 6. Standard hours of operation***

8. **Erection of a Single Story Pre-School and Foundation Stage Building to Provide: 2 Classrooms; Storage; WC; Quiet Room; Kitchentte and Lobby Accommodation; Creation of New Hardplay Area and Footpath and Formalisation of Existing Parking Areas to Provide 13 Dedicated (Including One Disabled) Parking Spaces at Clanfield CE Primary School, Main Street, Clanfield, Bampton, Oxfordshire OX18 2SP - Application R3.0109/09 (Pages 257 - 272)**

Report by Head of Sustainable Development (PN8)

This application is for the erection of a new single storey Pre-school and Foundation Stage building at Clanfield CE Primary School. The new building would provide two classrooms, a quiet room, storage and ancillary WC and kitchen accommodation. The proposal also involves the creation of a hard play area associated with the new building and the formalisation of the existing school parking area. Objections to the application have been received on the grounds that: the need for the building has not been justified; the location, design and materials of the building are unacceptable; the impact on neighbouring residents and trees; increased flood risk and that the development will raise traffic and highway concerns. Full details of these objections and the comments of other consultees are summarised in the report.

***The Committee is RECOMMENDED to approve Application Number R3.0109/09 for the erection of a single storey pre-school and foundation stage building to provide: 2 classrooms; storage; WC; quiet room; kitchenette and lobby accommodation, creation of new hard play area and footpath and formalisation of existing parking areas to provide 13 dedicated (including one disabled) parking spaces subject to conditions to be determined by the Head of Sustainable Development to include the following matters:***

1. ***That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.***
2. ***Detailed duration – 3 years – that the development shall commence within 3 years of the date of the permission.***
3. ***Hours of use - The building shall be used only for school and pre school purposes and only between the hours of 8 a.m. to 6 p.m. Monday to Friday.***
4. ***Approval of sample external materials – that samples of the external materials proposed to be used shall be submitted and agreed prior to the commencement of development.***
5. ***Contractors access – that the hours of access (including for deliveries) for construction traffic shall be agreed in consultation with the school before the start of works on the site.***
6. ***Contractors compound - the location of any contractors compound shall be submitted and agreed (and appropriately fenced off) prior to the commencement of development.***
7. ***Reinstatement of playing field - on completion of the development the temporary contractor's access road and ancillary construction works shall be removed and the playing field land shall be reinstated to a playing field to a quality at least equivalent (or better) than the current quality.***

8. ***Tree protection during construction works – that no development shall take place until the trees on the site which are to be retained and which are adjacent to or within the development area, have been protected during building operations by means of a protective fence around the edge of the canopy of the trees.***
9. ***Tree protection during construction works – no development shall take place in the 3 metre strip of land between the school boundary and the proposed building.***
10. ***Details of surfaced play areas – that the final details of the surfaced play area (including its location and details of permeable surface materials) shall be submitted and agreed prior to the commencement of development. No surfaced play areas shall be provided to the rear of the proposed building.***
11. ***Sustainable drainage scheme – prior to the commencement of the development a comprehensive Sustainable Drainage Scheme (incorporating the use of SUDS) shall be submitted and agreed in consultation with the Environment Agency,***
12. ***Landscaping – the perimeter of the proposed building shall be landscaped and planted with trees and shrubs in accordance with a comprehensive planting and landscaping scheme.***
13. ***Landscaping implementation – that all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner.***
14. ***Wilderness area – that the final details and location of the replacement wilderness area shall be submitted and agreed prior to the commencement of development.***
15. ***Wilderness area - that no development shall take place until the retained wilderness area on the site has been protected during building operations by means of a protective fence around the edge of the area.***
16. ***Dry stone wall removal – that the section of dry stone wall to be removed shall be removed by hand during March to September only, and shall be checked over by an ecological consultant immediately prior to removal to ensure that no protected species are present.***
17. ***Vegetation removal should not take place during the bird breeding season, which is March-August inclusive. If any trees and/or bushes need to be removed during this time, they will need to be checked over by an ecological consultant immediately prior to removal to ensure there are no nesting birds present. If nesting birds are present, the vegetation cannot be removed until the birds have fledged.***
18. ***Parking restrictions – before the first occupation of the building an assessment should be carried out to establish if further parking restrictions are required along the frontage of the site upon Main Street.***
19. ***Update School Travel Plan – before the first occupation of the new building the schools existing Travel Plan shall be updated to take account of the proposed increase in uses on the site.***
20. ***Security lights – That the final details of the number and location of any security lights on the new building are submitted and agreed.***

***Informatives:***

***Archaeological Informative – If archaeological finds do occur during***

***development, the County Archaeologist shall be notified in order that he may visit the site and advise as necessary.***

***Ecology - If any protected species not initially survey for are found at any point, all work should cease immediately. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.***

- 9. Erection of a Single Storey Building to Provide a Children's centre and Erection of a 2.5M High Free Standing Canopy; Associated External Works Including Alterations to the Existing Main School Entrance, Creation of 4 Parking Spaces, an Outdoor Play Area, Landscaping and Fencing at Bampton CofE Primary School, Bowling Green Close, Bampton - Application R3.0179/09 (Pages 273 - 280)**

Report by Head of Sustainable Development (PN9)

The report describes the planning application for the erection of a single storey building in the grounds of Bampton CE Primary School to provide a new Children's Centre. The application is being reported to Committee because objections have been received from local residents. The report outlines the objections received, along with the other consultation responses, the comments of the Head of Sustainable Development and the recommendation on the application.

***It is RECOMMENDED that planning permission for Application No. R3.0179/09 (for the erection of a single storey Children's Centre and free standing canopy along with associated works including alterations to the existing school entrance, four new parking spaces, and outdoor play area, landscaping and fencing) at Bampton CE Primary School be approved subject to conditions to be determined by the Head of Sustainable Development dealing with matters including those set out below:***

- 1. *Detailed compliance condition – development to be in accordance with approved plans and particulars.***
- 2. *Detailed duration – development to commence within 3 years.***
- 3. *Schedule of external materials to be used to be agreed.***
- 4. *Landscaping scheme (to include replacement trees) to be submitted and agreed.***
- 5. *Approved landscaping scheme to be implemented.***
- 6. *Measures to protect trees and hedgerow to be retained during construction works to be submitted, agreed and implemented.***
- 7. *Update existing School Travel Plan.***
- 8. *Existing cycle provision to be retained.***
- 9. *No vegetation to be removed during bird breeding season.***
- 10. *Trees to be removed to be soft felled and under supervision of Oxfordshire County Council's Protected Species Officer.***
- 11. *Construction work to cease if any protected species are found on site, and a mitigation strategy submitted and agreed with Natural England.***

***Archaeological Informative – If archaeological finds do occur during development, the County Archaeologist shall be notified in order that he may***

*visit the site and advise as necessary.*

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**Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Thursday 15 October 2009** at County Hall after the site visits at approximately 2.30 pm for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 14 September 2009 commencing at 2.00 pm and finishing at Time Not Specified

**Present:**

**Voting Members:** Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)  
Councillor Alan Armitage  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Tim Hallchurch MBE  
Councillor Jenny Hannaby  
Councillor Peter Jones  
Councillor Lorraine Lindsay-Gale  
Councillor David Nimmo-Smith  
Councillor Neil Owen  
Councillor G.A. Reynolds  
Councillor John Sanders  
Councillor Don Seale  
Councillor John Tanner  
Councillor Tony Crabbe

**Officers:**

Whole of meeting:

S. Whitehead and R Goodlad (Corporate Core) and R. Dance (Environment & Economy)

Part of meeting:

**Agenda Item**  
6, and 7

**Officer Attending**

Taufiq Islam and John Hamilton (Environment & Economy)

8.

Mary Thompson and John Hamilton (Environment & Economy)

*The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting, and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.*

### **43/09 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS** (Agenda No. 1)

Apologies for absence and temporary appointments were received as follows:

**Apology from**

Councillor Ray Jelf

**Temporary Appointment**

Councillor Tony Crabbe

**44/09 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

<b>Item</b>	<b>Councillor</b>	<b>Interest</b>
5. Dean Pit Waste recycling Centre, Chadlington. Application R3.0125/09	Tanner	Personal. Chairman of the Oxfordshire Waste Partnership. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Hannaby	Personal. District Council representative on the Oxfordshire Waste partnership. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Seale	Personal. West Oxfordshire Conservative Association. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
6. Dixpit, Stanton Harcourt. Application 09/0330/P/CM	Tanner	Personal. Chairman of the Oxfordshire Waste Partnership. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Hannaby	Personal. District Council representative on the Oxfordshire

		Waste partnership. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
7. Worton Farm, Yarnton. Application 09/00585/CM	Tanner	Personal. Chairman of the Oxfordshire Waste Partnership. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Hannaby	Personal. District Council representative on the Oxfordshire Waste partnership. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Mrs Catherine Fulljames	Personal. Member of Cherwell District Council Planning Committee. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Hallchurch	Personal. Alternate member of Cherwell District Council Planning Committee. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Reynolds	Personal. Member of Cherwell District Council Planning Committee. He advised that he had not

		expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
8. Upper Farm, Warborough. Application PO9/W0076-CM	Tanner	Personal. Chairman of the Oxfordshire Waste Partnership. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Hannaby	Personal. District Council representative on the Oxfordshire Waste partnership. She advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
10. Commons Act 2006, Gillotts Field, Greys Road, Henley-on-Thames	Nimmo-Smith	Personal. Member of Henley Town Council. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon

**45/09 MINUTES**

(Agenda No. 3)

The Minutes of the meeting of the Committee held on 21 July 2009 were approved and signed, subject to the following correction:

Minute 38/09 – Delete ‘?’ from before the word ‘site’ on the middle of page 7.

**46/09 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

The following requests to address the meeting had been agreed:-

<b>Request from</b>	<b>Agenda Item</b>
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Adrian Tremlett	)
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- Lord Chadlington ) 5. Dean Pit Recycling Centre
- Suzi Coyne 6. Dix Pit, Stanton Harcourt
- Suzi Coyne 7. Worton Farm, Yarnton
- John Nagle )  
Nigel Moor & Andrew Brittain ) 8. Upper Farm, Warborough  
(Applicants) )
- Owen Edwards )  
Representative from Highway ) 9. Witney Meadows Country Park  
Authority (tbc) )

**47/09 EXTENSION OF TEMPORARY CONSENT FOR CONTINUED USE OF SITE AS A WASTE RECYCLING CENTRE UNTIL 30 SEPTEMBER 2014 AT DEAN PIT WASTE RECYCLING CENTRE, GROVE LANE, CHADLINGTON - APPLICATION R3.0125/09 -**  
(Agenda No. 5)

The Committee was advised that although as part of the process officers had taken the views of consultees, put up site notices and sought the views of neighbours, they had recently realised that the application had not been advertised as required in the local press. The Committee was advised to defer consideration to allow due process and the opportunity for comment following advertisement in the local press.

**RESOLVED:** to defer consideration of the application in the light of the requirement to advertise the application in the local paper.

**48/09 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER THE WITNEY MEADOWS COUNTRY PARK, FARM MILL LANE, WITNEY AS A TOWN OR VILLAGE GREEN**  
(Agenda No. 9)

At this point it was agreed to vary the order of the agenda as it was being proposed to defer the following item.

The Committee were advised that the County Solicitor had advised that as a late objection to this application had been received from the Highway Authority consideration should be deferred in order to allow the detail of that objection to be considered.

The Committee were asked to consider whether or not to proceed in the light of that advice.

Mr Edwards, as the applicant, expressed the view that the objections were extremely late and queried whether delay to the Cogges Link road was a material consideration. The Committee was advised that reference to Cogges

Link road was background to the submission and that there were substantive issues to be considered.

It was noted that Mr Edwards had spoken only on the advice to defer and not in respect of the application.

**RESOLVED:** to defer consideration in order to allow consideration of the detail of a late objection from the Highway Authority.

The Chairman gave his apologies for the late deferral of the above items and for any inconvenience to those who had attended.

**49/09 INSTALLATION AND USE OF PROCESSING PLANT FOR MAKING RECYCLED AGGREGATE FROM CONSTRUCTION AND DEMOLITION WASTE, DIXPIT, STANTON HARCOURT. APPLICATION NO - 09/0330/P/CM**  
(Agenda No. 6)

The Committee considered (PN6) an application for the installation and use of a processing plant for making recycled aggregate from construction and demolition waste, at Dixpit, Stanton Harcourt.

Suzi Coyne on behalf of the applicant, spoke in support of the application and suggested that the Committee hold a site visit.

She responded to questions from:

Councillor Tanner – The applicant had considered all sites put forward in the Site Allocation Document but none were suitable. In addition the applicant had contacted land agents and no sites had come forward.

Councillor Hayward – The applicant had offered a routing agreement not to go through Sutton at peak times. Oxford trips would be scheduled around the routing agreement to avoid additional transport mileage. Mr Hamilton confirmed that the highway authority had no objections but had said that there should be a limit on vehicles. In policy terms the plant should be sited as close as possible to the source of waste and the market for goods produced.

Mr Hamilton advised the Committee of late submissions which were attached to the addenda.

Councillor Tanner spoke in support of the application feeling that it would be difficult to find a better site and that the message sent by the recommendation was that such sites were not wanted in Oxfordshire. It was pointed out by Councillor Armitage that other recommendations indicated otherwise.

**RESOLVED:** (on a motion by Councillor Mrs Catherine Fulljames, seconded by Councillor Armitage and carried 12 votes to 2) that

planning permission for application 09/0330/P/CM be refused for the following reasons:

1. The proposed development is contrary to OMWLP policy W4 because the site is no longer a mineral extraction/landfill site it having been restored and there is no established overriding need for the development at present in this open countryside location, and
2. In the absence of a satisfactory routeing agreement the proposed development is contrary to OMWLP policy SH2. Even if such an agreement were in place, no support for the proposal would be given by OMWLP policy W3 due to non-compliance with W3 (a) & (b) in that the routeing of vehicles via A415 at peak times of the day would place the site at an even greater distance from the main source and market of waste and recycled materials and the number and length of motorised journeys would not be minimised during the whole of the working day.

**50/09 EXTENSION TO WASTE RECYCLING SHED, ERECTION OF PORTACABINS AND SECURE STORE, DEMOLITION OF EXISTING WORKSHOP AND CONSTRUCTION OF NEW WORKSHOP WITH OFFICE AND EMPLOYEE WELFARE SPACE, ALTERATION OF BUNDING TO CREATE CAR PARKING AREA, AND CONTINUE USE OF LAND FOR SORTING, RECYCLING AND TRANSFER WASTE WITHOUT COMPLYING CONDITION 1 OF CHS 498/93 & 1138/93, CONDITION 3 OF 107/95 & 95/01245/CM, CONDITION 3 OF 95/01636/CM AND CONDITION 2 OF 06/01491/CM. APPLICATION NO - 09/00585/CM AT WORTON FARM, YARN**  
(Agenda No. 7)

The Committee considered (PN7) a planning application for a permanent waste recycling facility at Worton Farm, Yarnton.

Suzi Coyne, on behalf of the applicant, spoke in support of the application and expressed her pleasure that it was recommended for approval.

The Committee was advised that condition 9 set out in the report should be dealt with as an informative and that in condition 11 the words 'scrap sorting machine' should be replaced with 'the new processing plant'.

## PN3

**RESOLVED:** (on a motion by Councillor Hannaby, seconded by Councillor Tanner and carried by 15 votes to 0)

that subject to a legal agreement to secure a contribution of £15000 towards the provision of a pedestrian/cycle route that planning permission for application 09/00585/CM be approved subject to conditions to be determined by the Head of the Sustainable Development dealing with matters including those set out below.

Conditions to include:

1. Detailed compliance condition
2. Commencement date – with 3 years
3. Standard operating hours to be agreed
4. Existing vegetation to be retained and protected
5. Tree planting and boundary fencing scheme to be submitted and agreed.
6. Bund specifications (including height, angles and maintenance requirements) to be submitted and agreed.
7. Effective silencers on vehicles, plant and equipment to be implemented
8. External building materials to be agreed
9. Sweeping of access road and adjacent site to be carried out at regular intervals as required.
10. Noise control scheme for the new processing plant to be submitted and agreed before development commences
11. Site investigation scheme to deal with possible contamination to be submitted and agreed before development commences
12. A verification report relating to a remediation strategy and effectiveness of any remediation required in relation to any demolition and construction works that take place to be submitted, agreed and implemented.
13. Existing portacabins (two) used as staff canteen facilities to be removed once new workshop building is built and brought into use and other remains portacabins to be allowed for temporary period only.

Informatives:

If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advice as necessary.

Site signage on A40 to be kept to a minimum

**51/09 APPLICATION FOR AN ANAEROBIC DIGESTION BIOGAS PLANT COMPOSING OF A SERVICE BUILDING, A TECHNICAL BUILDING AND FOUR TANKS PLUS HARDSTANDING AND CAR PARKING AREA TOGETHER WITH IMPROVEMENTS TO THE EXISTING SITE ACCESS FORMED BETWEEN THE A329 AND PAIN WAY, UPPER FARM, WARBOROUGH - APPLICATION PO9/W0076-CM**

(Agenda No. 8)

The Committee considered (PN8) an application for an anaerobic digestion biogas plant at an existing pig farm on the outskirts of Warborough.

John Nagle, spoke against the application on the grounds that there were insufficient justification for building in a rural location. He felt that the application was dismissive of safety and nuisance implications and that the arguments put forward did not provide special evidence. In referring to the amount of waste to be diverted from land fill he stated that pig slurry did not go to land fill. He raised concerns about congestion and traffic issues in the local area.

Mr Nagle responded to a question from Councillor Mrs Catherine Fulljames and confirmed that the position of the schools would mean that lorries would have to pass by.

Nigel Moor and Andrew Brittain, as the applicants, spoke in support of the application. They referred to the report in front of members and stated that the application was supported by Parish Councils. They referred to the latest policy advice and explained that food waste had to be mixed with other forms of waste for the process to work. The siting of the plant minimised transport as the pig slurry was close by and the by products would be used on the farm.

Mr Brittain and Mr Moor responded to questions from:

Councillor Hallchurch – The scheme was designed around the amount of pig slurry available.

Councillor Owen – If the production of pig farming were to be cease (due to disease or other cause) then this would stop the project but it was their commercial judgement that pig farming would continue.

Councillor Armitage – All of the heat produced would be used either for the pigs but also to dry grain.

Councillor Mrs Catherine Fulljames – With regard to odour the farm would continue as it was now and the process reduced the smell when the by product was being used on the land.

Mary Thompson responding to queries from the Councillors explained how access was to be controlled.

Councillor Lindsay-Gale as a local member supported the conclusions of officers. However she noted that the site lay at the join of several parishes and she had learnt that some had not been consulted. She asked that great care be taken in future where sites covered more than one area. Councillor Hallchurch added that a similar problem sometimes occurred with cross County boundary applications.

Responding to a request for assurances that with 24 hour working there would be robust noise limitation controls put in place, Mary Thompson stated that the generator working 24 hours per day was in an insulated pod within the building. The lorries were not working 24 hours per day.

The Committee asked that the reference to a suitable minimum tonnage of waste be tightened up in order to reflect what was considered a suitable amount.

**RESOLVED:** (on a motion by Councillor Armitage, seconded by Councillor Mrs Catherine Fulljames and carried 14 votes to 0) that:

- (a) subject to a legal agreement, to ensure that a suitable minimum tonnage of waste (that was to be specified) used in the plant is pig slurry from the adjacent pig unit the Head of Sustainable Development be authorised to grant planning permission for application P09/W0076/CM subject to conditions to be determined by the Head of Sustainable Development but to cover matters included in Annex 2 to the report PN8;
- (b) the Head of Sustainable Development be authorised to refuse the application if the legal agreement referred to in (a) above is not completed within 10 weeks of the date of this meeting on the grounds that it would not comply with PPG2 and SEP CO4 (in that there would not be very special circumstances for this development to be located in the Green Belt.)

**52/09 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER THE GILLOTTS FIELD, GRAYS ROAD, HENLEY-ON-THAMES IN OXFORDSHIRE AS A TOWN OR VILLAGE GREEN**  
(Agenda No. 10)

The Committee considered (PN10) an application under the Commons Act 2006 in relation to an application to register Gillotts Field, Greys Road, Henley-on-Thames as a Town or Village Green.

The Committee noted that reference in the report and agenda to 'Grays Road' should read 'Greys Road' and that the recommendation be changed to reflect that the applicant was Michael William Kennedy.

In response to a question from Councillor Tanner the Committee was advised that once registered it was a town or village green in perpetuity for as long as

the land was registered. There was a procedure to remove registration but that was not an easy process.

**RESOLVED:** (on a motion by Councillor Hallchurch, seconded by Councillor tanner and carried by 15 votes to 0) to approve the application for registration as a new town or village green pursuant to the Commons Act 2006 of the Gillotts Field, Greys Road, Henley-On-Thames in Oxfordshire as described in the application by Mr Michael William Kennedy on behalf of the Henley Town Council dated 29 May 2009 pursuant to section 15(8) Commons Act 2006.

..... in the Chair  
Date of signing ..... 2009

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Contact Officer: John Hamilton, tel. 01865 815584

Division(s): All

## **PLANNING & REGULATION COMMITTEE – 19 OCTOBER 2009**

### **PLANNING APPLICATIONS FOR ENERGY FROM WASTE INCINERATORS - COVERING REPORT**

**Report by Head of Sustainable Development**

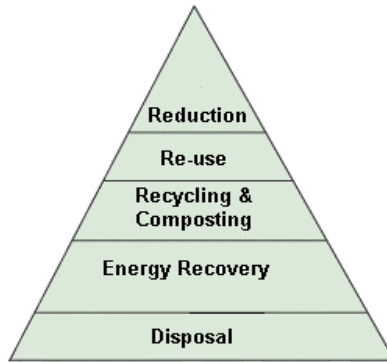
#### **Introduction**

1. The following two reports consider two separate planning applications for energy from waste incinerators: by Viridor at Ardley (PN5(a), in the north east of the county and by Waste Recycling Group (WRG) at Sutton Courtenay (PN5(b) to the south of Oxford.
2. Cabinet on the 7 September 2009 considered the bids from the two competing companies for the Council's residual waste contract. The procurement process is totally separate from the procedures involved in the determination of planning applications.
3. Although Cabinet identified a preferred bidder for the waste contract, the other planning application has not been withdrawn. Planning applications by both companies are therefore to be considered by this Committee on their own merits, without regard to the procurement process, which is not a material planning consideration. There is no 'in principle' reason why one, both or neither of the planning applications may be approved.
4. In the event that planning permission is given to both developments, agreements and conditions would be attached to the consents to limit the source of waste processed. In the case of Sutton Courtenay the proposal is that only waste arising from within Oxfordshire would be processed. In the case of Ardley the applicants have agreed that all of Oxfordshire's residual MSW would be treated together with a minimum of 50,000 tpa of commercial and industrial waste from within Oxfordshire.
5. There is some common background between the two proposals, in terms of the reasons why the applications have been submitted now, the drivers behind the need to divert residual waste from landfill, the planning policy context, and in terms of the regulatory processes involved. To avoid repetition, these issues are dealt with below in this covering report. A list of acronyms used in this and the two site specific reports is attached (Annex 1).

**Need**

National Waste Strategy

6. The **Waste Strategy for England 2007** (<http://.defra.gov.uk/environment/waste/strategy/strategy07/pdf/waste07-strategy.pdf>) sets out the Government’s approach on this matter, and seeks to divert waste away from landfill. The strategy highlights the fact that landfill accounts for some 40% of the country’s methane emissions. Methane is a greenhouse gas 23 times as damaging as carbon dioxide. For this and other reasons, the strategy proposes that landfill should be “the home of last resort for waste” (page 46, paragraph 34). It sets out a number of measures aimed at moving waste up the “waste hierarchy”:



For example, the strategy sets out various measures for producers and others to reduce the amount of waste they generate. It also proposes rising rates of household waste recycling, moving from 40% in 2010 to 50% in 2020. It states that “recovering energy from waste (EfW) that cannot sensibly be recycled is an essential component of a well-balanced energy policy” (page 15).

The strategy sets out the European Landfill Directive targets for reductions in the disposal to landfill of biodegradable municipal waste, as follows:

**Table 8.4: Landfill Directive targets for biodegradable municipal waste, England (2010, 2013, 2020)**

Target year	Target in Directive	Amount of limit
2010	75% of that produced in 1995	11.2 million tonnes
2013	50% of that produced in 1995	7.4 million tonnes
2020	35% of that produced in 1995	5.2 million tonnes

7. At the national level, the UK faces fines from the European Union should it, in aggregate, fail to meet its landfill diversion targets. At the local level, any waste disposal authority failing to meet its landfill diversion targets could be facing landfill tax and fines of over £200 per tonne by 2012/13 (in Oxfordshire in 2005/6 some 200,000 tonnes of municipal solid waste were sent to landfill) – before one factors in any contract costs for disposal.

Oxfordshire Waste Strategy

8. At the local level, in 2006 the Oxfordshire Waste Partnership published the **Oxfordshire Joint Municipal Waste Management Strategy** (“No Time to Waste”).  
[http://portal.oxfordshire.gov.uk/content/publicnet/council\\_services/environment\\_planning/waste\\_recycling/alternative/joint-municipal-waste-management-strategy-2006.pdf](http://portal.oxfordshire.gov.uk/content/publicnet/council_services/environment_planning/waste_recycling/alternative/joint-municipal-waste-management-strategy-2006.pdf) The strategy was drawn up by the partnership representing all five district councils and the county council, and was subsequently endorsed by each authority separately. This strategy reflects much of what is in the national strategy. (Although the national strategy was published after the local strategy, the general direction was already clear from both the landfill directive and consultation on the national strategy.)
9. The strategy has moving waste up the hierarchy at its heart, and contains fourteen separate policies in pursuit of its aims. Of particular relevance is policy 9: “The Oxfordshire Waste Partnership will provide a system for recovering value from residual wastes in order to meet Landfill Allowance Trading Scheme (LATS) targets.” The strategy goes on to explain the rationale for this approach: “Even if we take the most optimistic view on what we can achieve through reducing, reusing, recycling and composting our rubbish, we will still be short of meeting the requirements of our LATS targets.”
10. Waste projections for municipal solid waste (MSW) prepared as part of this strategy have been recently updated. From these figures it is possible to estimate the amounts of waste that will be required to be recycled and composted in Oxfordshire and the amount of residual waste (waste that is not recycled) that will need to be treated in some way over the next 15 years (in order that the South East Plan targets are met). They conclude that there is a need for 291,000 tonnes per annum (tpa) of waste treatment capacity for MSW and (commercial and industrial) (C&I ) waste in Oxfordshire (in addition to composting and recycling capacity) but a significantly greater amount (in the order of 430,000-460,000 tpa) of waste could be diverted from landfill if sufficient waste treatment capacity was available. There are currently no facilities in Oxfordshire for treating residual MSW and C&I waste. There is therefore a clear justification for one residual waste treatment facility of the size proposed in either of the two applications based on the capacity required for Oxfordshire to meet the South East Plan landfill diversion targets and the major policy objective of moving waste management up the waste hierarchy arising from landfill and recovery resources from waste.
11. The Oxfordshire Waste Partnership’s strategy goes on to say: “Countries with high recycling elsewhere face similar problems and have recognised that some form of ‘waste treatment’ will be necessary. Indeed waste is increasingly seen as a resource to be exploited rather than as a problem to be solved, and as a result a number of possible treatment technologies and initiatives are coming forward including high temperature incineration, pyrolysis and gasification. In the case of food wastes, technologies are

available through in-vessel composting and anaerobic digestion.<sup>1</sup> All of these result in rubbish being converted into a useful product (such as electricity, heat or compost) and reduce pressure on natural resources. Our policy is to use treatment technologies that recover value to reduce our reliance on landfill and meet our LATS targets. Whatever we choose must:

- Be safe for the environment and human health;
  - Recover value from the waste; and
  - Not be a substitute for reuse, recycling and composting.”
12. Oxfordshire is amongst the top performing counties in the country both in terms of the limited amount of waste generated by each person (i.e. others produce more waste) and in terms of recycling rates. There is nonetheless more to be done, and the strategy aims both to pursue initiatives for waste reduction and reuse and also increase recycling and composting rates further.
  13. As part of the evidence base for the Minerals & Waste Development Framework, the Council commissioned a report by Environmental Resources Management (ERM) on ‘Site Selection for Strategic Waste Management Facilities’. The ERM report considered 130 sites in Oxfordshire and concluded that 8 of these sites offer potential for the development of a strategic waste management facility. The two sites, the subject of these applications are included in this list of 8 sites.
  14. The report was published in 3 parts during 2007 and was put on the Council’s website. It has therefore been generally available, including for use by companies bidding for the waste treatment contract. However, it has been for each participant company to use the report as they see fit to come to their own view on the conclusions reached by ERM and to determine which site they felt was most appropriate. The conclusions of the ERM report were reached independently of the Council, which has yet to formally consider its findings. While some of the sites on the final list may be as good as the two sites currently proposed, at present there is no indication that planning applications for any of these other sites will be submitted in the foreseeable future. The two current applications have been submitted and the County Council as waste planning authority (WPA) is required to make a planning decision on them.

## **The Development Plan**

15. Each of these applications needs to be determined on its own merits, in accordance with the Development Plan unless material planning considerations indicate otherwise. Material considerations include any relevant national and regional planning guidance.
16. The Development Plan consists of the recently adopted South East Plan (SEP), the saved policies from the Oxfordshire Structure Plan, and saved

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<sup>1</sup> The County Council has recently let a contract for the treatment of food and garden wastes which uses both technologies and which will assist with diverting those wastes from landfill.

policies from the relevant District Local Plan and the Oxfordshire Minerals & Waste Local Plan. Development Plan policies relevant to each planning application are set out in the relevant Annexes to each application report.

17. The argument for the need for this type of facility is the same for both applications.
18. South East Plan (SEP) policies W3 and W4 require that each waste planning authority should provide for waste management capacity sufficient to handle an amount of waste equivalent to that arising and requiring management in its own area. SEP policy W5 sets out targets for the diversion of waste from landfill and requires WPAs to ensure that policies and proposals are in place to contribute to the delivery of these targets. The optimal management solution may well vary according to the individual resource streams and local circumstances but the policy states that it will usually involve one or more of the following:
  - reuse
  - recycling
  - mechanical and/or biological processing
  - thermal treatment.
19. Waste planning authorities are expected to contribute to or assist in meeting these targets. By 2015 the SEP expects that 50% of Oxfordshire's municipal solid waste (MSW) will be recycled and composted and for commercial and industrial (C&I) waste 55%. These figures rise to 60% and 65% respectively by 2025.
20. The targets for recycling and composting in policy W6 are lower than those for diversion in policy W5, so that the expectation is that other methods will also be required to achieve the diversion targets.

### **Prematurity**

21. Some objectors argue that the determination of these applications would prejudice the outcome of the current Waste Development Framework (WDF) process and is therefore premature.
22. The Planning System: General Principles (the companion guide to PPS1) advises (paragraph 17) that "In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD [Development Plan Document] is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD."
23. The guide goes on to advise (paragraph 18) that "Otherwise refusal of planning permission on grounds of prematurity will not usually be justified.

Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends on the stage of preparation or review, increasing as successive stages are reached. Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.”

24. The WDF process has still a considerable way to go before adoption. Bearing in mind the policies in the South East Plan, it is my view that making a decision on these proposals now would be unlikely to undermine the strategy for waste management that emerges through the WDF process. Taking account of government advice I do not consider that refusal of these applications on grounds of prematurity would be justified.

### **Process/Roles/ Responsibilities**

25. Any proposal for an energy from waste incinerator is subject to two separate but complementary regulatory regimes: applications for planning permission, which are made to the county council as waste planning authority (WPA) and applications for environmental permits, which are made to the Environment Agency. Energy from waste plants must have both planning permission and an environmental permit for the development to proceed.
26. As already mentioned, the WPA must determine the planning applications in accordance with the development plan and any other material considerations, including relevant national and regional policy guidance. As part of the planning process the council consults a number of statutory bodies e.g. Natural England, Environment Agency, Health Protection Agency, Primary Care Trust and seeks advice from various experts on ecology, archaeology, transport, rights of way etc. In addition the views of local people are actively sought.
27. In considering the applications, the WPA should focus on issues such as the need for the development and how it relates to the waste strategy and waste hierarchy, visual impact and transport. It should not seek to duplicate controls that are dealt with by the environmental permitting regime. For example, the Environment Agency is responsible for dealing with matters relating to air pollution. PPS23 states that any air quality consideration that relates to land use and its development is capable of being a material consideration in the determination of a planning application. Under the system of Integrated Pollution Prevention & Control introduced by the Pollution & Prevention Control Act 1999, facilities of the type proposed in these applications are regulated by the Environment Agency in relation to emissions to air, water and land. Although such emissions may well be material considerations they will be subject to the rigorous pollution prevention procedures of the Agency as part of their Environmental Permit process. PPS23 states: “The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of

processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.”

28. The Environment Agency acts as a statutory consultee in the planning process and provides advice to the WPA on issues relating to drainage and flood risk, land contamination and biodiversity. It does not provide comments regarding matters about the impact of a development on human health. The assessment of the impact of emissions from a development on human health is undertaken as part of the Agency’s consideration of the application for an environmental permit for the development. The Environment Agency will not grant the permit if it considers the development proposed would cause significant pollution to the environment or harm human health.
29. The Environment Agency consult the Primary Care Trust (PCT), who in turn consult the Health Protection Agency (HPA), as part of the environmental permit process. The HPA have been set up (in 2002) to protect the public from threats to their health from infectious diseases and environmental hazards. Their comments are incorporated into the PCT’s response to the Agency on the health risks of the proposal.
30. For information, the HPA issued a press statement last month (September) indicating that it had considered the latest scientific evidence on the health effects of modern municipal waste incinerators. It concluded that while it is not possible to rule out adverse health effects completely, any potential damage from modern, well run and regulated incinerators is likely to be so small that it would be undetectable.
31. Whilst this report covers a number of matters that are common to both planning proposals. The individual application reports deal with those matters which are specific to each proposal and conclude with separate recommendations.

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background papers:

October 2009

## List of Acronyms

### Technical:

Air Pollution Control Residue	APC
Combined Heat and Power	CHP
Energy from Waste	EfW
Incinerator Bottom Ash	IBA
Household Waste Recycling Centre	HWRC
Biodegradable Municipal Waste	BMW
Municipal Solid Waste	MSW
EU Waste Incineration Directive	WID
Mechanical and Biological Treatment	MBT
Commercial and Industrial Waste	C&IW
Advanced Thermal Treatment	ATT
In Vessel Composting	IVC
Materials Recovery Facility	MRF
Pulverised Fuel Ash	PFA

### Ecological:

Biodiversity Action Plan	BAP
County Wildlife Site (also known as Local Wildlife Sites)	CWS
Site of Scientific Interest	SSSI
Special Area of Conservation	SAC
Special Protection Area	SPA

### Consultees

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust	BBOWT
Commission for the Built Environment	CABE
Ministry of Defence	MOD
South East England Development Agency	SEEDA
South East England Regional Assembly	SEERA
Environmental Health Officer	EHO
Development Control	DC
Primary Care Trust	PCT
Health Protection Agency	HPA

### Development Plan

Oxfordshire Minerals and Waste Local Plan	OMWLP
Oxfordshire Structure Plan	OSP
Planning Policy Guidance Note	PPG
Planning Policy Statement	PPS
South East Plan	SEP
Cherwell Local Plan	CLP
Non-Statutory Cherwell Local Plan	NSCLP
Regional Planning Guidance 9 (superseded by the South East Plan)	RPG9

Local Development Framework	LDF
Waste Development Framework	WDF
Development Plan Document	DPD

**Others**

Environmental Impact Assessment	EIA
Environmental Statement	ES
Heavy Goods Vehicle	HGV
Scheduled Ancient Monument	SAM
Life Cycle Assessment	WRATE
BRE Environmental Assessment Method	BREEAM
Environmental Resources Management	ERM
Waste Recycling Group	WRG
Waste Planning Authority	WPA
Landfill Allowance Trading Scheme	LATS

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Contact Officer: John Duncalfe, tel: 01865 815356

Division(s): Ploughley

## **PLANNING & REGULATION COMMITTEE – 19 OCTOBER 2009**

### **APPLICATION FOR: THE CONSTRUCTION AND OPERATION OF AN ENERGY FROM WASTE (EfW) FACILITY TOGETHER WITH ASSOCIATED OFFICE, VISITOR CENTRE AND BOTTOM ASH RECYCLING FACILITIES, NEW ACCESS ROAD AND WEIGHBRIDGE FACILITIES AND THE CONTINUATION OF NON HAZARDOUS LANDFILL OPERATIONS AND LANDFILL GAS UTILISATION WITH CONSEQUENT AMENDMENTS TO THE PHASING AND FINAL RESTORATION LANDFORM OF THE LANDFILL, SURFACE WATER ATTENUATION FEATURES AND IMPROVEMENTS TO THE EXISTING HOUSEHOLD RECYCLING FACILITY**

**Report by Head of Sustainable Development**

**Location:** Ardley Landfill Site, Ardley Fields Farm, Ardley

**District Council area:** Cherwell

**Application No:** 08/02472/CM

#### **Introduction**

1. This application is made by Viridor for the construction of a building (EfW plant) to incinerate (a) household waste that cannot be recycled or composted and (b) commercial and industrial waste and to produce electricity from the combustion. Viridor also propose to continue the landfilling of non hazardous wastes but to amend the current landfill permission to leave room for the EfW plant on site and to improve the existing household Waste Recycling Centre. The site is 95 hectares in extent.

#### **Location (see plan 1)**

2. Ardley Landfill Site is located 18 kms (11 miles) north of Oxford and 3 kms (2 miles) from Bicester. Ardley village is 0.5 km (0.3 miles) to the north and Middleton Stoney village is 1.5 km (1 mile) to the south. Bucknell village is 1.5 km (0.5 mile) to the east and Upper Heyford 2.0 kms to the west (1.2 miles).
3. The proposed EfW plant is located within the landfill site. The distances from nearby villages are Ardley 1.5 km (1 mile), Middleton Stoney 2.0 kms (1.2 miles), Bucknell 1.3 kms (0.7 miles) and Upper Heyford 2.5 kms (1.5 miles).

## **Site and Setting (see plan 2)**

4. The application site is currently a landfill site for the disposal of controlled wastes within what was formerly a limestone quarry. 40% of the site, primarily to the north, has been restored to a domed landform rising to some 19 m above surrounding land levels and put to agricultural use. The southern and eastern areas are worked out quarry areas some 5 metres, on average, below surrounding land levels.
5. The application site is immediately south of the Bicester to Banbury railway line and immediately to the west is the B430 between Ardley and Middleton Stoney. The site is bounded on the east by the Gagle Brook and between 0.2 and 0.5 km beyond that is the M40. There is a Household Waste Recycling Centre (HWRC) adjacent to the existing access onto the B430. The definitive line of Bridleway 27 runs east-west through the south of the site and has been temporarily diverted along the south and south west boundaries of the site. Bridleway 26 runs north-south inside the eastern boundary of the site.
6. There are two small geological SSSIs within the site close to the northern boundary. The railway cutting is also a geological SSSI. Dinosaur footprints have been found on the site.
7. There are two cottages immediately north of the access on the B430 but they are not in the application area. Otherwise, the closest two properties are Ashgrove Cottages, on the west side of the B430 immediately opposite a restored part of the landfill. Upland Cottage lies to the east of the B430 0.8 km (0.4 mile) from the site and 3.0 kms (2 miles) from the proposed EfW plant.
8. The site is mostly surrounded by generally flat to slightly undulating agricultural land. There is a current limestone working immediately north of the railway line. It uses the landfill access and is connected by a haul road to it through the site. The land immediately south of the site on Dewars Farm is a new limestone quarry. The Trow Pool, an open water body, lies adjacent to Gagle Brook 280 metres to the south east of the site and 430 metres from the proposed EfW plant.

## **Site History**

9. Permission for limestone working was granted in 1951 and continued until 2007. Working is continuing immediately to the north of the site and has just started to the south of the site.
10. Permission for the landfilling of household and commercial and industrial waste was first granted in 1978 and permission for significant amendments, including the extension of the HWRC, was granted in 2003. Permission for plant for utilisation of landfill gas for electricity was granted in 1996. Landfilling, the use of the HWRC and gas utilisation plant continues.

## Details of the Development

11. The application has two major elements, an EfW plant and modification to the landfill permission to allow the EfW plant to be incorporated on the site.

### *EfW Plant*

12. An EfW plant is proposed in the south-east corner of the application site. It would generate energy and heat from the combustion of 300,000 tonnes of waste per annum. The waste would comprise residual Municipal Solid Waste (MSW) and Commercial and Industrial Waste (C&IW). Residual waste is that waste that has not been able to be recycled. The plant would generate in excess of 24 MW of electricity annually, 22 MW of which would supply the National Grid. No use is proposed for the heat generated but the applicant is considering the potential local use of heat.
13. It is proposed that the plant accepts 180,000 tonnes of MSW and 120,000 tonnes of C&IW a year. No source is specified for all the waste but it is proposed to burn all Oxfordshire's residual MSW. MSW would no longer be landfilled in Oxfordshire if an EfW plant is commissioned.
14. The plant would be sited at the base of the quarry at 100 m AOD with only the waste bunker set below that level at 87.5 metres AOD. It would be 229.0 metres long, between 70.0 and 38.0 metres wide and between 36.0 and 29.0 metres high. The chimney would be 82.0 metres high. Computer generated perspectives of the plant are shown on plan 3. It would take 2 years to construct.
15. The EfW plant would operate as follows:
  - Waste reception: residual MSW and C&IW would be discharged into the waste bunker and then transferred to one of two combustion chambers.
  - Combustion: would take place on a moving grate to promote mixing of burnt and unburnt waste. The burnt waste would be removed as an ash (incinerator bottom ash).
  - Energy recovery: heat from the combustion would heat water in boilers to create steam to generate electricity.
  - Flue Gas Treatment: an air pollution control system would treat all flue gases prior to emission through the chimney.
  - Residue Handling: three main residues would result - incinerator bottom ash (IBA), which would be 25% of the weight of the waste input, Ferrous metals from the IBA and fly ash from the air pollution control and heat systems. IBA and ferrous metals are proposed to be recycled and the fly ash, which would be classed as a hazardous waste, would be taken in sealed tankers to a hazardous landfill site near Cheltenham.

- An air cooled condenser structure would be built on the north east side of the plant.
16. The buildings would have seamed aluminium roofs and curved steel sheeted walls, coloured silver with pale green translucent cladding to roof and walls. The Air Cooled Condenser would be clad in straw coloured aluminium. The IBA recycling area would have smooth concrete walls with trellises for climbing plants.
  17. Parking and pathways would be constructed in grid patterned concrete paving blocks.
  18. A chimney would be built alongside the north west side of the EfW plant. It would be a twin flue stack painted light grey.

#### *Incinerator Bottom Ash Plant*

19. The burning process would create 75,000 tonnes per annum of incinerator bottom ash (IBA). IBA would be taken to an open area alongside the EfW plant to be stored. Grading would take place in a covered area to make an aggregate for sale.

#### *Visitor Centre and Offices*

20. A three storey building attached to the west side of the EfW would be built to accommodate a visitor centre, offices, workshops, storage and control rooms. An office and weighbridge would be built on the access road leading from the B430.

#### *Landscaping and Attenuation Pond*

21. The EfW plant area would be landscaped with open limestone grassland areas and woodland blocks or lines of trees. To the south of the EfW there would be an attenuation pond and wetland habitats. The attenuation pond would not be wet for much of the year but would act as a sump for surface water run off from the site to allow regulated flow to the Gagle Brook and ensure the EfW plant would not be flooded.

#### *Access*

22. A new access would be created onto the B430 at the south west corner of the site and would incorporate a ghost right turn lane. The road would drop some 10 metres from the B430 to the quarry floor. It would be constructed on inert fill to create a steady drop. The access road would serve both the EfW plant and landfill. The road would split into circulatory routes serving different parts of the EfW facility. Car parking and cycle parking spaces would be provided.

### *Traffic*

23. The EfW plant is proposed to attract 222 HGV movements a day, for the delivery of waste and export of bottom ash and flue residues. The landfill, when operating at 200,000 tonnes per annum, would generate 182 HGV movements. The total HGV movements to the site during the landfilling phase would be 404. It is calculated that 130 movements would be new to the network i.e. in addition to that received at the landfill currently.

### *Landfill*

24. The existing landfill accepts 300,000 tonnes per annum of MSW (50,000 t) and C&IW (250,000 t). It has a current void capacity of 2.65 million tonnes. The current landfill is designed to infill the total mineral void. It is proposed to reduce the void capacity by 600,000 tonnes and increase the maximum restoration level in the southern area by 5 metres to 127 m AOD to match the maximum height in the northern area. The reduction in void capacity would allow the EfW plant to be located on the quarry floor. It is expected that the remaining void would be infilled by 2019. Infilling would be with inert and non-hazardous waste imported at a rate of 300,000 tonnes a year until the EfW plant was commissioned in 2012 and 200,000 tonnes per annum thereafter.
25. The area closest to the EfW plant would be redesigned and restored to limestone grassland, woodland blocks and feature trees. The remainder would be restored to agriculture with a nature woodland block on the highest area. Newt ponds would be created on the periphery of the site to the west and east. It is intended that the revised landfill restoration would maximise the screening of the EfW plant.

### *Household Waste Recycling Centre*

26. It is proposed to extend the HWRC by adding 4 more skip bays and 6 public parking spaces. New reinforced retaining walls would be built, the site offices relocated, new concrete hardstanding installed and the existing site weighbridge removed. The HWRC would be removed when the landfill ends and is expected to end in 2019 and the site infilled and restored to agriculture.

### *Hours of Operation*

27. It is proposed that the EfW plant would operate continuously. However, HGV traffic would be restricted to between 0700 to 2000 hours each day including Saturdays and Sundays.
28. The landfill is proposed to operate from 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays, as at present.
29. The HWRC is proposed to operate 0830 to 1730 hours Mondays to Fridays and 0830 to 1600 hours on Saturdays and 1000 to 1600 hours on Sunday. Waste from the HWRC would be sent to the landfill during those times.

*Revisions to the application*

30. Following the first round of consultations the applicant revised the application. The main changes are:

- that an application for the permanent diversion of bridleway 27 will be made in order to avoid conflict with the proposed access road and attenuation lake;
- in the event that application is unsuccessful a plan is submitted to show how the bridleway can be reinstated on its original route;
- a commitment to signing an agreement to fund on and off site improvements to the surrounding rights of way network;
- to accept legal agreements to assess the condition of the B430 before development and make good any faults or deficiencies following construction works, to route HGVs to the M40 during construction and a section 278 agreement to secure off site highway works;
- confirmation that use of rail access is unfeasible;
- conditions on traffic restrictions during peak times should not be imposed;
- a commitment to travel plans for the construction and operational phases of development;
- a commitment to restrict car parking as proposed and to contribute to provision of a pedestrian crossing in Ardley village;
- hours of deliveries to the proposed EfW plant to be restricted to 0700 hours to 2000 hours Mondays to Sundays;
- a package sewage treatment plant is to be provided;
- more detail on the engineering of the proposed landfill;
- more detail on the operation of the Centre (HWRC);
- confirmation that the existing site access will be retained to provide access for the HWRC and the Gas Utilisation Plant/Utilisation Treatment Plant;
- clarification of certain points in the Planning Supporting Statement including the following:
  - (a) the site is in the open countryside not a semi-rural setting;
  - (b) the landfill will not be raised to completely hide the building;
  - (c) there is no commitment to treat just Oxfordshire waste;

- (d) Ardley has existing, albeit temporary, waste management use and so complies with locational criteria in RPG9 and PPS10; and
- (e) diversion rates of C & IW from landfill will, with the EfW plant, go up to 66.5% in Oxfordshire.

## **The Environmental Statement**

- 31. The application is supported by an ES. The topics covered by the ES are described in Annex 1.

## **Consultations**

- 32. Following the first round of consultations the applicant revised the Environmental Statement and matters of substance from it are set out in Annex 1 Environmental Statement.
- 33. Two rounds of consultations were undertaken with a wide range of bodies including 12 Parish Councils and Bicester Town Council. The applicant amended the application in the light of the first round of consultation replies and discussions with officers which necessitated a second round of consultations.
- 34. The applicant amended the ES later, in response to objections from the Environment Agency, on hydrological matters, and from Ardley with Fewcott Parish Council. Consultees and those who made representations received the amendments.
- 35. The consultation responses and comments on the ES and its modifications are set out in annex 2.
- 36. At each stage of consultation the application and ES were advertised on site and in the Oxford Times. The application was advertised as a departure from the Development Plan. The very few residents close to the site were notified. The amended ES was advertised in the Oxford Times.
- 37. A representation from 19 Local Parish Councils was submitted to the Secretary of State asking for the application to be called in. The reasons for the call in request are set out in annex 3.

## **Representations**

- 38. There were 612 representations made on the first round of consultations and 10 on the second. 5 representations were received when changes to the ES were notified. There were two letters of support and the rest were objections. A summary of the points made is set out in annex 4 together with responses to individual points. The main areas of concern are traffic, reduction in recycling, air pollution, health risks and visual impact on the landscape.

**Relevant Planning Policies (see Annex 5)**

39. The key policies are those related to waste management, pollution and amenity, hydrology, ecology, landscape, design, rights of way and transport.
40. The Development Plan comprises the South East Plan (SEP), saved policies from Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP), saved policies from the Oxfordshire Structure Plan and saved policies from the Cherwell Local Plan 1996 (CLP). Although policies in the South East Plan (SEP) are worded to provide guidance on writing policies, they can also be used for development control purposes. Although there are three saved policies in the Oxfordshire Structure Plan 2016 (OSP) none of them are applicable to this proposed development.
41. The Non-Statutory Cherwell Local Plan 2011 (NSCLP) is not part of the Development Plan but is used for development control purposes. Planning Policy Statement 10 (Planning for Sustainable Waste Management) 2005 is also relevant in determining this application. There is not currently a Waste Development Framework in place for Oxfordshire. When this is published it will identify suitable locations for waste management in Oxfordshire. The Core Strategy with strategic site allocations is currently expected to be adopted in late 2011 or early 2012. The timetable for a Site Allocations Development Plan Document is not yet clear.

**Comments of the Head of Sustainable Development**

42. The non site specific issues of waste management policy, including need and pollution are dealt with in the covering report. The other key site specific issues are dealt with below, together with a number of other topics that are pertinent to the consideration of the proposal.
43. The key issues that need to be considered in deciding this application are:
  - how the EfW proposal fits in relation to strategic waste/transport management policy;
  - the need for a facility to deal with Oxfordshire's residual waste and the appropriateness of this location in relation to meeting that need;
  - consistency with countryside policy and impact on the landscape; and
  - amenity and impacts on local people including pollution and traffic

**Role and acceptability of an EfW plant at Ardley against waste planning /transport criteria for waste management facilities**

44. The application proposal would provide an EfW plant capable of treating up to 300,000 tpa of residual waste (after recycling and composting). The covering report explains the need for a residual waste treatment plant to meet the South East Plan landfill diversion targets and the important policy objective of moving waste management up the waste hierarchy, away from landfill and recovering resources from waste.

45. This proposal would involve the transport of MSW from across Oxfordshire and from outside the county to one waste management site. At present MSW in Oxfordshire is taken to four landfill sites in different areas of the county. The development of a single facility would therefore cause an increase in the length of journeys transporting waste across the county. The increase in length may be reduced depending on the bulking facilities which are operated in conjunction with the EfW plant. However, it is likely that there would still be an increase in the number and/or length of journeys overall. This increase is because any journeys from the bulking facilities to the EfW plant would be additional compared to the current situation where waste travels to one of four landfill sites. This increase is not supported by SEP policy W16 or T1.
46. The proposed EfW site is not particularly close to the existing urban areas in Oxfordshire (with the exception of Bicester), but it is close to the M40 which provides good accessibility from wider Oxfordshire. Therefore, the location of the site partly accords with SEP policy W17 in this respect. The existing use is a worked out quarry which is being infilled with waste and restored to agriculture. Agricultural use and landfill are not compatible land uses listed in the policy. However, the application site abuts a mineral working to the north and another which is about to start to the south. Mineral workings are listed as compatible land uses in this policy. The site is currently a landfill site and further waste development would be expanding on a site with some existing waste management use. The landfill and HWRC uses have temporary consents until 2028 after which the site is required to be restored. However, the inclusion of active mineral workings in the compatible land uses listed in SEP policy W17 confirms that temporary uses can be relevant in considering the suitability of sites. There has been a landfill site at Ardley for over twenty years and therefore I consider the site has the ability to meet a range of environmental and amenity criteria in accordance with the policy. Therefore, I consider that the proposed location of the EfW plant largely accords with SEP policy W17. It is located on a compatible land use, albeit that the waste management is temporary, and it is in close proximity to the compatible land use of active mineral workings.
47. The application as submitted does not restrict the source of waste to be treated at the plant or indeed at the site generally. In my view the applicant has not adequately demonstrated why unrestricted amounts of MSW should be brought in from adjoining counties or, why C&I waste should be brought in without geographical restriction. Surrounding counties have landfills and recycling facilities; none has a plant capable of recovering waste but all are in the process of procuring such plants. Therefore, indications are that there is no need for undue flexibility to meet other counties' waste disposal/recovery targets.
48. The applicant has now expressed a willingness to enter an agreement with the Council to restrict imports which would mean that at minimum some two-thirds of the waste would originate in Oxfordshire. I support this arrangement.

49. The application involves a reduction in the capacity of the existing landfill site tonnage by 600,000 tonnes in order to accommodate the EfW Plant at a low level within the worked out quarry. SEP policy W13 states that non-inert landfill capacity should be husbanded to provide for disposal of residual non-inert waste. Siting the EfW plant in a place that would remove 600,000 tonnes of permitted landfill capacity arguably runs counter to this policy. The policy shows that the south-east of England will still need landfill space for 4.5 million tonnes of non-inert waste in 2025. On the other hand, the sooner treatment facilities are provided the less landfill space will be required.
50. The application as submitted does not provide for C&I waste to be recycled on site to ensure that only residual C&I waste is burnt. The application does not, therefore, comply with SEP policy W12 in this respect and does not guarantee that such waste would be subject to recycling elsewhere. However if permission is granted conditions could be attached to limit the recovery of C&I waste in the EfW plant to non-recyclable wastes.

### **Landscape and Countryside**

51. The chosen location for the EfW Plant is a rural one characterised by arable farming, small villages and wooded, estate landscape.
52. The proposed EfW Plant would be a permanent development in this open countryside unrelated to any other built development. As such it is contrary to Cherwell Local Plan policies C7, C8 and C9.
53. The EfW Plant would break the skyline above the adjacent landfill and be intrusive to views from the countryside to the south and east contrary to NSCLP policy EN34. As the building is large the proposed landscaping around it will soften but not fully screen it so is not fully compliant with OMWLP policy W5.
54. However, the plant would be sufficiently distant and screened from Middleton Park at Middleton Stoney for it not to harm the historic value of the landscape and not be contrary to CLP policy C10 and also sufficiently far and screened from the closest villages of Middleton Stoney, Bucknell and Ardley not to harm them.
55. The EfW is tall (36m at the highest point) and would be higher than any part of the domed landfill. As such non statutory CLP policy D10a should be taken into account. This policy requires the building to relate well to its context. Although it breaks the skyline created by the landfill the applicant has designed the building to fit well into its immediate surroundings. The shape echoes the space it is in and the landscaping complements the building with the capacity to soften the effect of the building as much as possible. It does not impinge on local listed buildings and the conservation areas in the local villages. The closest listed building is the Trow Tower by the M40 some 700 metres away and although one would be visible from the other the Tower is dominated by its position alongside the M40. The plant would be visible from two houses beyond the M40 otherwise it would be most visible from the M40

motorway. The development is, therefore partially compliant with non statutory CLP policy D10a.

## **Amenity/impacts on local people**

### *Pollution and Health*

56. The applicant has provided details of their plans to handle air emissions from the EfW plant, and the Environment Agency has been consulted on these. There have been many third party objections to this application on pollution and health grounds in relation to emissions from the EfW plant. The details of air quality will be carefully considered by the Environment Agency through the determination of the Environmental Permit. This topic is addressed in the covering report.
57. Air Quality in areas surrounding the landfill was surveyed, including in and near Ardley village. Results showed that NOX levels due to traffic near junction 10 (J10) of the M40 were very close to exceeding permissible limits. The EHO of Cherwell District Council has confirmed that increased traffic from the proposed development would not increase levels to above permissible levels and, therefore, does not object. SEP policy NRM9 is not breached in this respect.
58. The landfill is currently producing landfill gas (mostly methane) which is being burnt to produce electricity. There is currently an application to increase the capacity of the engines to convert more landfill gas to electrical energy. There is some escape of methane from the landfill. The changes proposed to the landfill element of the development will not significantly impact on air quality. The proposal is consistent with SEP policy NRM9 in this respect and with SEP policy W13 which states that landfill gas collection and energy recovery should be standard practice at all non-inert landfill sites.

### *Access and Transport*

59. Access to the site is via the B430 from either J10 on the M40 or the Weston on the Green junction on the A34. From the M40 traffic would travel through Ardley and from the A34 Weston on the Green and Middleton Stoney to get to the site. It is proposed that two-thirds of HGV traffic would access via Ardley and one-third via Middleton Stoney. The otherwise good transport connections are compromised and the proposal is not fully consistent with the non statutory CLP policy TR16 in so much that this development increases HGV numbers through the villages – albeit on a road otherwise unsuitable to take this level of traffic.
60. The application states that the increase in HGV traffic at the site as a result of the grant of permission would be 131 movements a day. There are some 415 HGV movements at the moment. This would be a 2% increase over all the movements on the B430. However, the increase in HGV traffic as a result of the granting of permission would be significant once the plant is commissioned (31% increase) particularly until the landfill finished. There is

sufficient capacity on the B430 to accommodate these additional HGV movements.

61. As a result of the expected increase in HGV traffic the applicant is willing to enter an agreement to provide a pedestrian crossing on the B430 in Ardley (cost £15k) to allow easier pedestrian access within the village.
62. The applicant is willing to enter into an obligation to route HGVs. It is proposed that waste being brought in by bulker lorries would be limited to approaching the site from the M40 via Ardley village. At the moment it is unclear what proportion of waste would be imported in such vehicles but the proportion would increase if and when transfer stations were built in the south and west of the county to bulk up MSW collected in these areas.
63. Transport Development Control recommend that the proposed changes to the B430 as a result of the new access be completed before the development is commenced and if permission is granted a condition could require this.
64. They also recommend that the total annual tonnage to the site be limited to 500,000 tonnes per year with a daily maximum of 2,000 tonnes in order to limit overall traffic to the site. If permission is granted a condition could secure this for the period when the landfill and EfW plant are operating together. Once the landfill is completed the condition would not be needed as the maximum throughput of the EfW is 300,000 tpa.
65. Appropriate parking conditions could be attached to any permission as recommended by Transport DC.
66. The applicant is also willing to fund (cost £1k) the monitoring of a travel plan aimed at reducing the number of car journeys of the 40 site workers and to route construction vehicles through Ardley only.
67. Local people are concerned that any permission would exacerbate the current congestion experienced at peak hours in Ardley and Middleton Stoney. The increase at peak times movements in the morning has been estimated at 2% at Middleton Stoney and 4% at Ardley. This level of increase is not significant. In order to limit impacts of lorries outside normal working hours the applicants have agreed that there should be no HGV movements from 8 pm to 7 am in the morning but they do not endorse weekend restrictions or early evening restrictions (from 6 pm to 8 pm). They argue: that the County Council as Waste Disposal Authority have requested these hours of operation in their contract documents. They say that waste from HWRCs needs to be removed at weekends to ensure smooth running of those facilities, that it gives flexibility as priority is given to turn round times for waste collection vehicles carrying MSW and that it ensures C&I waste deliveries can be accommodated; that traffic counts show 7 day average HGV flow is 752 thus showing that it as an established HGV route; that there have not been any HGV accidents on the B430 in the last 5 years attributable to HGV volume or speed, and, that the impact on local amenity would not be significant.

68. I consider that the applicant's argument is only partially acceptable. The Waste Disposal Authority has commented that the contractor must abide by the conditions of any planning permission. Additional traffic survey work carried out by Transport Development Control lead them to conclude that weekend and weekday evening HGV movements would be noticeable. If permission was given there should be a condition limiting HGV movements to 7 am to 7 pm on weekdays and 7 am to 1 pm on Saturdays similar to the operation of the landfill and in compliance with MWLP policy PE18 for hours of working.

### *Visibility*

69. There are numerous factors to take into account in determining whether this development would have an adverse impact on local amenity. The proposed EfW facility is approximately 800 metres from the nearest properties. I consider that this distance will mean that the development would not cause a loss of privacy, daylight or sunlight. Although it would be a visible feature in the landscape it would not cause a significant impact on any particular property in terms of dominance or visual intrusion. The plant would not be seen from houses in Middleton Stoney or Bucknell and only the higher parts would be seen from a couple of properties in Ardley. It would be seen from two isolated properties to the east of the site beyond the M40. However, the chimney may well be visible from properties in these villages. Therefore, the EfW would be partially contrary to NSCLP policy EN34.

### *Lighting*

70. External lighting would be limited to access roads to allow safe passage of vehicles in the dark. These lights could be sited below the level of the surrounding land so their visual impact would be minimal complying with NSCLP policy EN6. However, the building would be illuminated at night, as it has translucent panels, leading to visible light in the area, although the translucent panels have the advantage of allowing natural light into the plant during the day. Certainly, the surrounding area is rural and has no general night-time lighting so the applicant has not complied with NSCLP policy EN6 in this respect. Lighting will not be needed on the landfill site in the dark as delivery and disposal in the dark are unsafe.
71. If permission is granted then there should be a condition requiring that no lighting be provided on the landfill site, and that a lighting scheme be submitted for the operation of the EfW plant which limits or excludes lighting on the access road and parking area and excludes any other form of external lighting, other than emergency lighting and any air navigational warning lights necessary for the chimney, and prevents light spillage off site. That would minimise the need for lighting as required by NSCLP policy EN6. No activities need to take place outside the building at night time, other than delivery vehicle movements, so no other lighting is required.

### *Noise and Odour*

72. The EfW plant would not emit any significant noise or odour as most operations would be carried out in a building kept under slight negative pressure with the air drawn into the combustion process. Smoke and fumes from the burning of waste would be controlled by the pollution control equipment in the plant. The distance of the plant from the nearest houses and villages is such that there would be no adverse amenity effect from activities there. Outside operations would include grading and storage of IBA and movement of lorries. These activities are not odoriferous and would take place below surrounding land level and at a great distance from houses and would be unlikely to cause noise nuisance. There is no objection from the Environmental Health Officer or Environment Agency and, therefore, the activities would not be contrary to NSCLP policy EN3.
73. An Environmental Permit would control odour. As discussed above, it is considered that the development is acceptable in terms of noise. There has been no objection from the Environment Agency or the Environmental Health Officer regarding contaminated land. The development would involve the production, storage and transport off site of hazardous substances (flue dust). Hazardous materials would be controlled by any Environmental Permit and by other legislation operated by the Environment Agency. There is no reason to believe that controls over hazardous materials would be unacceptable in principle in this location, which is some distance from residential properties.
74. The operation of the landfill is more likely to generate noise and smell than the EfW plant but the remaining landfill areas are, at the closest, 500 metres from houses (Ashgrove Cottages) and are well screened by the domed, restored landfill. There has not been a history of complaints about the landfill operation and suitable planning controls (over hours of operation) and Environmental Permit controls could control the landfill adequately. The relocation of the landfill/EfW access to the south-west part of the site would reduce the traffic levels significantly through the existing access which would only be used for accessing the HWRC. Noise and traffic impact on the two properties by this access would be reduced significantly.

### *Heat*

75. I do not consider that there would be harm to amenity from heat from this development, due to the action of the condenser and the distance between the plant and residential properties. Therefore, subject to the appropriate conditions, this development would not unacceptably harm the amenities of neighbouring properties.

### **Other Issues**

#### *Design of the building*

76. The Commission for Architecture and the Built Environment (CABE), while supporting an EfW plant on the site, are not convinced its design would make

it a successful addition to Oxfordshire. It is a landmark building and they want to be sure that it fits into the site. They are concerned that the architecture is too varied in shapes and materials and would like a simpler structure. They think the materials used are too numerous and would cause difficulties in detailing and that more sustainable materials, such as timber, should be used. They conclude by saying there should be a balance between industrial aesthetics and making the building less prominent and point to examples of other comparable plants.

77. Your officers are keen that any plant is made as unobtrusive as possible and do not share CABE's concerns which, if acted on, would be likely to result in a more intrusive industrial building. The proposed design of the plant would result in a landmark building with an attractive appearance fitting as well as possible into its location.

### *Ecology*

78. There are wildlife sites in the vicinity of the application site but the only effect the proposed development could have on them would be by air pollution. The EA are carrying out air quality modelling and will consider the effect on wildlife sites as part of the Environmental Permitting process but it is evident by the lack of objection from Natural England and BBOWT that damage to such sites is unlikely. The proposal would be in accordance with MWLP policy PE14 and CLP policy C1 therefore.
79. There are a number of protected species on site and the proposed restoration of the landfill will create habitats suitable for them. Some of these have already been created on the existing landfill site. The applicant is prepared to enter an agreement for the preparation and implementation of a 20 year management plan for the restored landfill following a 5 year aftercare period. Therefore, the proposal is compliant with government policy set out in PPS9 for minimising impact on and enhancing biodiversity. SEP policy E2 and NRM5 are complied with as the applicant is actively pursuing improvements at the site to promote biodiversity.

### *Rights of Way*

80. Two bridleways abut or cross the site. Bridleway 26 abuts the eastern edge of the site and runs along the western side of the Gagle Brook. The proposed development of the EfW plant and landfill would not affect this bridleway. Bridleway 27 is currently diverted and abuts the southern edge of the site. The definitive line passes close to the southern edge of the proposed EfW building but does cross the roundabout on the access road to the plant and landfill and also the attenuation pond to the south of the building. The original application failed to recognise that bridleway 27 would revert to its definitive line in 2017 and Countryside Service Officers were concerned that no consideration had been given to the impact of this reversion. They were also concerned that the development should fit in with the aims of the Oxfordshire Rights of Way Improvement Plan and provide improvement and changes to the network.

81. As a result, the applicant amended the application. They now confirm that a permanent diversion of bridleway 27 would be sought to avoid conflict with access roads and attenuation pond although they have not shown a specific route. Discussions with the applicant show that a route to the east and north of the plant is feasible. As approval of any diversion is subject to consideration under separate legislation it may not be approved. The applicant confirms that, should an alternative diversion not be secured by 2017 they would modify current plans to accommodate the definitive line. The roundabout would be moved so there would be only one crossing of the access road and suitable signage, fencing and surfacing would be provided. A wooden bridge would be provided over the pond. The Countryside Service welcome the proposal to divert bridleway 27 and have no objections to the definitive line being used if diversion is not approved, subject to specific details being agreed. The proposal is, therefore, in accordance with SEP policy C6, MWLP policies PE11 and PE12, NSCLP policy R4 and the requirements for pedestrians in NSCLP policies TR4 and TR8. If permission is given an agreement would be necessary to secure an application for diversion and implementation of it if approved and for details of structures along it.
82. The applicant also now proposes to make improvements to the rights of way network on site and fund bridleway links and surface improvements in and around Ardley. Countryside Services welcome this approach as does the British Horse Society. If permission is given an agreement will be necessary to secure the improvements.

### *Hydrology*

83. The Environment Agency (EA) was concerned about the risks to the water environment from the development and objected initially. Following discussions with the applicant and further work on the Environmental Statement, the EA's objections were removed subject to conditions related to storage and disposal of surface water in order to reduce flooding impact and a groundwater and surface water drainage scheme. The conditions are aimed at protecting the landfill cells, preventing flooding of the EfW Plant site and controlling water flow to ensure there is no pollution of or flooding of the adjacent Gagle Brook.

### *Geology*

84. Dinosaur footprints have been discovered in deposits on site but during the course of landfilling they would be obscured. It is thought that the footprints extend into the field to the south and Natural England are seeking SSSI status for this area. None of the application site would be subject to this designation.
85. The applicant proposes to lift any footprints found in the course of constructing the EfW Plant and a suitable condition to cover mapping, recording and lifting footprints could be attached to any permission. Such a condition would satisfy NSCLP policy EN24.

86. There are small geological SSSIs on the site but they are not affected by any of the proposals.
87. Oxford Geology Trust would like public access to the old quarry face that would be retained by the new access road and the applicant has agreed to enter an agreement to provide this access thus complying with OMWLP policy PE12.

### *Heat*

88. The proposed EfW plant is designed to enable heat to be used if a market was found for it. However, no proposals have at this point been made to use the heat and the proposal does not meet the aspirations set out in SEP policy NRM12.

### *Climate Change*

89. Moving waste up the waste hierarchy assists in making a significant contribution to limiting the effects of climate change. The applicant has used the Environment Agency's WRATE (life cycle assessment) which shows a significantly reduced global warming potential for EfW over landfill. In particular, the electricity generated saves on fossil fuel use. The use of heat would have made the plant perform even better.
90. The building has been designed with energy efficiency in mind and has received a good rating on the BREEAM scale which measures the building against sustainability criteria.

### *Alternative Sites*

91. The applicant has carried out an analysis of alternative sites for the EfW development as required by EIA regulations. They used a report produced by consultants ERM to inform the County Council, as Waste Planning Authority, in preparing its Minerals and Waste Development Framework, on possible sites for strategic waste facilities. This report identified 8 potentially suitable sites including Ardley Quarry and Sutton Courtenay Landfill Site.
92. Cherwell District Council object to the application on the grounds that, in the absence of a Minerals and Waste Development Framework, the analysis does not provide an adequate or sound basis to allow development that is a departure from the Development Plan. The proposal is considered a departure because it is contrary to countryside policies. It considers the application is premature pending a comprehensive site assessment for the Minerals and Waste Development Framework as required by PPS10. Both of these issues are dealt with in the covering report.
93. Cherwell District Council consider that the site selection process was not sufficiently rigorous. However, I am satisfied that the applicant has undertaken an assessment of alternative sites that is sufficient to satisfy the EIA

regulations. The applicant has selected the Ardley site and put this site forward for the proposed development. This proposal now has to be determined in accordance with the development plan unless material considerations indicate otherwise.

### *Land Resources*

94. The site of proposed EfW Plant is on a site which has a planning permission for landfill which requires restoration. In that sense it can be classified as a “greenfield” site. NSCLP policy EN16 says development on greenfield land should only be permitted if there is an overriding need for the development and assessments have shown that it cannot be located on previously developed sites or within settlements. Assessments carried out by ERM and referred to by the applicant have shown that this development could be located on brownfield land except that no brownfield site is owned by the Industry so no development could take place imminently. The need for development is therefore of importance in deciding whether the policy can be complied with, although SEP W17 does identify existing waste management sites as potentially suitable for new facilities.

### **Landfill proposals**

95. The application includes proposals to modify the landfill significantly to allow the EfW plant to be built. The main changes to the existing permission would reduce the extent of the landfill, extend the height of the southern end to that at the northern end, vary the phasing and alter the landscaping around the EfW Plant to incorporate more tree planting for screening purposes.
96. No objections have been received from consultees to the changes. The extended height and increased landscaping would offer better screening possibilities to the EfW Plant. The EfW Plant would divert burnable waste from the landfill and high landfill tax costs would be likely to ensure that the landfill did not take recyclable waste. There is still need to landfill those wastes that remain after pre-treatment has taken place as recognised by SEP policies W5 and W13.
97. SEP policy W4 specifies that waste planning authorities should provide landfill capacity for waste from London but the amounts for Oxfordshire are already provided for at the existing landfill site at Sutton Courtenay up to 2025 (a total of 3.52 million tonnes). Waste from London is imported to Sutton Courtenay by rail as required by OMWLP policy W2. Therefore, import of wastes from London to Ardley is not needed and the applicant has not proposed that waste be brought to the site by rail. SEP policies T1 and W17 favour sustainable forms of transport, such as rail, and a railway runs adjacent to the site. Generally, the distance waste would travel to the site is too short to justify a rail connection. Any new permission should restrict road imports of waste from London in order not to conflict with SEP policy W3 and to comply with OMWLP policy W2.

98. If permission is granted the existing conditions for the landfill should be updated and attached. In particular, conditions for good agricultural restoration should be attached as monitoring of the site has shown that improvements to the restoration methods should take place.

### **Household Waste Recycling Centre proposals (HWRC)**

99. Modifications to the layout of the facility are part of the application. The new layout would improve capacity at the site and move the office away from the tipping area. No objections have been received to these changes. The HWRC would not have to share access with the quarry or the landfill and improved arrangements for car access would result.
100. The facility serves an area from Kidlington to Banbury including Bicester so is centrally placed to serve that catchment in line with SEP policy W3. It is not close to houses and has good access to the transport network. The proposal is for the site to continue as long as the landfill lasts so it complies with SEP policy W4. A condition on any permission should ensure its life is that of the landfill site and other conditions on the current permission should be updated and attached.

### **Conclusions**

101. There is strong support in the South East Plan and elsewhere to permit appropriate waste treatment facilities to move waste up the hierarchy and help meet targets to divert waste away from landfill. These policies support provision of facilities such as EfW plants to deal with waste as part of a balanced/integrated strategy. Oxfordshire County Council is aiming to do this by achieving comparatively low waste arisings, high recycling rates, garden and food waste treatment and residual disposal through an appropriate facility.
102. The proposed facility would have a throughput of 300,000tpa and is intended to take commercial, industrial and municipal waste primarily from Oxfordshire. There is a need to provide for at least 425,000tpa of residual waste from these sources. Whilst Ardley is not within or adjacent to a built up area, it is close to Bicester and well related to the strategic road network which serves Oxfordshire as a whole. It is therefore well placed to meet the need that exists. The applicant is prepared to enter an agreement with the Council to restrict imports of waste so that at minimum of some two-thirds of the waste would originate in Oxfordshire.
103. There is conflict with policies which seek to prevent permanent built development in the countryside. There is however some support in the South East Plan for locating waste management facilities at mineral and waste sites which is proposed here. The visual impact on the countryside would be reduced by it being set down into the landfill site, by the surrounding landfill profile both now and when restored, and by tree and shrub planting.

104. There are no objections from those statutory consultees with relevant responsibilities on matters such as flooding, health, pollution and transport grounds as long as appropriate measures are included by conditions and agreement. Ecological, geological and rights of way matters can also be satisfactorily dealt with by conditions and agreement.
105. There would be an increase in HGV traffic from the site along the B430 both north through Ardley and south through Middleton Stoney. Routeing could be secured to take the bulking lorries north out of the site and conditions imposed to restrict the hours that lorries travel.
106. There are changes proposed both to landfill capacity and phasing, and to the operation of the household waste recycling facility, but none of these raises significant policy issues. Because the plant would be set down into the landfill site, the overall landfill capacity at the site would be reduced, but equally, provision of an EfW plant, would reduce the rate at which landfill capacity would be used up.
107. Although the development is contrary to or not fully supported by some policies - most particularly those protecting the countryside from built development - in this case I think that the need for a waste treatment facility to serve Oxfordshire, and the appropriateness of this location in relation to the strategic road network, justify granting planning permission.

#### **RECOMMENDATION**

108. It is **RECOMMENDED** that:

- (a) **subject to legal agreements to cover the following matters:**
  - (i) **limitation on waste import to the site from outside the County to allow:-  
all residual MSW and a minimum of 50,000 tonnes of C&I waste a year to come from Oxfordshire to the EfW Plant and two thirds of waste to come to the landfill from Oxfordshire;**
  - (ii) **route of all large HGVs to/from the M40 via the B430 through Ardley;**
  - (iii) **provision of a construction travel plan – all vehicles to be routed to/from M40 via B430 through Ardley;**
  - (iv) **provision of an operational travel plan, with £1k monitoring fee;**
  - (v) **provision of a pedestrian crossing on the B430 in Ardley (£15k cost);**
  - (vi) **commitment to submitting an application to divert bridleway 27;**

- (vii) funding for improvements to the Rights of Way network (£200,000);
- (viii) long term maintenance of the restored landfill;
- (ix) public access to the old quarry face.

the planning application for the development described in planning application 08/02472/CM be approved subject to conditions to be determined by the Head of Sustainable Development but to cover matters to include the following:

1. Construction works not to start until access works completed;
  2. No waste to be treated until link to Electricity grid is completed;
  3. No traffic movements except during between:-  
7am – 7pm Mondays to Fridays;  
7am – 1pm Saturdays and;  
on 12 nominated Saturdays 1pm – 4pm;
  4. construction hours to be agreed;
  5. no import of non-recyclable waste;
  6. plan to be agreed for incinerator bottom ash operations;
  7. details of changes for bridleway 27 provision on definitive line and implementation if line not diverted;
  8. implement approved flood risk assessment and site drainage plan;
  9. agree details of groundwater and surface water drainage plan;
  10. agree plan for external lighting;
  11. no external lighting outside hours permitted for traffic movements except for security;
  12. control of recording and lifting dinosaur footprints;
  13. maximum of 500,000tpa of waste to site until landfill completed;
  14. maximum of 2,000tpa of waste to site each day until landfill ends;
  15. conditions from existing landfill permission updated with an end date of 2019
- (b) the application being referred to the Secretary of State as a significant departure from the development plan and the Secretary of State not calling in the application for his own determination;

- (c) the Head of Sustainable Development be authorised to refuse the application if the legal agreements recommended in (a) above are not completed within 10 weeks of the date of approval of the application.**

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background Papers: Nil

October

## Environmental Statement

1. The findings and conclusions of the Environmental Statement submitted with the application are described below (text in italics is officer comment).

### Need

2. This plant would deal with all the MSW arising in Oxfordshire and 120,000 tpa of C&IW leaving only 300,000 tonnes to be disposed of by landfill. The diversion rate of C&IW in Oxfordshire would go up to 66.5%.
3. The applicant states that the size of plant is designed to accept between 40-50% of MSW in the medium to long term allowing 50-60% to be recycled and that current MSW recycling rates are 35% *[they are in fact currently c 47%]*. The process proposed would contribute to recycling through ferrous metals and bottom ash (as an aggregate) production and would also achieve energy recovery. The ES shows examples of countries where high recycling goes hand in hand with energy from waste treatment.

### Alternative Sites

4. The ES reviews alternative sites for an EfW plant. The sites taken had been selected by a study undertaken by ERM which had been commissioned by the County Council as part of the background for site selection for strategic waste management systems for the LDF process. These sites were:
  - (b) Gosford Grain Silo;
  - (c) Former Quarry, Shipton-on-Cherwell;
  - (d) Land west of M40, Banbury;
  - (e) Culham Science Centre;
  - (f) Land at Banbury Cross Business Park, Banbury;
  - (g) Sutton Courtenay Landfill;
  - (h) Ardley Landfill;
  - (i) Land at Palmer Avenue, Bicester.
5. The key issues addressed by the applicant for each of these sites were deliverability (under the control of the waste management industry and with potential to deliver facilities by 2013); Green Belt; site access and highway network; proximity to international nature conservation sites and need for Habitat Directive Assessment and proximity to main centres of population.
6. The applicant considers that sites 1, 2 and 4 are not appropriate as they are in the Green Belt, that 3 and 5 are too far from Oxford, and site 8 is not owned by the waste management industry. The applicant considers that only 6 and 7 are deliverable, and that Ardley is better than Sutton Courtenay as it has better access and is close to junction 10 of the M40. It has no international conservation sites within 15 km while Sutton Courtenay has sites within 5

kms. Although Ardley is further from Oxford than Sutton Courtenay, journey times of 25 and 23 minutes from Oxford respectively are similar.

Alternative Technologies

7. The applicant utilised the Environment Agency’s life cycle assessment scheme ‘Waste and Resource Assessment Tool for Environment (WRATE)’ to show how different methods of processing 300,000 tonnes of municipal solid waste compared. The comparison was of 6 indicators relating to mineral and fossil fuel depletion, global warming potential, human toxicity, toxicity towards eco systems, acidification and eutrophication (excessive growth of algae reducing oxygen in water). Each method was scored against the indicator and indicators valued against each other to give a total performance score. The following table gives these scores. The higher the figure, the better the performance.

		Total Performance Score
1	Landfill	1.75
2	EfW	4.64
3	Advanced Thermal Treatment (ATT)	5.02
4	Mechanical and Biological (MBT) Treatment with EfW	3.45
5	Mechanical and Biological (MBT) Treatment with landfill	2.22

8. The applicant states that EfW scores best on resource depletion, global warming and toxicity towards eco systems whereas ATT scores highest on eutrophication and close to highest on resource depletion and human toxicity. The applicant states that ATT is not a financially viable solution for treatment of municipal waste and there are no operational plants in the UK.

Sustainability Appraisal

9. A sustainability appraisal was carried out to cover, amongst other things, how the development is energy efficient, environmental implications of the use of building materials, sustainable drainage systems and water management and use of previously developed sites. A BREEAM rating (Building Research Establishment Environmental Assessment Method) was arrived at by considering the proposal against a number of sustainability criteria. It received a rating of ‘good’.
10. The applicant states the proposal would cause landfilling to be significantly reduced, produce electricity thus reducing demand for fossil fuel use, be designed not to affect the surrounding area adversely and be appropriate to local landscape character.

Impact of EfW on Recycling Rates

11. The applicant states that the plant is designed not to burn more than 40-50% of the available MSW in Oxfordshire. As the current recycling rate is 35% [actually 47%] there is an opportunity to do more recycling. High recycling and EfW can exist together.

Landfill

12. It is proposed to reduce landfill capacity at Ardley by 600,000 tonnes. The Council's Minerals and Waste Annual Monitoring Report 2007 says that Oxfordshire has 11.6 million tonnes of non-inert void capacity at landfill sites more than needed for the period 2006-15. After 2015 it is expected that less landfill will be needed and the applicant says that loss of less than 10% of non-inert void capacity is not considered significant.

Air Quality

13. Assessments of pollutants from vehicles, pollutants from the chimney, dust and litter emissions during construction and operational phases and odours and bio aerosols all related to the EfW plant were found to be negligible.
14. The applicant states that modelling of the predicted impacts on air quality of emissions from the stack has shown that short and long term ground level 'process contributions' are small or very small (<5% of the applied standard) of all pollutants. The short and long term impacts of 'predicted environmental concentrations' are classed as negligible for all pollutants, and existing background dominates total deposition of these pollutants.

Landscape and Visual

15. A landscape and visual assessment was completed. The landscape impact was considered moderate on the existing landscape, which includes a landfill site, and moderate/substantial once the landfill was restored. The effect of the building would be directly linked to the high standard of design and materials and how it is perceived by individuals. The building is considered a landmark building and aesthetically pleasing. Restoration and landscape of the surrounding area would be positive in terms of habitat creation.
16. Significant visual effects would be experienced in the short to medium term from just south of Ardley, just west of Bucknell and immediately south of the EfW site. The most affected view is from Bucknell across low lying farmland. It is considered that the impact would reduce slightly as vegetation matures around the EfW plant.

Transport

17. The traffic and transport impacts were assessed. The new access has been designed to accord with all relevant guidelines and has been independently assessed. The pattern of accidents on the highway was assessed and it was

concluded the proposed development was acceptable from a highway safety perspective. The impact of development traffic on the operation of the highway network was modelled and it was considered that the proposed development would not have a bearing on the capacity of the B430, particularly at peak times. It was considered traffic levels during construction would not exceed those for the operational phase subject to mitigation measures including a travel plan.

#### Noise

18. An assessment was carried out on existing noise and the construction and operational phases for the proposed EfW. Noise levels during the construction phase for the four nearest houses were the same or only just above the ambient noise levels of those properties. Predicted noise levels during the operational phases were well below background noise levels. No noise increase from traffic and from the cumulative effect with other developments was established.
19. Assessments of noise from the landfill operations showed no or minor impact over background levels from the four properties.

#### Hydrology and Hydrogeology

20. A flood risk assessment was carried out. The EfW plant is proposed in flood zone 1 and, therefore, meets the test in PPS 25 for siting of new development. As the EfW plant is proposed at the base of a mineral working there is a threat to it from surface and groundwater flooding. Temporary pumping to the Gagle Brook is proposed during heavy rainfall or high groundwater.

#### Ecology

21. An Ecological Impact Assessment was conducted.
22. Direct effects are certain to occur in and around the EfW plant area. The site is already subject to Great Crested Newt mitigation strategy where newts are captured and released to newly prepared habitat on the restored landfill and the cleared areas prepared for landfill. There are no bats or badgers on site and no significant effects will occur. The site is an exceptional one for common lizards and grass snakes and these have been relocated with the newts, when found, and the programme will continue.
23. Air pollution modelling was carried out in relation to the stack emissions. The modelling indicates that levels of pollutants from the stack would be very low and are unlikely to significantly affect the integrity of any SSSI in the vicinity of the application site.
24. The restored landfill area incorporates wildlife enhancement features. It would include balancing lagoons on the southern, eastern and western parts of the site to provide wetland habitat for amphibians and invertebrates.

### Palaeontology

25. Dinosaur footprints were discovered at the site during clay extraction in 1997. Forty trackways of two dinosaurs have been found. Some trackways have been moved to Woodstock Museum and the rest are being covered by basal liners of the permitted landfill cells. It is possible that more lie beneath the EfW plant area.
26. Natural England are considering designating a geological SSSI in the Ardley area if more trackways are found but that would not include this site.
27. Mitigation is proposed for ground works for the EfW plant. The layer where trackways may occur would be stripped and if any footprints are discovered work would stop and Natural England contacted for advice. Any footprints/trackways worthy of preservation would be removed under guidance of Natural England and the County Council.

### Cultural Heritage

28. The assessment identifies no direct impacts on cultural heritage and negligible to moderate visual impacts on settings of heritage assets. The assets affected are Ardley village listed buildings and scheduled monument (moated ring work), Swifts House Farm (1.6 km north east of the site), Bucknell village listed buildings, Trow Pool water tower, Bucknell Lodge, Middleton Stoney village listed buildings, Middleton Park listed buildings (by Middleton Stoney) and RAF Upper Heyford.

### Socio-Economic Impacts

29. A socio-economic impact assessment was undertaken. The development was judged to offer benefits to employment, the economy and tourism. It would help Oxfordshire meet its landfill directive targets and avoid costly penalties. It would supply the national grid with 180,000 hours of electricity a year. It would have positive impacts on Cherwell District Core Strategy in that it would create jobs and money would be available from the Viridor Landfill communities fund to help with amenities of communities and protection and enhancement of historical and architecturally significant buildings.

### Climate Change

30. The landfill was considered to have no greater impact than the current landfill permission. The impact of the EfW plant was considered with regard to:  
  
WRATE (life cycle assessment), Heat Plan (the potential for use of heat generated), surface water management, design and materials used to minimise energy consumption and CO<sub>2</sub> emissions and traffic emissions.
31. A WRATE assessment, using the Environment Agency's modelling tool, was carried out to assess the global warming potential compared to other waste

management technologies. It showed a negative environmental footprint i.e. a reduction in environmental impacts and a better one than for Advanced Thermal Treatment or Mechanical/ Biological Treatment with EfW. The negative footprint is attributable to generation of electricity from waste displacing fossil fuel generation.

32. The plan notes that the most efficient EfW plants use the waste heat (combined Heat and Power) which is pumped to consumers nearby. It is considered that the horticultural industry could be the main user but also the proposed development at Upper Heyford.
33. Climate change could result in increased incidences of heavy, prolonged rains. The surface water management scheme has been designed to accommodate these potential increases.
34. The emissions of NO<sub>2</sub> from vehicle movements to and from the site is judged as negligible as is the emission of NO<sub>2</sub> and PM<sub>10</sub> (fine particles) from the EfW plant.

#### Cumulative Impacts

35. No adverse cumulative effects have been found in relation to air quality, landscape and visual effects, noise, ground and surface water, traffic, ecology or palaeontology. Positive impacts in relation to employment and climate change have been identified.

## Consultations – 1<sup>st</sup> Round

The following are summaries of the consultation replies. Full responses are available in the members' resource centre.

### 1. Cherwell District Council

Object on the grounds that:-

1. Consideration is premature pending the production of a Minerals and Waste Development Framework which will allow comprehensive comparative site assessment as required by PPS 10. The application does not provide
2. an adequate or sound basis to consider allowing development which is a departure from the Development Plan.
3. The facility is an industrial one with a large chimney which will cause harm to the character and appearance of the countryside and be contrary to policies G2, G5, EN1 and E1 of OSP 2016, saved policies EMP4, C7, C8 and C9 of the adopted Cherwell Local Plan and policies EMP4, EN30, EN31 and EN34 of the non-statutory Cherwell Local Plan 2011.

The County Council is asked to vigorously examine impact on bridleways, traffic generation impact, air quality, impact of additional HGV movements on the local community's amenity, ecological impact and Environment Agency's concerns. If OCC are minded to approve they should go through departure procedures.

### 2. Ardley with Fewcott Parish Council

Strong objection on three grounds:-

1. Unsuitable location for this type of waste treatment facility, it is contrary to national, regional and local policy.
  2. the implications for health have not been properly addressed to accord with PPS 10 or PPS 23; and
  3. there are inadequacies in the ES.
- 1a. Inappropriate development in terms of type and location
- The process of selecting locations and types of facilities for Oxfordshire's residual waste has been at best obscure and misleading, contrary to the requirement for a Waste Development Framework (WDF) and to OCC's stated approach for selecting sites and technologies (appendix B of Waste Sites Development Plan Issues and Options Consultation March 2007).
  - OCC was inviting submissions for treatment facilities at the same time as asking the public to comment on site selection. The Parish Council has never been 'informed', 'consulted' or 'involved' in inviting companies to

## PN5(a)

submit tenders for treating residual waste as was promised in the Statement of Community Involvement.

- OCC's website states that consultation on possible waste sites will take place as part of the WDF process. It is a sham. The market has dictated the location and type of facility to be provided.
- If planning permission is granted the public's comments on site selection cannot be incorporated. Lack of transparency has caused distrust and stress.
- The choice of EfW by the market does not take into account future changes in technologies, policies, economics or the benefits of a 'mixed bag' of solutions.
- Both applicants for planning permission (Ardley and Sutton Courtenay) claim their site is best which indicates bias in the site selection process.
- By inviting two companies to propose solutions in a competitive process permission needs to be granted to both to keep competition alive which will be contrary to policies WM1 and WM2 of OSP. If two permissions are granted how will development be stopped at the other in order to comply with WM1 and WM2?
- We understand Viridor will operate an EfW plant even if not awarded an OCC contract by burning C&I waste. They would appeal any refusal. They would bring in waste from other parts of the UK.
- If permission is granted a condition is requested that only Oxfordshire waste be treated to accord with the proximity principle.

### 1b. Unsuitable technology

- An incinerator only generating electricity wastes huge amounts of heat. The European Commission's thematic strategy on waste prevention and recycling says 'at low efficiencies incinerators might not be more favourable than landfill'.
- Policy W12 of SE Plan says EfW should only be part of an integrated approach with other technologies. An Ardley permission would not allow an integrated approach with other technologies for 25 years.
- OSP policy EG2 says new energy generation plant should include combined heat and power or waste heat recovery.
- OCC's needs assessment in 'Waste Arisings, Capacity and Future Requirement Study: Final Report January 2008' suggests one small residual waste treatment plant now and 4 more small plants by 2022. That would allow different technologies and be compliant with policy W12. One plant would ignore OCC's Needs assessment.

- The potential for heat use does not constitute a ‘material consideration’.
- The applicant has not demonstrated in detail users of any heat although they suggest Upper Heyford (2 kms) or Bicester (6 kms). It is questionable whether the suggestions are realistic.
- If permission is granted there should be a condition to provide each house in Ardley with Fewcott, at no cost to the occupants, heat from the EfW.

1c. Unsuitable location

- MWLP policy W4 states proposals for re-use will not normally be permitted in the open countryside unless there is no other suitable site available.
- If the site selection process had been complete we doubt that Ardley Fields Farm would have been chosen. If the process had been completed it would have corrected errors which include:-
  - omission of a designated and potential SSSI
  - presence of a European Protected Species
  - assumption that waste could be delivered by rail, which is not possible due to impacts on an SSSI and on a large part of a restored landfill
  - incorrect understanding of local road connections –
    - B430 runs through Ardley, not around it;
    - pinch point at railway bridge stopping 2 HGVs passing each other at that point;
    - trunk road network (M40, junctions 9 and 10 and A34) are already congested with no plans for improvement;
    - that the site is an existing waste management facility does not recognise that PPS 10 says WPAs should not assume that it is appropriate to add or extend existing waste facilities. Should consider cumulative effect of previous waste facility on community’s wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may be relevant. Engagements with local communities will help.
- DEFRA’s guide – Designing Waste Facilities: A Guide to Modern Waste Facilities says efficient waste management lies in facilities being close to main sources of waste – our urban centres. Efficient use of energy in combined heat and power and minimising transport distances and encourage more efficient waste management.
- An Ardley plant could ‘suck-in’ waste and conflict with policy W3 of MWLP which states that motorised journeys should be minimised.
- The fact that the site is under the control of the waste management industry is not a PPS 10 criterion for site selection for waste facilities.

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- The 50 employees would have to travel by car contrary to policy E1 of OSP which states development should be in or adjacent to urban areas with good accessibility from residential areas.

### 1d. Traffic Impacts

- There is no alternative to transport waste other than by road – an unsustainable method. Traffic generation figures of 404 HGV loads a day are based on 180,000 tonnes of waste a year being imported, but the facility would have a capacity for 300,000 tonnes a year so vehicle movements are a gross under-estimation.
- There is insufficient detail on the suitability of the road network, routing agreements and positions of waste transfer stations, contrary to EIA regulations.
- It is contrary to PPS 10 which says consideration should be given to the social fabric of communities and PAs should reduce social inequalities to deliver safe, healthy and attractive places to live.
- Most traffic would pass through Ardley to the serious detriment of the village.
- The increase in vehicles means NO<sub>2</sub> limits in Ardley will be exceeded leading to the declaration of an Air Quality Management Area.
- It is not sensible to route all Oxfordshire's residual waste on a route already at capacity (M40 between J9 and J10 and the A34).
- There is no meaningful travel plan so is not compliant with G2 of OSP.
- There is no detail associated with IBA aggregates.
- If permission is granted there should be a new stretch of road to the east of Ardley village from J10 to the B430 at the railway. It should be in cutting and with low noise surfacing to the satisfaction of Ardley with Fewcott PC.

### 1e. Visual Impact

- The EfW building is of an overbearing scale, is not a landmark building but is an ugly, industrial one out of keeping with rolling fields of the area and will have a detrimental effect on conservation areas at Ardley, Fewcott and Middleton Stoney.
- If permission is granted the design and layout should be changed to ensure it is not visible from any location.
- The aerial view is unfortunate and I would not want it to become the Cerne Abbas Giant of the 21<sup>st</sup> Century, the layout should be changed.

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- It is contrary to OSP policy G2 as its scale is inappropriate, harms the character and amenities of the area and does not have a high quality layout.
- It is contrary to OSP policy G5 in that it harms the countryside and OSP policy EN1 in that it will not protect, maintain or enhance landscape character.
- Light pollution will be caused at night in an area that has no major light pollution.
- The landscape scheme is confusing and full details of landscaping should be applied before any permission is granted.

### Ecological Impact

- The ES is confused on whether SSSIs and European Protected Species (Great Crested Newts – GCNs) exist on site.
- The mitigating measures in the ES do not state how listed species will be safeguarded.
- Biological and ecological diversity will not be protected.

## 2. Implications for Health

- As OCC decided 'to ensure an independent assessment of health risks before commissioning any Energy from Waste Facility' 15 January 2009 it had concerns on health aspects of incineration.
- The HPA states 'there is no doubt air pollution (from all sources) can have an adverse effect on the health of susceptible people (young children, the elderly and those with respiratory diseases). Ardley has 121 over 60's and 172 under 16's and a Nursing Home with 35 beds and an active crèche at the Community Hall.
- We support an independent assessment of health risks and consider it is a material consideration as per (PPS 10).
- Viridor do not operate incinerators of this size and will be learning on the job and accidents will be caused. There is no comfort that it can operate safely.
- There is no permit application, against advice in PPS 23 that there should be. There is no indication that the P.C. could review the permit in the timescale of the planning application.

3a. Inadequacy of the ES

There is no consideration of:-

- the impacts and effects of the waste transfer stations required to serve the EfW plant nor of traffic transporting waste from them to the EfW plant;
- the effects of linking the facility to the National Grid;
- transporting hazardous fly ash to the Cheltenham disposal facility;
- the health impacts on human populations;
- more than a qualitative environmental impact of odour and bio aerosol particles above 10 microns in size.

3b. Cumulative effects

- No environmental impact of heat pipelines undertaken.
- No assessment of 82 m high stack with the 400 ft wind turbines proposed north of Ardley on the Conservation Area in Ardley.
- No assessment of cumulative effects of waste facilities with proposals for Eco-town at Bucknell and Weston-on-the-Green and proposed development at Upper Heyford, including the traffic, nor visual effect of EfW on them. [?]

3c. Climate Change

- The sustainability appraisal for the application was based on WRATE. WRATE has flawed assumptions on efficiency and bio-carbon and gives an over-estimation of the benefits of incineration and are not consistent with PPS 1 which requires developments to state how well they are adapted to climate change effects.

**3. Bucknell Parish Council**

Strong objection.

1. Traffic

- No detail of impact on local roads, which are congested.
- Waste tonnage will increase. Waste should be dealt with locally.
- HGVs frequently overturn on tight roundabouts on J10.
- No assessment of impact on County's waste transfer stations.
- Other developments will add to local traffic.
- Development will increase HGV by 45% on B430.
- B430 is congested and railway bridge cannot be traversed by two HGVs together.
- Congestion on A34 will adversely affect the national economy.
- Congestion at J10 and J9 means increased traffic in Bucknell, more traffic means more congestion on roads without pavements.

- More pollution and emissions, poorer safety.
- Development will add to congestion and further distress to residents.
- Would involve long lorry journeys across the county and beyond.
- Roads into Bucknell do not get serious repairs. Development will compound negative road quality and poor air quality.

2. CHP

- Proposal does not use heat, it is not energy efficient.
- No evidence that horticultural use of heat is possible.

3. Ecology

- Large populations of great crested newts locally and they are sensitive to pollutants. Construction work will destroy newt habitats.
- It will be impossible not to destroy newts. Policies for protection of protected species will be breached.

4. Flooding and Water Pollution

- The proposed sealed drainage and treatment system can fail.
- We are extremely concerned about possible pollution to water courses and aquifers. How can it be presented?
- Topography and hydrology is totally unsuitable for this industrial operation as is evidenced by the mitigating measures proposed. These will need to be maintained.
- Such a site should not be located above an aquifer and the underlying rocks are not impermeable.
- Wind and rain can spread toxins from the IBA area.
- Flood risk downstream of the Gagle Brook will worsen.
- Risk of flooding is high. How will pollution of watercourses be stopped.

5. Emissions

- Health risks are a material objection.
- Dioxin emissions are only spot measured twice a year (for six to eight hours). Actual emissions have been proven to be 30 to 50 times higher than spot measurements.
- If permission is given there should be mandatory continuous automated monitoring for WID pollutants, with constant reporting of this data online.
- No reliable data on small particles – cannot determine health impact.
- Water and soil tests should be made, downwind of the dominant wind groups, twice a year.
- Consideration should be given to emissions in times of temperature inversions.
- Viridor are inexperienced in operating large incinerators.
- If controls fail we will experience high levels of emissions, with consequences for health and the environment.

- Recently an incinerator at Nottingham breached emissions limits for dioxins.
- No detail on non-standard operating conditions or meteorological conditions.
- There are health risks associated with major accident or disaster.

6. Fly Ash

- There is still no detail on risks and impacts of fly ash transportation. It would be safer to bury it on site and it would reduce traffic movements significantly.
- Two thirds of the IBA plant area is exposed to wind and rain. IBA contains toxic compounds. How can these be stopped from blowing over land and water.

7. Agriculture

- Toxins from emissions will fall on agricultural land and be contrary to EU Commission recommendation of 2006 on reduction of such toxins in foodstuffs.

8. Recreation

- There will be negative impact on the use of Trow Pool and local rights of way.
- Extra traffic will threaten horse riders, walkers and anglers – need 20 mph speed limits.

9. Buildings

- It will be an eyesore on the edge of the Cotswolds AONB and a distraction to motorists on the M40. It will be obvious to view in Bucknell/Ardley and harmful to views from the Bucknell to Ardley and Bucknell to Middleton Stoney roads.
- Not compatible with Eco-town at Bicester.
- Concerned about fall in house prices.
- Extra buildings needed to process IBA are not shown.
- Concern about pollution and traffic vibration on buildings in Bucknell.

10. EIA

- The ES has not proved incineration is best solution to prevent climate change.
- Inadequacy of EIA means cannot see long-term effect on our communities – it is not compliant with regulations.

11. Incineration

- Burning waste is a waste of resources.

- Zero waste and incineration are incompatible.
- There is no consideration of risks associated with major accidents.
- The Council should commission independent analysis of environmental and financial impacts.
- Will undermine recycling schemes.
- Causes unavoidable emissions, smaller plants using other technologies would not.

12. Technology

- Should re-use, recycle, compost and MBT waste instead.
- No demonstration that proposal is best solution to reduce climate change gases.
- Incinerators are expensive and create only 1/10 of jobs per unit of waste than recycling.
- Long contract stifles emerging technologies.

13. Visual

- Does not respect landscape. Negative impact on views.
- Extra buildings mean more visual intrusion.

14. Other

- House prices will decline.
- No account of cumulative effects with other developments.

15. Questions

A series of questions are asked of Viridor and OCC as follows:

- Does incineration make air quality worse and does not contribute to improvement of air quality as suggested by national and local policies?
- Is incineration safe?
- Should there be mandatory continuous automated monitoring data for all pollutants with WID emission limits? Should it be reported online in real time?
- Low emissions can only be achieved if technology is reliable. Can that be guaranteed?
- Are there plans to measure current levels of contamination in the local environment and to monitor them? Who would do it and for how long?
- Has work on distribution of emitted particles in different wind sectors been carried out?
- Who would be responsible if adverse health conditions developed?
- Will breaches in emission limits always result in fines?
- How vulnerable is underlying aquifer to contamination? Who would be responsible if the aquifer was contaminated?
- How soon would the public be notified of a disaster? Would there be an Action Plan to deal with a disaster?

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- Is it not contradictory to grant a permit for an incinerator when there are eco-developments proposed nearby?
- There is insufficient analysis of carbon dioxide release. How much CO<sub>2</sub> is being contributed to global warming?
- Will significant local traffic increase take place and consequent pollution?
- Do you agree that CHP is not possible because of lack of connections and that makes the Ardley proposal not economically and environmentally acceptable?
- Do you agree that there has been no demonstration that incineration will not undermine the waste hierarchy?
- Do you agree that incineration has a very low energy efficiency compared with other waste treatment methods?
- Do you agree that incineration destroys materials which could be recycled meaning that more raw materials are used in industry?
- To reduce global warming reduction, reuse and recycling are needed. Is it not time to discourage incineration?
- Can we be assured that Gagle Brook will not be contaminated?
- Can we be assured that there will be no contamination from the IBA area in dry windy weather or wet weather?
- If house prices go down, who will be liable to pay compensation?
- Should a company with virtually no experience in operating EfW receive a permit?
- Two incinerators would mean waste is drawn from surrounding counties contrary to the proximity principle.

#### **4. Middleton Stoney Parish Council**

Objects to incinerator for the following reasons:-

- the market-led process conflicts with national, regional and local policies;
- unsuitable technology, the needs assessment requires one small plant now and 4 more small plants by 2022;
- the location is contrary to PPS 10;
- the transport links are inadequate and contrary to PPS 10;
- visual impact is unacceptable and is contrary to OSP policy G2;
- road transport is greatest concern – mainly the increase in RCVs and HGVs on the B430 through the village. This road will soon be declassified and have a weight restriction. Additional car traffic is unwelcome and £1000 contribution to a green travel plan will have only a marginal effect. Haulage to the site has been incorrectly considered. Trip generation statistics must be incorrect and a full traffic assessment should be undertaken as HGV movements would increase by 30%;
- night-time deliveries are objected to.

## **5. Somerton Parish Council**

### Traffic

Traffic is the biggest concern. The B430 is at high capacity, prone to flooding and the narrow bridge over the railway is a hazard. The application does not address these issues. The additional traffic on the B430 will mean people will look for an alternative route through Somerton, both north and south. Closures of the M40 have caused this traffic congestion already. Other concerns are:-

- increased traffic from any Upper Heyford development will worsen living conditions;
- performance of J10, delays here are not addressed;
- no mention of routeing agreement for regular users of the facility;
- nothing offered for traffic calming to discourage speeding.

Therefore, object and request proposal is adjusted to reflect concerns and firm commitment given to funding of measures to counter severe deterioration to quality of life in Parish.

### Other Aspects

- There is no reference to a community fund for projects.
- There is no liaison forum for local residents during construction phase.
- Traffic measurements appear to have been taken during half term period in February 2008 when a lighter load would be expected.

## **6. Lower Heyford Parish Council**

Objects on transport grounds as B430

- is a rat run from A34 to M40 and already is congested;
- has a railway bridge where 2 waste lorries cannot pass simultaneously;
- is prone to flooding, reducing its viability as a transport route;
- has a higher than average accident rate, and safety must be a priority;
- increase in HGV traffic will pose risks on M40, A34 and B4030. The B4030 is unsuitable for lorries and a routeing agreement should be prepared if permission is granted.

Why is OCC considering 2 incinerators when only 1 is needed?

## **7. Caversfield Parish Council**

Objects on following grounds:-

- risks to public health and the environment. There is more public information to show there are risks than not;
- increase in traffic will significantly impact on congestion levels on the strategic road network and damage regional and national economies. The M40 by the site has the second highest incidence of accidents of any road in the country;

- congestion will worsen with a knock on effect into Warwickshire, Northamptonshire and Buckinghamshire. Congestion on J10 will concern the Highways Agency and jeopardise implementation of the Route Management Strategy for the A43/A45;
- there will be an increase of 25 HGV movements an hour on the A34 between Pear Tree roundabout and the B430, which is already congested.

### **8. Bicester Town Council**

Have grave concerns, including probable negative impact on quality of life of those in Bicester and surrounding parishes. Strong concerns on:-

a) Road Infrastructure

Application has not addressed increase in HGVs on county roads and through Bicester. Figures on road usage do not marry with number of HGV movements on local roads. Much of the waste should be moved by rail, cannot be done at Ardley. Location in north Oxfordshire means longer road journeys than a centrally located facility and more attractive position to attract waste from outside the county.

b) Health Issues

No real consideration of health issues. Must be independently investigated and local people reassured that there is no detriment to health.

c) Local heat and power

No calculation of how heat and energy will be fed to local homes and businesses. Should be a strong focus on providing cost effective heat and power locally, to offset negative impacts.

d) Technology

Want reassurance that only the most up to date and cleanest technology would be used.

Not convinced the application is the best or even an appropriate answer.

### **9. Stoke Lyne Parish Council**

Strongly object for the following reasons:-

- traffic – road network cannot support increased amount of HGV traffic. Oxfordshire Local Transport Plan 2011 recommends that the B430 be downgraded and a weight restriction imposed. Congestion problem in area would be increased;

- visual impact – incinerator equivalent in size to a football stadium with chimney 78 m high. Will have considerable visual impact especially on surrounding villages;
- health and pollution – many concerns which should be fully and independently investigated so no detrimental impact on local health and will not pollute.

#### **10. Chesterton Parish Council**

- Existing roads and J10 not fit for this development as there is already congestion in the area and other developments (Bicester and Heyford) would add 5000 more cars;
- the Upper Heyford Consortium have proposed a direct motorway link which could be used by the waste facility;
- there is no proof that chimney emissions are not dangerous;
- a composting facility is an excellent plan providing traffic does not affect villages;
- 25 year contract may be too long. The plant may become uneconomic.

#### **11. Steeple Aston Parish Council**

Support Cherwell District Council's objections on several grounds:-

- impact on surrounding road network, not sufficiently researched, no decision should be made without full impact study;
- detrimental effect on local environment and other waste incineration systems should be thoroughly investigated;
- no decision should be made in advance of the WDF and a comprehensive analysis of alternative sites;
- 2 sites being considered, only 1 is needed;
- alternative sites should be evaluated on a like for like basis.

If the application is granted it should be referred to the Secretary of State for a final decision.

#### **12. HSE**

No objection.

#### **13. National Grid**

Negligible risk to gas and electricity networks.

#### **14. SSE Power Distribution**

No objection. Have marked existing plant and cables.

#### **15. Natural England (NE)**

- There are six SSSIs within 10 km of the site. Grassland habitats within them are unlikely to be significantly affected. Ardley Cutting and Quarry SSSI is unlikely to be affected provided conditions are attached covering:

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- No equipment, materials or machinery stored within the SSSI.
- No encroachment of landfill materials or waste machinery.
- No deposition of windblown rubbish or dust.
- Dinosaur footprints and trackways have been found on the site but only areas outside the site are eligible for SSSI designation. If footprints are found they should be mapped and recorded, buried under landfill or lift or relocate them to protect them from weathering.
- Mitigation measures for bats, badgers and great crested newts are satisfactory.
- The proposal is unlikely to impact on AONBs. Full consideration of potential impacts from local viewpoints should be made.

### **16. Oxfordshire Geology Trust (OGT)**

- If dinosaur footprints are discovered effective preservation methods need to be discussed with EN and OGT. Access should be allowed for recording geological/palaeontological features.
- Rock exposure preservation and public access to exposures would be welcomed.
- OGT would welcome inputs to design or content of the Visitor Centre on geology.

### **17. Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)**

See the comments under 'Consultation 2<sup>nd</sup> Round' later in this annex.

### **18. Highways Agency**

- Concerned about potential for impact on M40 J10 and A43. The Transport Assessment shows an increase of 55 vehicles in the peak hours compared with 2500 vehicles in total – a 2% increase. The increase in congestion due to the development will be extremely small so not a material impact and should not lead to increase in accidents. Measures have recently been put in place on J10 which should reduce accidents.
- Improvements are planned for J9 to reduce delays leading to less diversion along the B430. Cherwell DC should assess infrastructure needs as part of the LDF process and policies and development location could have a useful effect on vehicle volumes.
- Suggest a condition limiting parking to that stated so congestion is not greater than assumed in the application.

## **19. South East England Regional Assembly (SEERA)**

Permission should only be granted if:

- EfW facility only processes residual waste (to accord with RPG 9 policies W5 and W12 and proposed changes to SE Plan).
- The possibility of utilising waste heat should be fully considered.
- Proposal meets environmental and amenity criteria in RPG 9 policy 17 and proposed changes to SE Plan.

If permission is granted conditions/agreements should secure:

- Measures to manage and reduce pollution risks from EfW facility to the satisfaction of the EA (to accord with RPG 9 policy W12).
- Mitigation measures on air quality and noise to satisfaction of EA (to accord with RPG 9 policy E7 and proposed changes to the SE Plan policies NRM 9 and NRM 10).
- Measures concerning traffic generation (to accord with RPG 9 policy W16).
- Mitigation measures to protect and enhance site's biodiversity (to accord with RPG 9 policy E2 and proposed changes to SE Plan policy NRM 5).

## **20. Commission for Architecture and the Built Environment (CABE)**

- Applaud the county's commitment to good design.
- More information is needed to fully assess the visual impact of the building. Not convinced it is fully successful. It is a landmark building due to its unusual dimensions. It is highly visible from motorway and train line and can be seen from surrounding villages. Need to assess how it addresses the site and how it looks from distance. Landscape around it should be of high quality, but that is not yet achieved.
- The building should contribute to a sense of local identity and regional diversity and be of appropriate design and scale for its location (PPS 7). Information provided so far does not assure us that that has been achieved.
- Proposed scheme is too varied and range of shapes and materials distracts from the simple strength such a building should have. It should be simplified. The current shape would generate disadvantageous spaces in the building, for example the ash storage roof is too low.
- Question the choice of materials. They are too numerous and could cause detailing difficulties. Detailing should be controlled by condition. More sustainable materials, such as timber, could have been used.

OCC must ensure that deliveries to and from plant do not cause nuisance in terms of noise, odour and pollution.

## **21. British Horse Society**

See revised response under 2<sup>nd</sup> Round Consultations in this annex.

## **22. Campaign to Protect Rural England (CPRE)**

Object as:

- Building with 82 m stack gives industrial feel to a very rural landscape. Query the scale.
- B430 is overloaded and this development would mean 125,000 movements a year. A comprehensive survey is needed of traffic, air quality and CO<sub>2</sub> emissions.

Why does county need two 300,000 tonne p.a. incinerators when it only produces 175,000 tonnes p.a. of waste to dispose of? Other counties' waste will be brought here. It is sensible to keep incinerators small to minimise impact on the landscape, minimise lorry miles and minimise CO<sub>2</sub> emissions and put combined heat and power closer to where it is required.

## **23. County Archaeological Services**

Current proposals will not affect any archaeological sites as these have already been recorded and excavated and will not affect the setting of other sites.

## **24. Rights of Way, Countryside Service**

See revised response under 2<sup>nd</sup> Round Consultations in this annex.

## **25. Transport Development Control**

See revised response under ES Notifications in this annex.

## **Consultation 2<sup>nd</sup> Round**

### **26. Cherwell District Council - Planning**

The Planning Committee maintains its objections/comments on the application. Would welcome quantity and source controls, as proposed at Sutton Courtenay. They would be better than a catchment agreement. Treat both applications equitably, give full analysis of impacts, traffic generation and emissions.

### **27. Cherwell District Council – Environmental Protection**

An enquiry from a member of the public regarding NO<sub>2</sub> concentration at a recording site at Ardley was responded to. A concentration of 40 ug/m<sup>3</sup> was recorded. The recording point was beyond the Ardley Community Hall towards J10. As the public are not regularly present close to the road in this area for long periods NO<sub>2</sub> may be exceeded without risk. Following further assessment it is concluded that traffic generated by the proposed EfW during construction and/or operation is unlikely to cause the annual NO<sub>2</sub> concentration to be exceeded at sites where the public may be at risk.

## **28. Ardley with Fewcott Parish Council**

Strong objection. It is not in the best interests of Oxfordshire and Ardley Fields Farm is not an appropriate location for an EfW.

The Parish Council has the following comments on the additional information.

### Item 2A (Further traffic information)

- The OCC Highway request for net traffic interest borne by the proposed development misses the point that the strategic road network is over capacity and glosses over location issues.
- Ardley is in a corner of the county away from sources of waste.
- Proximity is the primary consideration so the strategic road network is not congested unnecessarily.
- Transporting waste costs huge sums annually so fuel costs are more important than facilities being near a trunk road.
- EfW facilities are compatible with urban areas.
- The Parish Council have repeatedly asked for a pedestrian refuge along the B430 as it is dangerous to cross to get the school bus in the rush hour, but have been told by OCC Highways that the road is not suitable for it. We find it strange, but welcome, that one is proposed. But pedestrian crossings cost £120,000, how can £15,000 meet costs?
- The application is misleading in its assessment of traffic. It only calculates the increase over current levels. All the new movements should be used in calculating the traffic effect on Ardley.
- As the landfill will continue to operate at 300,000 tonnes per year the new facility will result in a doubling of traffic with all HGVs routed through Ardley and onto the already congested M40/A34 with detrimental effects on air quality and amenity in the village.
- The Highways Agency website says there is already a problem with the A34/M40 any increase will make the problem worse.
- OCC Highways comments that increases would not warrant refusal are incorrect.
- Transport is a key factor for this application, sustainability policies will be contravened, there will be additional congestion and queuing leading to increased costs to users in financial and emission terms, there will be a loss of amenity in our village, air quality limits will be exceeded and excessive costs for Oxfordshire residents would result from the distance traffic has to travel.
- All construction traffic would be routed through Ardley. There is no assessment on the effects of that construction traffic travelling through Ardley with respect to air quality, amenity and noise.
- The applicant argues that being close to the strategic road network makes the site sustainable. However, it is not the closeness to the road network but its adequacy and proximity of the source of waste that needs to be considered.
- The lack of proposals to link the site to the Chiltern railway line demonstrates a lack of sustainable credentials to this project.
- The proposed green travel plan does not contain details of how workforce traffic will be reduced. There is no alternative other than to drive.

Item 3A (Hours of Operation)

- Applicant has not taken OCC Highways recommendation for restricting waste delivery times to avoid congestion times on roads. The restriction is sensible as queuing at congested times leads to greater CO<sub>2</sub> emissions and fuel costs.
- If OCC granted permission without the bypass we ask for a restriction on the time of deliveries to preserve village amenity and minimise fuel and CO<sub>2</sub> costs, with no deliveries before 9.30 am or after 4.00 pm.

Item 7A (Planning Supporting Statement changes)

- We note the reduction in landfill capacity if the plant is constructed. As landfill will still be needed where will the replacement be? Why remove capacity at one location to provide it elsewhere? More cost to the taxpayer.
- OCC have said that the facility will be to meet Oxfordshire's needs only but the application proposes to treat waste from surrounding counties.
- RPG9 requires a joined up approach to providing waste facilities, meeting regional and sub-regional requirements in accordance with sustainable policies of making them close to the sources of waste. Ardley is not near any major sources of waste and can only be approached by a congested road network. There are proposals for incinerators at Calvert (Bucks) and Sutton Courtenay, within a few kilometres of the site. RPG9 seeks to avoid proposals that are close to each other.
- The alternative sites of Gosford Grain Silos, Bicester B and Banbury Cross are not considered properly. Fuel costs and carbon emissions should be considered for these sites.

Item 9B (Nitrogen Dioxide in Ardley)

- The Parish Council asked Cherwell DC to investigate air quality baseline levels. CDC installed a monitoring station on the B430 in the village. CDC will monitor the Ardley station for a year to decide whether an Air Quality Management Area needs to be declared.
- The applicant has not undertaken air quality assessment in accordance with current standards. Assessment under the new guidance would have shown an exceedence in the European limit of NO<sub>2</sub> at Ardley. The PC are convinced that additional traffic from the EfW would result in exceedence of the air quality limits for NO<sub>2</sub>. Road schemes resulting in such exceedence are illegal. Therefore permission for an EfW would breach the limit, not be in legal compliance and be contrary to policy protecting the environment.
- Air Quality assessments should be undertaken in accordance with the new guidance. Until then it is believed the scheme would result in exceedence and be non-compliant.

Item 10B (Site selection criteria)

- The simplistic site selection criteria is not appropriate, detailed criteria are necessary. There is no information that proves the applicant's bias to the site is not just commercial. Fuel use and carbon emissions should have been used.
- Gosford Silos would fare even better, 4 small facilities would be even better.
- True costs will be ignored if selection is done by the proposer. OCC need to do it as part of LDF process to get best solutions.
- John Radcliffe incinerator could be used to treat Oxford's waste in the interim.

Item 14B (Environmental impacts)

- The applicant has proposed measures to control smells, litter, mud on roads and vermin. He claims the measures would not let the site get worse. The WPA should walk through Ardley towards the landfill to see current problems with the landfill: permanent mud and dust on roads and pavements, slimy surface on pavements in winter, litter in hedgerows and on verges, flies in the village in summer. These points are raised with Viridor but no promised 'mitigation' takes place.

Item 15B (WRATE)

- The response to queries on the WRATE methodology for sustainability appraisal misses the point that location is a key point.
- The location does not allow use to be made of the heat, therefore reducing its sustainability and contravening SEP policy W12.
- The assessment does not consider environmental and social costs of transporting the waste. The Parish Council has carried out its own assessment of CO<sub>2</sub> emissions from waste transport (see appendix 1 below). Transporting waste to Ardley rather than Sutton Courtenay would mean 663,396 kgs (16,585 tonnes) more of CO<sub>2</sub> over 25 years.

Item 17B (Planning Policy Review)

- Although the applicant has reviewed policy, it is not rigorous or of any note. Examples are:

RPG9 – a good technical solution is not proposed (heat not used), poor location (too far from waste sources) and loss of landfill void.

OSP – site is in open countryside, alternative sites not properly investigated, congested road network. Further congestion as extra traffic. Palaeontological features removed instead of kept in situ. Not served by public transport, no meaningful green travel plan.

OMWLP – blights open countryside, out of keeping with rural area, loss of landfill void.

NSCLP – not in accordance with several policies, it has an ugly, industrial form and will be lit at night in open countryside.

Annex 1 – Annual Cost for Transportation of Waste from the main waste producing centres of Oxfordshire to Ardley Fields Farm

A table was produced detailing the cost of transporting waste in terms of money and CO<sub>2</sub> emissions, to demonstrate poor site selection.

It concluded that the annual difference between CO<sub>2</sub> emissions and Fuel Cost of transporting waste to Ardley Fields Farm and Sutton Courtenay was as follows:

	<b>Ardley Fields Farm</b>	<b>Sutton Courtenay</b>	<b>Difference</b>
<b>Kg CO<sub>2</sub></b>	2,823,097	2,159,701	663,396
<b>Fuel Cost</b>	£1,137,666	£870,327	£267,339

The selection of Ardley Fields Farm (over Sutton Courtenay) would generate an additional 663,396 kg of CO<sub>2</sub> per year to be emitted and would cost tax payers within Oxfordshire an additional £267,339 for each year of the contract.

Over the 25 year concession, this would equate to an additional cost of 16,585 tonnes CO<sub>2</sub> and £6.7m.

Appendix 2 – Comments on SLR Consulting’s letter dated 23 February 2009

(SLR’s are Viridor’s planning consultants. Their letter to Ardley and Fewcott Parish Council referred to specific parts of the ES in response to the PC’s reply in round 1 of consultations)

Suitability of the site

The LDF process of site selection has not been completed and better technologies will arise as the site selection process continues.

The Parish Council consider the site is not suitable as:

- Lack of objection is not support or an indication that it is the best site for access. It has no rail access proposed, is in a corner of Oxfordshire and far from waste generating areas.
- Smaller facilities and different technologies are easier to deliver. A decision now lasts for 25 years and annual cost (+£1.1m) for Oxfordshire residents outweighs LATS fines.
- While nature conservation interests may be affected no concern is raised for people. The need for additional assessment is not a reason for exhibiting favouritism.
- Current policy means Green Belt is no longer a hindrance to waste management facilities. Facilities should be close to the source of waste. Ardley is about the furthest.
- SLR’s conclusion is not consistent with the analysis of the criteria. An impartial analysis would mean Ardley Fields Farm would not fare well.

### Heat Plan

There is no credible heat plan. It is unlikely one could be produced for this rural area.

### Traffic

- The ES is misleading. The B430 goes through Ardley. OCC request funds for a pedestrian refuge on the B430 in the village which indicates the severity of the additional traffic.
- The pinch point at the bridge will lead to queuing of HGVs. At night the visibility for HGV drivers will be less assistance in avoiding a collision.
- Highways Agency website states the A34 and M40 between J9 and J10 is over capacity and subject to delays and congestion. Directing all Oxfordshire's rubbish here will lead to more congestion and costs. There are no immediate plans to rectify the problem.

### Sustainability

There is no alternative for staff to get to the site other than driving. If the site was close to an urban area there would be. There are no meaningful proposals other than car sharing for any travel plan.

### Clarification of operation

There will be 500,000 tonnes of waste at the site, 404 movements a day, 147,460 trips a year, through Ardley village. Lorries already disrupt Ardley village and the A34 and M40 are over capacity and congested. The ES is misleading in pretending that a doubling of traffic will not lead to more problems.

### Ecology

The ES says in one section there is no SSSI on site, in another that there is. A reptile mitigation strategy has been undertaken as a result of consultation replies. This additional work gives confidence that proposals will meet policies with regard to protected species or duties under the Natural Environment and Rural Communities Act.

### Visual Impact

Architects are not always right.

### Air Quality

Cherwell DC will monitor air quality at a site in Ardley village for a year. As the air quality assessment did not use current standards, we think that additional traffic will result in exceedence of NO<sub>2</sub> limits in Ardley in breach of legal compliance.

### Health Implications

The baseline air quality assessment is questioned and has now used current guidance. The claims of 'no significant effect on the environment or local communities' are not robust or defensible given the importance of emissions to health.

Welcome Viridor working with the EA.

### Adequacy of the ES

The ES gives little information on environmental effects of construction.

## **29. Bucknell Parish Council**

Some issues still not addressed.

### 1. Bridleways

- The bridleway (26) should use the brick railway bridge rather than the level crossing, it would be safer.

### 2. Traffic

- Not satisfied with statistics.
- Any increase in HGVs on the B430 would be against OSP policies TR16 and TR36.
- A new traffic survey is needed as the existing one is insufficient being only a 24 hour one.
- LTP calls for weight restriction on B430.
- B430 is congested and has a higher than national average accident rate.
- Railway bridge cannot be traversed by two HGVs together.
- The traffic model should be reviewed and local factors taken into account.
- Air quality will reduce with more congestion.
- Congestion will adversely affect the economies of Bicester, Kidlington and Oxford.
- There is no acknowledgement that with the new Dewers Farm quarry access near Middleton Stoney there will be three accesses to Ardley Fields rather than the one as at present. There is no consideration of the traffic effects on these.

### 3. Working Hours

Bucknell will experience noise pollution in the evenings from shunting and reversing alarms of lorries during waste tipping.

4. Light Pollution

There is no consideration of 24/7 operation on the night sky. Bucknell and other parishes will be adversely affected. Building works would cause light pollution.

5. CHP

- CHP would increase energy efficiency from 30% to 75%.
- To use heat, as proposed in developments several kilometres away, pipework would need to be provided at the cost of £7m. It would be financially unviable.
- Industrial development (on 15-20 ha) next to the site could be needed to utilise CHP. That would have a negative effect on Bucknell and cause major traffic and noise implications in the area.
- Proposals for industrial development should be submitted with this application, or if permission is granted, a condition should be attached that no further development takes place on site.

6. Ecology

- A named palaeontologist should be appointed before any engineering works begin.

7. Flooding and Water Pollution

- Treated leachate from Ardley is already being discharged into foul water drains that pass through Bucknell to the pumping station. Additives in the residue cause sewage to gel and block flow in pipes. Sewage floods within the village in wet weather. As Viridor designed this system can we have faith of the accuracy of the current application.
- We are extremely concerned about possible pollution to water courses and aquifers.
- Controlling measures can fail. If the IBA facility floods it will contaminate Gagle Brook.
- Topography and hydrology is totally unsuitable for this industrial operation as is evidenced by the mitigating measures proposed. These will need to be maintained.
- Such a site should not be located above an aquifer and the underlying rocks are not impermeable.

8. Emissions

- Continuous monitoring of emissions has not been addressed.
- Dioxin emissions are only spot measured twice a year (for six to eight hours). Actual emissions have been proven to be 30 to 50 times higher than spot measurements.
- If permission is given there should be mandatory continuous automated monitoring for WID pollutants, with constant reporting of this data online.

- Particles of less than 2.5 microns should be monitored and measured as they can enter deep into lungs.
- Water and soil tests should be made, downwind of the dominant wind groups, twice a year.
- Consideration should be given to emissions in times of temperature inversions.

9. Fly Ash

- There is still no detail on risks and impacts of fly ash transportation. It would be safer to bury it on site and it would reduce traffic movements significantly.
- Dioxins in fly ash can persist for decades if not centuries. Applicant needs to consider what will happen to them in the long term.
- The plant could produce 100,000 tonnes of fly ash.
- Two thirds of the IBA plant area is exposed to wind and rain. IBA contains toxic compounds. How can these be stopped from blowing over land and water?
- The proposed sealed drainage and treatment system could fail.

10. Questions

A series of questions was asked but all were included in the first consultation reply.

A sample of questionable comments from the additional information is set out with the objector's response.

- Para 2.3. Site is well located in respect of surrounding strategic road network – it is inaccurate (see our response).
- Para 2.5. Local highway authority believes omission of railway line from method of delivery is a missed opportunity to take vehicles off roads – if road traffic is not a problem why is rail suggested? If it is a problem, why is rail not being used?
- Para 2.6. No justifiable grounds for imposing delivery restrictions – a visit to junction 10 between 7.30 and 9.30 hours will make it obvious why there should be delivery restrictions.
- Para 5.3. Hours of operation of HWRC will be as existing – are these hours adequate? There is congestion by cars coming to the site on B430 at weekends.
- Para 7.1. We confirm the site is in “open countryside” – is it acceptable for plant that would attract businesses to use CHP to be so located?
- Para 7.1. EfW will manage waste from Oxfordshire and neighbouring counties – does it contradict claim that plant is for Oxfordshire waste? Proximity principle? Is it a way for OCC to receive large amounts of money from adjacent counties?
- Para 7.2. It is acknowledged that the landfill is temporary – an EfW plant would be permanent. Does it set precedent for further development?
- Para 9.2. It is not considered likely that NO<sub>2</sub> levels will increase significantly, especially as vehicle emission standards will improve – too much reliance on technology. Must also take into account increase in vehicles.

- Para 13.5. Alternatively, an overflow weir to convey flows from pond to the highway could be constructed in exceptional event of pump failure – adding further to traffic congestion and inconvenience for motorist?
- Para 13.5. Detail drainage arrangements can be made post-planning – why a delay?
- Para 13.6. A duty and standby pump arrangement could be provided to reduce likelihood of pump failure – it is needed or it is not, the statement is too superficial for a potentially difficult environmental situation.
- Para 13.15. No warranties or guarantees are expressed or inferred by third parties – we must know soundness of proposals. The statement is a rejection of responsibility if anything goes wrong or is proved to be false.
- Para 14.7. A specialist pest controller will inspect site once a quarter – surely it should be more often.
- Para 17.1. Capacity should be provided for waste from London and adjoining sub regions – proximity principle is being ignored.
- Para 17.5. Site is in open countryside – an admission it is a rural environment which would be intruded on if there are likely future building needs.
- Para 17.7. Haul road would be illuminated when it is dark. Building would be illuminated resulting in visible light in surrounding area – see our comments on light pollution.

Incinerators produce greenhouse gases, heavy metals, particulates, sulphur dioxide, acids, furan and dioxins. These may be released into the environment as gases and leachate. An accident could be catastrophic. Human error means no plant could be accident free and operate at full efficiency. Accidents could cause economic losses, public health impacts, psychological disturbances and loss of confidence in locally produced foods.

### **30. Middleton Stoney Parish Council**

No change to original stance on the application.

It is disappointing to note that the OCC Highway Authority notes that ‘a refusal on highway and transport grounds would not be appropriate or sustainable at appeal’. We contend that there will be a significant impact and that traffic flows have been underestimated by the applicant. A full Environmental Impact Assessment should be undertaken.

Consider the following:

- A survey at the gate and use of weighbridge data is needed to gauge the current correct level of traffic.
- The tonnage imported will increase by 66% and therefore there would be a 66% increase in traffic. That figure is a cause for concern and enough to trigger a full analysis. The vast majority of waste from District Councils will be brought by RCVs not HGVs (say 150k in total). If we assume 50k is already transported to the site (generating 45 movements per day) then the 100k via RCVs will result in around 100 extra movements a day (275 day working year). The remaining 120k of burnable commercial waste will arrive in a disparate variety of vehicles, whereas the applicant says it will be in HGVs alone.

- We have serious doubts whether routing will be policed satisfactorily.
- The declassification of the B430 is not merely a proposal (as the Highway Agency say) but a real and clear objective with commensurate weight restrictions for the road. There is a weight restriction for southbound traffic on the A34 near Weston on the Green. Therefore, the applicant is wrong in asserting that the B430 is an established route (southbound) for HGVs.

### **31. Bucknell Parish Council**

Strong objection.

#### 1. Bridleways

- The bridleway (26) should use the brick railway bridge rather than the level crossing, it would be safer.
- Development will interrupt and cause decline in local rights of way.

#### 2. Traffic

- Not satisfied with statistics.
- Any increase in HGVs on the B430 would be against OSP policies TR16 and TR36.
- A new traffic survey is needed as the existing one is insufficient being only a 24 hour one.
- B430 is congested and railway bridge cannot be traversed by two HGVs together.
- The traffic model should be reviewed and local factors taken into account.
- Air quality will reduce with more congestion.
- Congestion will adversely affect the economies of Bicester, Kidlington and Oxford.
- There is no acknowledgement that with the new Dewars Farm quarry access near Middleton Stoney there will be three accesses to Ardley Fields rather than the one as at present. There is no consideration of the traffic effects of these.
- Congestion at J10 and J9 means increased traffic in Bucknell, more traffic means more congestion on poorly maintained roads, more pollution and emissions, poorer safety.
- Concerned about the pollution and vibration of traffic on buildings.
- Would involve long lorry journeys across the county, waste should be dealt with near its source.
- Viridor ignore that J10 is congested and has a bad layout.

#### 3. Working Hours

Bucknell will experience noise pollution in the evenings from shunting and reversing alarms of lorries during waste tipping.

4. Light Pollution

There is no consideration of 24/7 operation on the night sky. Bucknell and other parishes will be adversely affected. Building works would cause light pollution.

5. CHP

- To use heat, as proposed in developments several kilometres away, pipework would need to be provided at the cost of £7m. It would be financially unviable.
- Industrial development (on 15-20 ha) next to the site could be needed to utilise CHP. That would have a negative effect on Bucknell and cause major traffic and noise implications in the area.
- Proposals for industrial development should be submitted with this application, or if permission is granted, a condition should be attached that no further development takes place on site.
- No evidence that horticultural use of heat is possible.

6. Ecology

- A named palaeontologist should be appointed before any engineering works begin.
- Large populations of great crested newts locally and they are sensitive to pollutants. Construction work will destroy newt habitats.
- It will be impossible not to destroy newts. Policies for protection of protected species will be breached.

7. Flooding and Water Pollution

- Treated leachate from Ardley is already being discharged into foul water drains that pass through Bucknell to the pumping station. Additives in the residue cause sewage to gel and block flow in pipes. Sewage floods within the village in wet weather. As Viridor designed this system can we have faith of the accuracy of the current application?
- The proposed sealed drainage and treatment system can fail.
- We are extremely concerned about possible pollution to water courses and aquifers.
- Topography and hydrology is totally unsuitable for this industrial operation as is evidenced by the mitigating measures proposed. These will need to be maintained.
- Such a site should not be located above an aquifer and the underlying rocks are not impermeable.
- Wind and rain can spread toxins from the IBA area.
- Flood risk downstream on the Gagle Brook will worsen.

8. Emissions

- Health risks are a material objection.
- Dioxin emissions are only spot measured twice a year (for six to eight hours). Actual emissions have been proven to be 30 to 50 times higher than spot measurements.
- If permission is given there should be mandatory continuous automated monitoring for WID pollutants, with constant reporting of this data online.
- Particles of less than 2.5 microns should be monitored and measured.
- Water and soil tests should be made, downwind of the dominant wind groups, twice a year.
- Consideration should be given to emissions in times of temperature inversions.
- Viridor are inexperienced in operating large incinerators.
- If controls fail we will experience high levels of emissions, with consequences for health and the environment.
- Recently an incinerator at Nottingham breached emissions limits for dioxins.
- No detail on non-standard operating conditions or meteorological conditions.

9. Fly Ash

- There is still no detail on risks and impacts of fly ash transportation. It would be safer to bury it on site and it would reduce traffic movements significantly.
- Dioxins in fly ash can persist for decades if not centuries.
- The plant could produce 100,000 tonnes of fly ash.
- Two thirds of the IBA plant area is exposed to wind and rain. IBA contains toxic compounds. How can these be stopped from blowing over land and water?

10. Agriculture

- Toxins from emissions will fall on agricultural land and be contrary to EU Commission recommendation of 2006 on reduction of such toxins in foodstuffs.

11. Recreation

- There will be negative impact on the use of Trow Pool and local rights of way.

12. Buildings

- It will be an eyesore on the edge of the Cotswolds AONB and a distraction to motorists on the M40. It will be obvious to view in Bucknell/Ardley and harmful to views from the Bucknell to Ardley and Bucknell to Middleton Stoney roads.

- Not compatible with Eco-town at Bicester.
- Concerned about fall in house prices.

13. EIA

- The long-term effects of the development are not shown in the ES, it is not compliant with regulations.
- The ES has not proved incineration is best solutions to prevent climate change.

14. Incineration

- Burning waste is a waste of resources.
- Zero waste and incineration are incompatible.
- There is no consideration of risks associated with major accidents.
- The Council should commission independent analysis of environmental and financial impacts.
- Will undermine recycling schemes.
- Causes unavoidable emissions, smaller plants using other technologies would not.

15. Technology

- Incinerators are expensive and create only 1/10 of jobs per unit of waste than recycling.
- Long contract stifles emerging technologies.

16. Questions

A series of questions are asked of Viridor and OCC as follows:

- Does incineration make air quality worse and does not contribute to improvement of air quality as suggested by national and local policies?
- Should there be mandatory continuous automated monitoring data for all pollutants with WID emission limits? Should it be reported online in real time?
- Are there plans to measure current levels of contamination in the local environment and to monitor them? Who would do it and for how long?
- Has work on distribution of emitted particles in different wind sectors been carried out?
- Who would be responsible if adverse health conditions developed?
- How vulnerable is underlying aquifer to contamination? Who would be responsible if the aquifer was contaminated?
- How soon would the public be notified of a disaster? Would there be an Action Plan to deal with a disaster?
- Is it not contradictory to grant a permit for an incinerator when there are eco-developments proposed nearby?
- There is insufficient analysis of carbon dioxide release. How much CO<sub>2</sub> is being contributed to global warming?

- Will significant local traffic increase take place and consequent pollution?
- Do you agree that CHP is not possible because of lack of connections and that makes the Ardley proposal not economically and environmentally acceptable?
- Do you agree that there has been no demonstration that incineration will not undermine the waste hierarchy?
- Do you agree that incineration has a very low energy efficiency compared with other waste treatment methods?
- Do you agree that incineration destroys materials which could be recycled meaning that more raw materials are used in industry?
- To reduce global warming reduction, reuse and recycling are needed. Is it not time to discourage incineration?
- Can we be assured that Gagle Brook will not be contaminated?
- Can we be assured that there will be no contamination in dry windy weather or wet weather?
- If house prices go down, who will be liable to pay compensation?

Comments questioned by objector

A sample of comments from the additional information which the objector considers to be questionable is set out with the objector's response.

- Para 2.3. Site is well located in respect of surrounding strategic road network – it is inaccurate (see our response).
- Para 2.5. Local highway authority believes omission of railway line from method of delivery is a missed opportunity to take vehicles off roads – if road traffic is not a problem why is rail suggested? If it is a problem, why is rail not being used?
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- Para 17.7. Haul road would be illuminated when it is dark. Building would be illuminated resulting in visible light in surrounding area – see our comments on light pollution.

### **32. Gloucestershire County Council**

We are in the process of compiling our Waste Core Strategy and will consult on 'options' on strategic waste sites this summer. The Procurement process has been begun by the Waste Disposal Authority. The aim is to meet Gloucestershire's targets for MSW.

### **33. Northamptonshire County Council**

We expect adequate facilities to at least 2020. We operate a 30 mile catchment restriction for our facilities, not one based on local authority areas. Such restrictions for Oxfordshire would not breach SEP policy W4.

### **34. South Northamptonshire Council**

Objects. As reflected by the comments of Cherwell District Council concerns have been raised about whether this application is premature in the absence of a Minerals and Waste Development Framework. Other possible alternative sites should be properly and thoroughly assessed through the framework process.

The plans show that the structures, particularly the stack will be seen from Aynho, Croughton and Evenley. Given the height and design the Council thinks the development will be a conspicuous and alien feature in many views and be harmful to the character and appearance of the countryside.

### **35. Croughton Parish Council**

Have concerns about effect on parish environment, especially air quality and traffic movements, therefore not in favour of application. The EfW would bring waste in 40 tonne trucks. The number of movements would be significantly increased, an estimated 2,400 additional movements a week bringing pollution, traffic vibrations and accidents on roads that are already busy, dangerous and congested.

Motorists will seek alternative roads using the B4031 from the A43 through the village. The proposal lacks any proper accommodation for the infrastructure. Other developments such as Bicester Eco village and Upper Heyford will add to traffic. Exhaust emissions and air and noise pollution are associated with adverse effects on health. Air Quality is already poor when traffic is at a standstill on the M40.

### **36. Evenley Parish Council (South Northamptonshire)**

Support the objections of South Northamptonshire Council

### **37. Environment Agency**

We remove our objection on the proposed waste water treatment method as the proposed package sewage treatment plant is in line with our advice.

The additional information is satisfactory with respect to assessing any obstruction to groundwater flow from the south-east pond, determining the general quality of groundwater beneath the proposed facility and indicating how hydrocarbons could be prevented from entering the surface water drainage system. There are still remaining issues which either still require assessment or have an unacceptable impact or unacceptable mitigation has been identified (subsequently addressed – see comments under ES Notification.

### **38. South East England Partnership Board (formerly SEERA and SEEDA)**

No new significant regional issues arise.

### **39. Natural England**

The applicant proposes to remove and preserve any finds of dinosaur footprints/trackways. NE would want to be consulted on any actions to protect features of interest.

A long term plan for amphibians at the site has been made and approved by NE. A visit to the site with the applicant's ecologist confirmed that the reptile receptor areas have previously had no population of reptiles but had had habitat enhancement works done to make them suitable for reptiles. New areas are being created for reptiles as the current areas are anticipated to reach carrying capacity. A good population of reptiles is now living in the 'habitat enhanced' receptor areas. Receptor areas are close to the Gagle Brook to create linkage to a future wildlife corridor down the eastern side of the site.

The part of the site for the location of the EfW Plant has already been cleared of amphibians and reptiles under the existing landfill permission requirements.

NE is satisfied with the mitigation measures for reptiles. There are no objections.

**40. BBOWT**

No reason not to accept assurances with respect to air quality impacts on local wildlife sites and on Trow Pool. We remove our holding objection.

**41. Defence Estates**

No objections.

**42. HSE**

No objection on Nuclear Safety grounds.

**43. National Grid**

Negligible risk.

**44. Highways Agency**

No new comments. The B430 is a county road for which the Highways Agency are not responsible.

**45. Food Standards Agency**

We do not routinely comment on planning applications. We normally assess potential risks to the food chain and provide a response to the EA under permitting regulations.

**46. Thames Water**

No objection as foul flows will discharge to a private package plant which proposes to discharge to the Gagle Brook.

**47. CABE**

These views supersede all previous views.

Applaud OCC for commitment to deliver good design. Understand that OCC have analysed the location of the plant, determined it is suitable and potential nuisance to local residents minimised.

### Setting in landscape

The plant is highly visible. Design of the landscape around it should be of highest quality and could do more to frame the plant. For such a building a level of detailing similar to PPS7 houses should be provided.

### Architecture

It will not create a successful piece of architecture. The scheme is too varied and the range of shapes and materials distracts from the simple strength this structure could have. We question whether an industrial building needs this complexity: it should be simpler.

### Materials

Efficiency and long life should be the guiding principles. The combination of numerous materials and the way they meet could cause difficulties in detailing. Materials should be subject of conditions to safeguard the quality of design.

### Conclusion

We support an EfW Plant on the site and the commitment to quality. We believe EfW Plants should achieve a convincing balance between industrial aesthetics and trying to make them less prominent. The proposal has not achieved this yet. A coherent design approach bringing form and content together could be helpful in creating a new architectural language for EfW Plants.

## **48. British Horse Society**

The applicant has taken on board the need to improve the public rights of way network near the proposed plant for the benefit of users. I am sure Countryside Services will ensure proposals are practicable and will be implemented. I would not object to the application.

## **49. English Heritage**

Section 12 of the ES does not adequately address the impact of the proposal on the Upper Heyford Conservation Area. The chimney and, possibly, the buildings will be visible from the Conservation Area.

## **50. Transport Development Control**

See comments under 'Notification of ES changes' in this annex.

## **51. Countryside Services**

### Rights of Way

The commitment to apply to divert bridleway 27 is welcomed. If the diversion is not successful then details of any measures for retaining the bridleway on its original

route (including width, surfacing, fencing, materials, signage) would need to be agreed with Countryside Services. The wooden bridge over the attenuation pond may well not be the most suitable structure or solution so any agreement should enable the best means of access here.

The proposed provision of on-site measures is also acceptable from an access network development perspective provided the legal agreement is acceptable and route provision is agreed in advance by Countryside Services. Either the applicant should provide the facilities or fund the Countryside Service to undertake the work.

The proposal to fund off-site measures is also acceptable from an access network development perspective providing the agreement and amount of money for funds is acceptable or that the applicant undertakes the work.

## **52. County Ecologist**

### Ecology

There are no designated wildlife sites which would be directly impacted.

The main concern is the potential indirect impact of chimney emissions on Ardley Cutting and Quarry SSSI which is only 0.8 km from the proposed EfW plant.

The quarry supports a number of protected species including a large population of great crested newts.

Natural England has no concerns for SSSI, protected species and geodiversity and, therefore, I have no objection on these points.

There are 26 local wildlife sites within a 10 km radius of the site, 3 within 2 km. I have limited expertise on air quality emissions and can only make general assumptions on the impact of emissions on wildlife sites. However, the EA say that any permit application will take account of local wildlife sites and protected species: the quality of discharges necessary to protect human health means impacts on wildlife are unlikely.

BBOWT say the additional information addresses their initial concerns, that impacts on the hydrology of Trow Pool are unlikely and, although we have no in house air quality expertise, we accept assurances on air quality impacts on Local Wildlife Sites.

The EA are doing their own air quality modelling which will be considered with the permit application. A permit may not be able to be issued until any wildlife issues have been resolved.

If permission is granted species-rich and limestone grassland and wetland habitats will be created. They would be established in the 5 year aftercare period but I would like to see a longer-term management provision made for these areas. This is normally achieved by a 20 year management plan secured by a legal agreement with costs falling on the developer.

## Landscape

OWLS has identified the landscape type of the site as 'Wooded Estatelands'. It comprises rolling topography with localised steep slopes, large blocks of ancient woodlands and mixed plantations of variable sizes, large parklands and mansion houses, regularly shaped field pattern with arable dominating, small villages with strong vernacular character.

The proposal's landscaping conforms to the pattern of fields and woods. Most trees and shrubs proposed are native species but I would like a number of amendments to tree/shrub mixes which could be achieved by condition.

More exotic and non-native species are proposed immediately around the EfW Plant. I have no objection to these as they will generally be hidden and will not conflict with general landscape character.

## Visual Impact

The landscaping could not screen the top of the chimney stack only mitigate some of the visual impact.

The stack and plume will be clearly visible, Viridor say its impact will lessen at distances greater than 1.5 km, but it will remain a permanent feature in the local landscape.

A decision has to be made on whether the development demonstrates special circumstances which outweigh the potential, permanent visual impact.

### **53. Archaeology**

Current proposals do not affect any archaeological sites or features and the distance and proposed landscaping will also prevent any significant impact on the setting of other sites.

## Notification of ES changes

### **54. Cherwell District Council**

The Council's objections remain unaffected by the latest submission.

### **55. Bicester Town Council**

- Issues raised in first consultation remain unresolved.
- How will CPA consider issue of Eco-Town and energy generation from the Incinerator together? Little joined up thinking.
- How can preferred supplier be identified in advance of planning decision?
- Application has not properly assessed issue of HGV traffic on local roads.
- Waste should be moved by rail, that is not available at Ardley.

- Ardley location means longer road journeys than a central facility and a wider catchment beyond county boundary.
- Health not given real consideration. Should be fully and independently investigated.
- No description on how heat and power will be supplied to local people and business. Cost effective supply could offset negative impacts of EfW.
- The most up to date and cleanest technology should be used.

#### **56. South East England Partnership Board (Regional Planning Body)**

There are no new regionally significant issues.

#### **57. Environment Agency**

The additional detail has satisfactorily addressed our objections on remaining points and the objection is removed.

- Conditions are recommended:
  - The first requires compliance with certain submitted plans and details. In order to prevent flooding by ensuring satisfactory storage of/disposal of surface water from the site and to reduce the impact of flooding to the proposed development.
  - The second requires the submission of and compliance with a surface water and groundwater drainage scheme. The scheme would ensure the risk of flooding to the surrounding environment is prevented and that on-going maintenance of the scheme is carried out.
- The French drain system will not affect landfill cells and the effect on water quality and contaminant migration would be minimal. The hydrological impacts of dewatering have been satisfactorily addressed.
- Any contaminated water would be collected in the surface water lagoon prior to discharge to the Gagle Brook. Standards of discharge will be controlled by a discharge consent issued by the EA. An Environmental Permit is likely to require groundwater monitoring and measures to deal with unacceptable levels of contamination, if they occur.
- The EA would require a licence to abstract more than 20 cubic metres of water a day.
- The EA set out planning informatives (to be attached to any permission) relating to:
  - EA consent for works or structures within 8 metres of the Gagle Brook;
  - EA impoundment licence for retaining water above normal ground level;
  - need for an abstraction licence from the EA.

#### **58. Natural England**

No additional comments.

#### **59. CABE**

Previous comments still stand.

## **60. Southern Gas Networks**

There are no SGN gas mains in the area.

## **61. National Grid**

The risk is negligible to our network.

## **62. Transport Development Control**

### Transport Assessment

The applicant's TA assumed 202 HGV loads (404 movements) a day of which 65 loads (131 movements) would be new. There were no significant accident patterns.

### Location

- The site is well located in respect of surrounding strategic road network to receive waste from the county. It is not accessible except by car contrary to PPG13. However, such a facility would be unlikely to be built in an accessible, residential area.
- Disappointing that opportunity that the more sustainable form of waste transfer by rail access has been missed.

### Increase in traffic

- As there was local concern on potential increase in traffic movements on the B430 (especially HGVs) the data held by the County Council on the B430 was reviewed and further surveys were carried out in June 2009.
- There were five traffic counting sites on the B430: Weston on the Green, Oxford Road south of Akeman Street (M1), south of B4030, Ardley (M3) and south of Middleton Stoney (M2).
- 24 hour movements at these sites were between 7,237 and 8,948 movements.
- 12 hr movements averaged 6,380 with 6.5% being HGVs (i.e. 415). The increase in these average figures from the development is about 2%, which is not significant over a day.
- The 2009 12 hr survey was conducted at M1-M3 sites which showed 7,057 (183 HGVs) and 9,154 (34 HGVs) movements at M1 and M2 respectively.
- The 2009 12 hr survey at weekends (Saturday & Sunday) on M1-M3 showed between 3,867 and 7,733 movements of which between 12 and 91 were HGVs (0.3 to 1.4% of the total).
- The figures show that HGV movements are minor in comparison to the total vehicle numbers. However, the figures show that an increase in HGV movements at the weekend may be noticeable to residents on the B430. Need to consider operation restrictions at weekends to ensure they are not noticeable.
- The Transport Assessment demonstrates there is capacity on the highway network to take the traffic from the development. This is supported by the fact that before the M40 opened the A43 (before B430 classification) was used by 14,000 to 15,000 vehicles daily.

- The split of 60:40 (northbound:southbound) in RCV (Refuse Collection Vehicles) trips appears acceptable in principle and has used agreed figures for the Upper Heyford proposal.

#### Traffic Generation

- Once the EfW is commissioned waste delivered to the site would increase from 300,000 tpa to 500,000 tpa – an increase of 67%. The TA assumes that the majority of material (165,000 tonnes) would be delivered by large HGVs carrying 20 tonnes average and not RCVs, which carry 8 tonnes. Use of large vehicles would reduce trips to 202 per day (404 movements).
- In the absence of any comparative site the TA's assumptions are the only way of measuring traffic generation and is considered reasonable. However, it may have been appropriate for the TA to have added 10-20% to the calculations to cover all possible scenarios when traffic generation could have been higher, such as delivery of waste by vehicles smaller than 20 tonnes or vehicles not carrying a full load. However, any such increase would not justify a refusal on highway grounds. I am satisfied with the assumptions in the TA on trip rates.

#### Local Highway Capacity

- The submitted Transport Assessment (TA) shows that junction 10 (J10 of the M40) is slightly over capacity but that is for the Highways Agency to comment on.

#### Downgrading the B430

- Local residents have objected on the basis that the Local Transport Plan 2006-2011 (LTP) proposes a downgrade of the B430 to an unclassified road with a weight restriction. However, the proposed scheme is only a proposal not an "objective", is subject to funding and is in the current LTP. It was in to prevent/deter through traffic from the A34 to J10 on the M40 but not access to future and existing development.
- If the proposal is not carried out by 2011 it may be carried over to the new LTP but would be subject to reassessment.
- The applicant was asked to fund the downgrading of the B430. However, as the proposed facility is unrelated to existing traffic movements it was considered the request did not meet Circular 5/05 guidance.

#### Access arrangements

- The new access and right hand turn lane are acceptable but will require a legal agreement (section 278) for off-site highway works on public land.
- The site should have a sustainable drainage system (SUDS).

#### Parking

- Parking levels are acceptable for cars and cycles although cycling to work may only be for on-site.

### Travel Plan

- A Travel Plan is to be submitted (non car). A Travel Plan Co-ordinator will liaise with OCC. A monitoring fee of £1,000 will be required by OCC and requested via a Section 106 agreement.
- A Construction Travel Plan is to be submitted for approval of the WPA and, again, would be requested via a Section 106 agreement. It would route all construction traffic via the M40, and assess any damage to the highway and recover costs of any remedial works.
- Wheel washing and road cleaning must be included in any agreement.

### Traffic Routeing

- Operational routes and hours must be considered in order to minimise any impact on local residents. It is considered that RCVs should not be subject to routeing as they will arrive in different directions and no one village would have an undesirable level of traffic. However, bulkers (large lorries from waste transfer stations) should access via the M40. Operational routes should be covered by a legal agreement.
- The Planning Authority must decide on operating times for RCV/HGVs to minimise/protect and deter affect on environment/amenity of Ardley, Middleton Stoney and Weston on the Green.

### Pedestrian Crossing

- Ardley residents have requested a pedestrian crossing previously. A crossing would be required as a result of traffic increases through Ardley (cost £15,000). The applicants have agreed to provide it.

### Controlling traffic generation

- It is important to limit traffic generation by condition to that proposed, that is 500,000 tonnes of waste to the EfW plant and landfill with a maximum daily tonnage limit of 2,000 tonnes. (10% above average as assumed in the TA).

### Section 278 Agreement

- All off-site highways work would be secured by a Section 278 agreement. It may be appropriate for a Grampian condition on any permission to secure these works are carried out before development commences.

### Summary

- Subject to these matters refusal on highway and transport grounds is not appropriate or sustainable at appeal.
- EfW facility would have good strategic links.
- Difficult to see how site meets policies for sustainability as set out in PPG13; but unlikely that site could be sited in a residential area and have a good range of transport modes.
- Unlikely to be a significant impact on capacity of B430 or in terms of safety.

## PN5(a)

- To minimise traffic impact, restrictions on total annual and daily tonnages, routings and timings are recommended.
- Recommend following conditions:
  11. total tonnage restricted to that in TA (500,000 tonnes pa, 2,000 tonnes daily);
  12. off-site works to be constructed prior to development;
  13. cycle and car parking as submitted;
  14. restrictions on times of traffic generation.

And following agreements:

1. £15k for pedestrian crossing in Ardley;
2. £1k for travel plan.
3. routing of bulkers via Ardley to M40;
4. Travel Plan and Construction Period Travel Plan.

### **63. Countryside Services**

**64. County Ecologist – No comment.**

**65. Rights of Way – No comment.**

### **66. County Archaeological Services**

The proposal will not affect any archaeological features and distance and landscaping will prevent any significant impact on the setting of other sites or features in the area.

## Representation for 19 Parish Councils on first Round of consultations

The Acting Chairman of Bucknell Parish Council has gathered signatures from 19 Parish Councils asking for the Secretary of State to call in the application. The Parishes are Ardley with Fewcott, Middleton Stoney, Bucknell, Fritwell, Chesterton, Caversfield, Weston on the Green, Upper Heyford, Stoke Lyne, Hardwick with Tusmore, Souldern, Tackley, Kirtlington, North Aston, Cottisford and Juniper, Wendlebury, Launton, Hethe and Croughton. Stratton Audley Parish Council joined later.

The grounds for call in are that the proposed development:-

1. has attracted significant regional controversy;
2. conflicts with national and regional planning policy; and
3. could have wide effects beyond the immediate locality.

### 1. Controversy

- OCC is running two parallel and contradictory processes to select sites and treatment methods for residual waste. The first secretive process allows the market to decide. The second, the WDF process, follows regional planning guidance. OCC is biased towards the first.
- There was no independent evaluation as to whether these were the best and most sustainable sites.
- OCC is judge and jury at its own trial and cannot consider the planning application impartially. That is contrary to article 6 of the European Convention on Human Rights. The application should be independently assessed.
- Evidence for controversy can be found in local media coverage.
- Controversy has made the proposal a 'political football' and could jeopardise the impartiality of the WPA.

### 2. Conflict with Policy

- There is inadequate mitigation on risks to palaeontological interests (dinosaur footprints).
- Ardley has potential to be an SSSI so permission should not be granted as it could adversely affect it.
- Approval could prejudice moves for more recycling.
- The local road network is unsuitable.
- A sustainability assessment, as required by this Act, has not been done for the WDF.
- There has been no 'strategic environmental assessment' (SEA) for the WDF and, therefore, no strategic environmental impact of the site has taken place in accordance with PPS 10 procedure.
- Public participation on WDF should take place before decisions are made. Proposal ignores requirements for local spatial planning (PPS 12).

- SEP Policy W12 says EfW solutions should only be part of an integrated approach but only EfW is being considered. No consideration can be given to alternatives for 25 years.
- OCC has abandoned the RPG 9 approach to site selection and chosen a market approach contrary to RPG 9.
- By inviting two companies to propose solutions and in order to keep competition alive, there is a need to grant both. Two permissions is twice the capacity needed for Oxfordshire's needs contrary to WM1 and WM2 of OSP.

3. Wide Effects of Development

- Congestion on the Strategic Road Network will damage regional and national economies.
- The EA object on pollution risks.
- The Flood Risk Assessment is inadequate.
- A groundwater assessment is needed.
- An Environmental Permit is required.
- The Planning Authority should seek opportunities to use heat and electricity in accordance with PPS1.
- The permit application should fully assess impacts on SSSIs.

## Representations

### Introduction

All of the representations and related documents referred to in this section are available in full to read in the members resource centre. A total of 628 representations have been received from members of the public over the three consultation and notification periods held. These include those originally sent to Councillors, the waste management team and Cherwell District Council, which were forwarded to the planning department.

The application was initially sent out to consultation in November 2008. The statutory consultation period is 21 days, but an extended consultation period was provided to reflect the complex and controversial nature of this application. There were 612 representations received.

There was a second round of consultations in March 2009 due to amendments to the application and environmental statement. 10 representations were received.

There was a round of notifications following the further amendments to the Environmental Statement. At the time of writing the report 6 representations were received.

Any letters received following the drafting of the report will be considered in an addendum.

### Support for the proposal

Three letters of support were received during the first planning consultation. The points made are listed below.

- Will divert waste from landfill.
- Electricity will be generated.
- Recycling collections could stop as the Incinerator would consume all waste. Money would be saved thereby.
- Landfills pollute adversely affecting wildlife and water resources so waste should be incinerated.
- After burners should be used in Incinerator plant to reduce harmful emissions.

### Objections to the proposal

The vast majority of representations received were objections to the proposal, and raised a considerable variety of concerns about it.

The main areas of objection are set out below in bold. Officer comments on the individual topics is set out below the objections.

Set out subsequently are issues raised by consultees that have not been directly dealt with in this annex or in any of the reports relating to this application together with officer comment.

It is important to recognise that the mere numbers of objections on particular topics do not necessarily reflect the weight that should be given to that issue. The role of the committee as decision maker is firstly to identify whether that topic is a material consideration, and secondly to attribute appropriate weight to it. A particularly compelling planning objection may be raised by only a few people, and conversely a large number of people may raise a matter that is not a planning consideration at all.

## **TRAFFIC**

### **Traffic in general**

**J9 and J10 – congested**

**Cost of congestion to businesses and economy**

**M40 – congested/already over capacity**

**A34 – overcrowded and congested**

**B430 – already congested/cannot cope with extra traffic/at capacity**

**B430 – used as a rat run when M40 is busy or blocked**

**Difficult to leave or enter village due to congestion**

**Middleton Stoney – congestion unacceptable/near capacity**

**B430 – congestion will lead to greater use of smaller/feeder unclassified roads – impact on smaller roads not considered**

**Christmas period already completely congestion – would be worse**

**B430 – already used heavily by lorries**

**Lorries – cannot guarantee they will not enter site at peak times**

**Already congestion from recycling facility**

The B430 has sufficient capacity to accommodate traffic from this development. The B430 and motorway junctions are congested only at peak times and when there is congestion on the M40. The proposed development traffic could access at peak times but would not add to that congestion or exacerbate its effects as it would represent only 1% of the total traffic on the B430. The Highways Agency are not concerned about increased levels of traffic on the M40 or A34.

**Narrow railway bridge cannot accommodate lorries in both lanes – increased risk of accidents**

**B430 – too narrow**

**Narrow railway bridge – application claims movement over bridge will be ‘self-regulating’ but many lorry drivers cannot see bridge adequately**

**Narrow railway bridge – OCC will be liable for any accidents on bridge**

**Narrow railway bridge – safety risk**

There have not been accidents at this bridge during the life of the landfill site as drivers have good, long visibility when approaching it. The bridge would still be visible from long distances. Otherwise the B430 is wide enough to accommodate HGVs travelling in both directions.

**B430 – already has high accident rate/will increase**

Statistics show that the B430 does not have a high accident rate.

**Increased safety risk to motorists on B430, M40 and A34**

**J9 and J10 – already high accident rates**

**B430 – no lighting or crossing points (or footpath on both sides)**

**B430 – traffic does not adhere to speed limit/road too fast**

**B430 – impossible to cross**

**B430 – bisects village**

**B430 – dangerous for children**

**B430 – dangerous for pedestrians (no pavement)**

**M40 – high accident rate**

**B430 – not enough pavements/too narrow**

**B430 – children's car/coach pick-up – dangerous**

**Additional traffic on feeder roads – dangerous**

**Lorries – speed of lorries causes dangerous backdraft**

**A34 – dangerous/frequent accidents**

**Traffic – frightening**

**Traffic – cost of emergency services (for road accidents)**

**Too dangerous to socialise in village due to traffic**

Accident rates for the B430 indicate that HGV traffic is not a greater danger than it would be elsewhere. The greatest potential for danger is in Ardley and the applicant has agreed to provide a pedestrian crossing to reduce danger here.

**Traffic – dust and dirt**

**B430 – cleaning of roadside already inadequate**

**J10 – dirty and rubbish-strewn already**

HGVs accessing the EfW plant would not pick up dust and dirt. HGVs accessing the landfill would need to use a wheel wash. An appropriate condition to keep mud off the highway would be required if permission is given.

**Bicester ring road – already heavy congestion/will increase**

**Bicester – roads used as rat runs**

The traffic generated from any development at the site would not increase traffic on Bicester roads discernibly.

**B430 – inappropriate volume of traffic/lorries for a B road – road classification due to be/should be downgraded**

**B430 – more traffic may compromise downgrading of road classification**

**Application claims no current road infrastructure deficiency or capacity difficulty – this is misleading and false**

The capacity of the B430 is adequate to take the increase of HGVs as proposed. The downgrading of the road classification is a matter for the Local Transport Plan

**Traffic – 365 days p/year, 24 hours p/day**

The proposal for unrestricted traffic generation is not acceptable. The report considers what traffic generation restrictions should be made in order to protect local amenity.

**B430 – prone to flooding**

Flooding would not be so frequent that it would disrupt the operation of any EfW Plant.

**Traffic – noise and stress**

**Traffic – smell**

**Traffic – visual intrusion**

**B430 – will be taking more than 1 lorry every minute**

**Conservation areas – impact on**

**Ardley Church is on B430 – traffic noise disrupts services**

**Traffic – noise disturbing businesses**

**Traffic – movement/vibrations disturb sleep**

**Traffic – deterrent to tourists – costly**

**Should be restriction on hours of delivery**

**Night time road use should be banned/restricted**

Lorries are noisier and more visually apparent than other road vehicles and should be limited, by condition, to normal daytime work hours and to limit the effect on Ardley and conservation areas on the B430.

**J9 and J10 – badly designed**

The Highways Agency says improvements have been made to J10 and are planned for J9.

**B430 – already in poor condition**

**Traffic – cost of road repairs**

The B430 is not in a bad condition. If permission is given the Council, as Highway Authority, would monitor the site during the construction period in order to secure rectification of any damage caused.

**Middleton Stoney – crossroads inadequate/tailbacks at traffic lights at peak times/difficult to drive across**

The expected increase in traffic as a result of the development is 1%. The effect on Middleton Stoney at peak times would not be discernible.

**B430 – should be weight restriction/ignored**

There is a weight restriction on the bridge across the A34 from the B430. The applicant has agreed to route the heaviest HGVs on the shortest route to the M40 through Ardley if permission is given.

**Traffic – greenhouse gas emissions**

The report notes that there would be increased overall road transport of waste if permission was granted. That would include an increase in greenhouse gas emissions from the traffic.

**Application does not take into account lorry movements to landfill  
Application – estimate for lorry movements understated**

The Transport Assessment does take into account movements to the landfill.

**Flow survey – need local actual and projected flow to assess practicability especially during peak times**

**Flow survey – forecast/model inaccurate**

**Flow survey – taken during half term – misleading and deceptive**

**Flow survey – does not consider other aspects of B430 e.g. road-side pub, 5 junctions, 5 access points**

**Flow survey – need full traffic study to assess impact on/from proposed developments**

The Council undertook its own flow surveys this year in response to objections on the inadequacy of the Transport Assessment. The surveys did not indicate that HGV movements from the development would be unacceptable.

**Should use rail or water, not road (contradicts W16 and W17)**

**No provision in application for transport of London waste via rail**

**Rail – no existing rail infrastructure**

**Rail – constructing rail infrastructure would damage SSSI**

**Rail – constructing rail infrastructure would cause severe disruption if connected to main line**

**Rail – no plans for rail depot at another site**

**Rail – should be rail freighted to existing incinerator in Ruislip, North London**

**Rail – plenty of other sites with existing rail facilities**

There is no possible connection for water transport. Rail transport would be possible but the generally short length of journeys would not justify a rail connection. Other existing incinerators would not have the capacity to process all the waste that this development could.

**Application should not assume the rising cost of transporting material will reduce traffic as transport costs are relatively inelastic**

**Application assumes waste will be transported in 8-wheel tippers – may be smaller vehicles so would be more traffic**

In future, the costs of transportation would mean that waste would generally go to the nearest facility and would be transported in the largest vehicles.

**Application assumes lorries will always be carrying maximum waste capacity – not necessarily – likely to be more lorry movements than stated to meet waste capacity**

The costs of transport would mean that HGVs would carry as great a load as possible, movements would be limited.

**Seeking HGV prohibitions (for village roads) is expensive**

Yes it is. If permission is granted routeing and limitations on hours of traffic generation would have a significant amenity effect.

**B430 – impact on structure of properties on roadside**

The increase in HGV traffic from any permitted development is not sufficient to cause unacceptable increase of structural problems for properties on the roadside.

**B430 – lorries should be covered/sheeted when leaving site to prevent debris**

HGVs carrying waste are subject to non-planning legislation to prevent dropping of loads onto the road.

**B430 – lorries should be banned**

The B430 is designed to act as a road for all traffic. The amenity effect of HGV traffic can be secured by routeing and hours of traffic generation conditions.

**Lorries – movement restrictions are not policed – pointless**

Routeing agreements are policed. It would be essential to word any routeing agreement so that it could be easily enforced.

**More pollution from stationary/congested traffic**

As any HGV traffic from any permitted development would be small it would not add to pollution discernibly.

**Access – inadequate – causes congestion**

There is a new access proposed. If permission is given it would be designed to ensure it is safe. It should not increase congestion on the B430.

**Lorries – drivers do not always follow agreed route**

**Lorries – drivers show disregard for oncoming traffic**

HGV driver conduct is not a material planning consideration.

**Site should have its own slip road to divert traffic away from Ardley and B430**

The cost of providing the slip road would not be justified.

**Access – redesign of entranceway will have no affect on reducing traffic**

The design of the entranceway would not in itself reduce traffic.

**Middleton Stoney – split by heavy traffic**

Middleton Stoney would not be split any more by the limited increase in traffic as a result of this development being permitted.

**Application focuses on traffic volume impact on J10, not within Ardley**

It is clear that Ardley would suffer an increase in HGV traffic. Restrictions on traffic generation times are proposed if permission is given to reduce the amenity effect.

**Application does not include routeing agreement or explain how waste will be transported from transfer stations to Ardley**

The applicant has now agreed to a routeing agreement which would include any large HGVs only accessing the site from the M40 through Ardley.

**Cyclists and pedestrians put off due to high speeds  
Cycle storage facilities in proposal is empty ‘green’ gesture**

Cycling is unlikely to be preferred way to access the site because of the distance and danger for cyclists on the B430 but any permission should make provision for those choosing to cycle.

**Traffic report ‘written from desktop’**

The Transport Assessment took into account traffic from the continuing quarrying but concluded there was still sufficient capacity on the road to cope with it.

**Quarry traffic is extra strain on roads**

The Transport Assessment took into account traffic from the continuing quarrying but concluded there was still sufficient capacity on the road to cope with it.

**Traffic levels quoted in application will be exceeded**

If permission is granted it is recommended that there should be a condition limiting the overall level of traffic to that proposed.

**Greater capacity – more movements – impact on Middleton Stoney  
Impact on residents at peak times/throughout day**

The report shows that the increase in total traffic movements on the B430 would be 1%. The increase in HGVs on the B430 would be 31% until the landfill closed when levels would fall to those experienced now. Most of those movements would take place during the day and would be discernible. If permission is granted it is

recommended that HGV movements are restricted to times similar to the current landfill to avoid impact in the evening and at weekends.

**No HGV movements outside daytime hours – disturb residents – few HGVs at night**

Any HGV movements from the development would seriously adversely affect residents at night. If permission is granted it is proposed to attach a condition preventing night-time HGV movements to and from the site.

**HEALTH AND AIR POLLUTION**

**Air Pollution – general**

**Air Pollution – cumulate with traffic/proximity of M40**

**Air Pollution – already poor**

**Air Pollution – no explanation of how emissions (from incinerator and traffic)**

**Small particulates – dangerous**

**Small particulates – lack of monitoring/studies**

**Small particulates – DEFRA admits small particulates cause illness**

**Small particulates – quarterly monitoring not enough**

**Small particulates – already legislated in US since 1997**

**Small particulates – not mentioned in application**

**Small particulates – new legislation due in 2011 – may make incinerator obsolete**

**Dioxins – not enough known**

**Dioxins – long term risk of dioxins not considered**

**Dioxins – US Environmental Protection Agency have found dioxins may be 1000 x more toxic than previously thought**

**Dioxins – application claims plant will operate at temperatures high enough to destroy dioxins – cannot be guaranteed**

**Hazardous waste – hidden pollutants e.g. particulates, heavy metals, nitrogen oxides, radioactivity, persistent organic pollutants**

**Hazardous waste – toxic emissions will build up over time**

**Hazardous waste – threat of dioxins proven in Irish pig meat**

**Hazardous waste – need tighter controls on emissions**

**Hazardous waste – dangerous dioxins and furans emitted**

**Hazardous waste – bottom ash and toxic fly ash emitted**

**Dust/soot turns everything black**

**Greenhouse gases – contradicts green strategy/emission reduction targets/environmentally sustainable waste policies**

**Emissions data used as evidence in application is out of date**

**Emissions data not compared in different scenarios (different waste types have different reactions to incineration – no comparison given in evidence)**

**Emissions data – use of support fuel not taken into account in the applicant's emissions assessment**

**Emissions data – unclear whether manufacture of activated carbon and lime were taken into account in the emissions assessment**

**Emissions data – unclear whether the directly and indirectly emitted flue gas, have been taken into account in the applicant's emissions**

**Onus (and cost) should be on government and companies to reduce toxic emissions**

**Acid rain – increase**

**Damage to buildings and environment due to increased acid rain**

**Health risks – general**

**Health – higher risk to children**

**Health – higher risk to elderly**

**Health risks – not enough known**

**Health – respiratory illness already bad – will inflame**

**Health – long-term impact not evident**

**Health – perception of risk**

**Health – infant mortality rate will increase**

**Health – increased cancer risk**

**Health – HPA warns of health risk**

**Health – similar risk to living next to a motorway**

**Health risks – should be no risk, not just minimal risk**

**Health – no independent assurance of safety**

**Health – no proposal for dealing with health concern**

**What is the price of the local population's health?**

**Health – no directive/policy on long-term health issues**

**Health – should not forget historical underestimations e.g. CFCs, TBT, PCBs – later deemed inappropriate/unsafe**

**Health – breaches Clean Air legislation**

**Health – high voltage cables emit ionising radiation – link to leukaemia**

**Health – will be more people at risk**

**Food contamination – accumulation in food chain**

**Incinerators more polluting than gas-fired power stations**

**No evidence that incinerators are safe to humans/livestock/flora and fauna**

**OCC/Viridor liable for risking health of residents – will be costly**

**Need more evidence that incinerators are better for health and the environment than landfills**

**Incineration does not get rid of waste – just spreads it around downwind of proposed plant**

**Need more studies on comparative air pollution impact on residents**

**EA's 2001 CLARINET stated health studies should compare upwind and downwind impact**

**Weather conditions will vary – no assessment of impact on composition and deposition of emissions**

**No guarantee of clean air**

**Need regular air quality surveys at peak traffic times**

**Contravenes Stockholm Convention on Persistent Organic Pollutants**

**Organic certified producers – impact on**

**HPA not independent body – cannot give balanced view of health risks – has got it wrong in the past**

**HPA has not taken into account all the scientific evidence on incineration**

**Monitoring – emissions monitoring inadequate (emissions standards based on what can be measured and what is technically measurable, rather than what is safe)**

**Monitoring – incinerator in Belgium breached emissions restrictions**

**Monitoring – incinerators emit the most during start up and shut down**

**Monitoring – emissions breaches rarely prosecuted – use of sanctions inadequate**

**Amenities – impact of pollution on Tusmore House**

**Livestock – impact of emissions**

**No assessment of potential impact on soil/land use**

The comments all relate to health impacts of the development and air pollution issues. These will be addressed in detail as part of the Environmental Permit application which is being considered by the Environment Agency and upon which the Health Protection Agency will provide comments. The issue on how health concerns relate to the planning process is covered in the covering report for both Ardley and Sutton Courtenay sites.

**Air pollution – will pass EU recommended levels (contravention of European Waste Directive)**

**Air pollution – affect on community centre and football club**

**Air pollution – NO<sub>2</sub> levels in north of village are already at UKAQ limit poor air quality**

**Hazardous waste – concentration of NO<sub>2</sub> not assessed**

**Emissions – application claims traffic emissions will not increase despite increase in waste imports to the site – misleading and false**

The Environmental Health Officer has confirmed that increased traffic from the proposed development would not increase NO<sub>x</sub> levels to above permissible levels for residents of Ardley.

## **INCINERATION AS AN UNSUITABLE TECHNOLOGY**

**Should be smaller facilities instead of one large facility**

One smaller plant per district may or may not be a better solution. The advantages and disadvantages of that have not been investigated.

**Is incineration safe?**

**Is the technology reliable?**

**Will breaches always be fined?**

These are matters for consideration under the Environmental Permit application.

**Recycling – Cherwell has highest rate of recycling rate in the South East – conflicting**

**Should reduce and recycle (incinerator encourages more waste)**

**Recycling – Oxfordshire is one of the best counties for recycling**

**Recycling – will compromise other authorities' efforts towards waste reduction and recycling, as well as our own**

**Wasted opportunity to recycle more as newer technology becomes available**

**Recycling – no need for incineration – recycle instead**

**Recycling – need to improve recycling facilities instead**

**Resource waste – loss of revenue by burning recyclables**

**Incineration will stifle waste hierarchy business innovation**

The development is proposed to treat the residual waste that remains after reduction, reuse and recycling measures have been applied.

**Recycling – will reduce incentive (especially for ‘high calorific’ waste e.g. card, paper, textiles, plastic)**

There is no evidence to show that having a facility to treat residual waste inevitably causes a reduction in recycling. There are countries that have high incineration rates that also have high recycling rates.

**Incinerators are inappropriate/already being phased out elsewhere**

**Incinerator technology old and out-of-date**

**Incinerators may become obsolete within contractual period – prevents development of better alternatives**

**Incinerator – unlikely to be upgraded once installed – technology will remain old and out-of-date**

**Incinerators may be considered unsafe within the contractual period**

The application has been submitted and must be determined on its planning merits not on its engineering merits.

**Should choose other alternatives**

**Other authorities are using alternatives e.g. Hertfordshire**

**OCC should take lead on seeking alternative waste strategies**

**Incineration just a quick-fix – need longer term solution**

**Alternatives are proven at commercial scale**

**Should seek safer, greener alternative, even at extra cost**

**Long term contract – does not take into account how alternative technologies will develop**

**Long term contract – restricts development of alternative technologies**

**MBT – fewer emissions, safer, more efficient, cheaper, won't contaminate water, quieter, less polluting**

**MBT, AD and PG already proven and used in Europe**

**MBT – Viridor proposing MBT elsewhere e.g. Cheshire**

**Plasma Gasification – fewer emissions, safer, more efficient, more sustainable, allows for smaller facilities, quicker to build, less visually intrusive, more profitable, inert residues useful for construction – being adopted all over the world**

**Plasma Gasification not included in tendering process**

**Gasification – alternative waste treatment**

**Anaerobic Digestion – safer and fewer emissions**

**Pyrolysis also an alternative – less polluting, more efficient, fewer particulates emitted**

**Biological Drying Plants – another alternative**

**Should be integrated approach with alternative technologies**

These are matters for consideration as part of the procurement process and are not material planning considerations.

**Landfill better – will be covered over when expired where as incinerator will be huge blot on landscape for many years**

**Landfill – should not send untreated biodegradable waste to landfill (should use anaerobic digestion for this waste instead)**

**Landfill already on proposed site – should make an additional incinerator less appropriate for the site, not more**

**Too costly**

Biodegradable waste will increasingly be sent to new facilities for treatment that are in the planning pipeline. Landfill tax rates will be a disincentive to sending it to landfill. The landfill would take waste that could not be recycled or burnt. Treating waste in an EfW plant is better in climate change terms than landfill.

**Households should dispose of their own waste – should design domestic (or community) boilers with built-in filters to burn mixture of waste, biofuels and other fuels**

It is likely that new developments will deal with more of their own waste in future but there will still be a need for a facility to deal with residual waste from existing development.

**Should encourage supermarkets/producers to reduce packaging and use biodegradable/re-usable materials instead**

Supermarkets/producers already reduce packaging and recycle but need a facility to send residual waste to.

**Should not ‘burn’ water – will reduce power generation efficiencies significantly.**

The plant is designed to burn waste with a water content. Power generation might be better if it was burnt in a facility where water was driven off beforehand.

**Need a more sustainable solution.**

The application that has been submitted must be considered to determine whether it is a sustainable solution acceptable in planning terms.

## **UNSUITABLE LOCATION**

**Should be in City/Oxford**

**South Oxfordshire has larger population than Cherwell – proposal does not adhere to proximity principle**

**Located within Woodland Estates land in the Landscape Area of the Oxford Wildlife Landscape Study**

**Deal with waste close to source**

**Proximity principle – Ardley contradicts this**

**Should be located on A41 immediately down from motorway – fewer houses nearby, major motorway access, dual carriageway**

**Other sites with existing industrial furnaces and railway connections e.g. Didcot**

**Power Station and Chinnor and Shipton-on-Cherwell redundant cement works should be used**

**Should be located on Ministry of Defence land instead**

**Increased pollution due to waste being transported further**

**Increased transport costs due to waste being transported further**

**Self-sufficiency – import of waste from other counties**

**Increased greenhouse gas emission due to waste being transported further**

The report considers the locational aspects of the development. There are disadvantages in the location in terms of the need for and effects of increased transport and its location in the countryside.

**Proximity to residential area**

**Needs to be nearer population to benefit from CHP**

The proposed EfW Plant site is not close to residential areas.

**Further industrial development in the Green Belt.**

The site is not in the Green Belt.

**Industrial development inappropriate in rural area.**

The report notes that siting of such a Plant in the countryside is contrary to policy.

**Deterrent to (new) residents**

The EfW Plant may deter potential new residents but that is not a material planning consideration.

**Should be located near to areas of lowest recycling rates.**

An EfW plant would not adversely affect recycling rate targets for any part of Oxfordshire. A facility is needed to deal with waste that cannot be recycled. It would deal with residual waste after recycling had taken place.

**Should be one facility per parish, or at least one per district.**

One smaller plant per district may or may not be a better solution. The advantages and disadvantages of that have not been investigated.

## **VISUAL IMPACT**

**Visual impact on landscape**

**Building design does not have 'positive' influence on landscape – will/should not be considered a 'landmark'**

**Not in keeping with historical setting**

**Built heritage – impact on**

**Screening will be inadequate**  
**Screening will not shield view from South and East**  
**More visually intrusive than landfill**  
**Visual impact on Ardley and Bucknell conservation areas not addressed**  
**Other smaller applications rejected on grounds of aesthetics – why not these larger, uglier proposed developments?**

These points are addressed in the report.

**Visual images of chimney are misleading in scale and impact. Design of stack has changed.**

The originally submitted plans show a twin chimney design. The only plan which shows the chimney in the additional information shows it as a large single stack. However, the purpose of the plan is to show maximum ground water levels and the EfW plant and chimney are only diagrammatic.

## **ENERGY AND COMBINED HEAT AND POWER**

**CHP – lack of (contravenes Structure Plan Policy EG2)**  
**CHP – provision not properly assessed**  
**CHP – residents will not benefit – misleading**  
**CHP – customers not yet identified/confirmed**  
**CHP – exhibition and supporting website implied CHP would be provided – Energy/CHP – wasted as not enough demand nearby – development too far to be energy efficient – energy loss**  
**Energy – less efficient than CHP unit**  
**Energy – recovery not efficient**

The lack of [proposals for the use of heat is disappointing and is not compliant with SEP policy NRM12 which says policies should encourage CHP in all developments.

**Energy – plant will not supply amount promised in application/only supply minimal amount**  
**Energy – exhibition and supporting website implied energy efficiency – misleading**

The application proposes a level of electrical energy output based on experiences of similar developments.

**Energy – potential for rows of pylons for distribution**  
**Energy – pylons to transfer electricity (if necessary) should run along M40, not through village**  
**Energy – will not be fed into national grid**  
**Energy – no plan for electricity distribution/link to grid**  
**Energy – disruption from linking to grid not considered**  
**Energy – proposal for provision may not receive planning permission**  
**Energy – proposal for provision likely to be on different time-frame to incinerator proposal**  
**Energy – proposal for provision may not receive planning permission**

The applicant has said that making the connection to the National Grid will be by underground wires and would join the grid near Bicester and the route is shown in the application. The applicant has said the connection would be permitted development (i.e. would not need planning permission). That may or may not be the case; they would have to meet certain criteria to avoid the need for permission. If planning permission is needed any application would be considered on its merits.

**Energy – proposal for provision likely to be on different time-frame to incinerator proposal**

I think it is important to secure the energy production from burning waste and any permission should have a condition requiring the connection to the National Grid to be in place and operational before any EfW Plant is finally commissioned.

**Energy – should be renewable instead**

Energy from waste is not a form of renewable energy in planning terms but both forms of energy production are encouraged by Government Policy.

**POLICIES**

**Contravenes PPS9 and PPS10 (rural roads policies)**

**Contravenes TR16 and TR36 of Non-Statutory Cherwell Local Plan**

**Contravenes Climate Change Act 2008**

**Contravenes PPS1**

**Contravenes RPG9**

**Contravenes W12**

**Application process contravenes Article 6 of European Convention of Human Rights**

**Application process contravenes Article 10 of European Convention of Human Rights**

**Contravenes Appendix B of Waste Site Development Plan Issues and Options Consultation**

**Conflicts with local/national planning policy**

**Contravenes policies G2, G5, EN1, EN2, E1, WM1 and WM2 of Oxfordshire Structure Plan**

**Contravenes policy W4a (overriding need)**

**Proximity principle – contravenes policy W3b and c**

The compliance with relevant development plan policies and Government planning policies is fully considered in the reports.

**ADEQUACY OF APPLICATION PROCESS**

**Consultation – inadequate**

**Consultation – insufficient time/rushed**

**Consultation – should consult/publicise more widely**

**Consultation – ‘open invitation’ approach to determining facility type and location**

**Consultation – residents should be consulted on/involved in/informed of**  
**Consultation – not all affected parishes informed of proposal – deliberate attempt to suppress public opposition**  
**Consultation – some residents have only recently heard about proposal**  
**Consultation – Bicester not sufficiently informed**  
**Consultation – objections largely ignored**  
**Application does not include some necessary infrastructure – contradicts Statement of Community Involvement**  
**Unfair and unrealistic to expect residents to have the time to read such a huge application**  
**Unfair that residents and Parish Councils should fight against companies with far more resources – not equally matched**  
**OCC have jeopardised community involvement**

The applicant conducted consultations with local parish councils before submitting the application. The Council consulted for a period of 7 weeks on the first round of consultations and longer with the most affected Parish Councils which reflected the size of the application. There was a statutory 21 day consultation on changes to the application (round 2) as these were limited. The changes to the Environmental Statement were also notified for a period of three weeks. Each round was advertised on site and in the press. 12 Parish Councils and Bicester Town Council were consulted and a representation was received from a group of 20 local Parish Councils. The time given for and scope of consultation is in line with the Statement of Community Involvement and has been extensive and resulted in considerable correspondence being received.

**Consultation – information given is inaccurate**  
**Consultation – insufficient information**  
**Application – replaces lorry ‘movements’ with ‘trips’ and ‘loads’ – deliberate attempt to mislead public**  
**Environmental Statement – inadequate**  
**Projected annual emissions of incinerator not stated in application – deliberate omission**  
**Emissions – EA should be consistent in asking for more information/refusing Veolia’s North Quay incinerator application did not have enough information on CO2 permit**  
**Application claims reduction in the county’s CO2 emissions over duration of contract – misleading and assumes CHP will displace electricity production elsewhere – won’t necessarily happen**  
**Environmental Statement – inadequacy means it’s not possible to assess long-term effects on environment and community – not compliant with EIA regulations**  
**Application – images A, B, C, H, P not representative in scale and visual impact**  
**Application – artist’s impression cuts out chimneys – misleading**  
**Application does not show any plans for additional buildings that would be required for processing bottom ash on site**  
**Application overstates number of working days and hours in the year**  
**Plant will be on all the time – wasteful/inefficient/unnecessary**  
**Sites selection and evaluation by OCC inadequate**

**Application - misleading absence of 'incinerator' in wording**

**Application – assumptions and findings used to support application should be supported with evidence (e.g. detailed model results and literature review) and be made public for greater transparency**

**Viridor/SLR's responses to comments/objections are unconvincing – they lack detail and appear dismissive**

The application contains a considerable amount of information and evidence and some of the conclusions and assumptions have been challenged by objectors and consultees. Some objections are not specific so no comment can be made about them. Information on emissions are a matter for the Environmental Permit application. The site selection process carried out by the applicant was inadequate and is considered in the main application. It is evident from the application that waste would be incinerated. Plans do show properly scaled images and chimneys. There are no additional buildings needed for the IBA processing.

**Undemocratic in the face of public opinion**

**OCC both proponent and determining body – impossible to judge application impartially – vested interest/biased**

The planning process requires locally elected members to determine this application; it is a democratic process. No members and officers are involved in both the procurement and planning process. The application should and can only be judged on its planning merits.

**Consultation responses been taken into account?**

It is evident from the report that consultation responses and objections have been fully considered.

**Need independent EIA**

**Independent studies – need more**

**Need independent validation of assertions in application (or at least validation by OCC)**

**Need independent evaluation of site selection process and suitability of selected site**

Regulations allow applicants to undertake their own Environmental Impact Assessment. Consultees, the public and the planning authority can respond to the conclusions of the Assessment and have done so. These bodies are independent from the applicant.

**Applicant already owns proposed site – should not have any bearing on outcome of site selection**

That the site is owned by an operator and ready for development is a reasonable site selection criterion.

**Application process allows applicant to determine whether an EIA is necessary – applicant has a vested interest to claim the impact is not sufficient to warrant assessment!**

The applicant has satisfied regulation requirements on traffic assessment.

**Application did not include Pollution Prevention and Control Permit**

The Permit process is separate from the Planning process.

**BREEAM Building Design Assessment – application states the proposal has ‘scored well’ but it only has a ‘good’ rating, one above the basic pass score – misleading**

The rating received is, as stated, ‘good’ and is not misleading.

**Should enforce environmental protection more – legislation is nothing without enforcement**

Any facility approved will be monitored closely by the Environmental Agency with regards to pollution matters. The Planning Authority will monitor planning compliance. Close monitoring should ensure that enforcement is seldom if ever needed.

**Application does not assess impact on waste transfer stations**

The application does not include provision of waste transfer stations so the impact on them cannot be assessed.

**Application – fossil carbon composition calculated by assuming expansion of recycling schemes – why is this assumed in the application?**

**Application – assumptions based on municipal waste composition in 2004 – outdated/waste arisings will have changed since then**

**Application – assumptions based on municipal waste composition in 2004 – have changed since 2004 - outdated/the proportion of fossil carbon in residual waste is increasing**

Assumptions made are based on nationally available Government targets.

**Application refuses to critique GLA Report, even though it has been peer reviewed and has an appendices with an Omissions Rationale, Literature Review, Waste Compositions, Detailed Model Results – and it is published on the GLA website – more transparent than Viridor’s application**

Viridor has used the Environment Agency’s WRATE system which is robust and widely used.

## **CUMULATIVE IMPACT**

**Cumulative impact with other proposed development e.g. wind farm at Fewcott, hard shoulder on M40, new village at Upper Heyford, Eco-town, expansion of Bicester**

There are a number of development proposals in the area which may add traffic to local roads. They will only be permitted if traffic generation would not cause unacceptable, adverse traffic effects. The emissions from any permitted EfW Plant would be monitored and controlled to meet stringent pollution limits and even with another one permitted at Calvert should not adversely affect air quality in any development area close by.

**Proximity to eco-town and wind farm (both downwind) – conflicting  
Cumulative impact with proposed incinerator in Calvert, Bucks (is there enough waste to supply them both?)  
Already suffer from motorway on doorstep  
Application summary claims ‘no significant adverse cumulative effects’ – misleading and untrue**

Any emissions from an EfW Plant in tandem with emissions from the M40 is not a matter for this application, it is for the Environmental Permit application.

## **BIODIVERSITY**

**Biodiversity – impact on  
Animals – impact (in general)  
Contravenes Schedule 5 of Wildlife & Countryside Act 1981 and Reg 39 of Conservation Regs 2007 (and NERC Act) – protection of newts  
Newts – impact on**

The applicants carried out appropriate biodiversity surveys as part of the Environmental Statement and the results have satisfied English Nature, BBOWT and the Council's ecologist. Proposals for new habitats for protected species have been made for the restored landfill and some of them are already in place on the existing restored landfill. The applicant is willing to enter a 20 year agreement to manage these new habitats.

## **ASH**

**Ash disposal – temporary storage of waste leachate and bottom ash – unsafe  
Ash disposal – re-use of toxic ash unsafe  
Ash disposal – EA considering reclassifying bottom ash as hazardous waste due to ecotoxicity (increasing cost of ash disposal from £2.50 per tonne to £40) – would increase overall cost of proposal and make it less worthwhile/efficient**

At the moment incinerator bottom ash (IBA) is permitted to be processed to produce an aggregate. The Environmental Permit application process should consider

whether IBA processing can be permitted here. The Environment Agency has not objected to the planning application on the proposal to store and process IBA.

**Ash disposal – increased transport of waste**

**Ash disposal – transport of ash by road will increase safety risk**

**Ash disposal – vehicle movements for transport of ash not assessed/included in application**

**Ash disposal – should be able to deal with whole process of incineration without transporting residue off-site**

**Ash disposal – landfill of toxic ash unsafe**

The transport of ash precipitated from the flue of the EfW plant has been considered in the applicant's Transport Assessment and the Highway Engineers in the Council consider that the local roads have sufficient capacity to deal with such transport. The Environment Agency control the transport of waste and need to be assured that such transport is safe. It is not a matter for the planning application. The landfill near Cheltenham is licenced by the Environment Agency to take the ash which is classed as a hazardous waste. The landfill at Ardley is not licenced to take hazardous waste. The amounts of flue dust that would be created are no so great that there is a clear planning advantage in depositing them in any special cells at Ardley.

## **PALAEONTOLOGY**

**Palaeontological and geological importance – impact on**

**Ardley has potential to become SSSI – should not jeopardise**

**Palaeontological features – application claims contractors will be briefed on what to look for but Viridor acknowledges that the working methods mean any features will be hidden or destroyed – inadequate and misleading**

**Palaeontological features – should build visitor's centre to educate public about our natural history instead**

There is no proposal for Ardley to become an SSSI. The potential for land to the south to become an SSSI is discussed in the report. The report also covers protection of any dinosaur footprints and access to the remaining quarry face. The proposal includes building a visitor centre which if permission is granted, could be used for educating the public on natural history of the area.

## **BUILDING**

**Plant too big**

**Building design – unattractive/inappropriate/unsympathetic**

**Building design does not have 'positive' influence on landscape – will/should not be considered a 'landmark'**

**Building design – not energy efficient**

**Building colouring/cladding should be graded to reduce visual impact**

**Building size may distract road users**

The implications of the size and design of the building are discussed in the report. The Environmental Statement used the BREEAM system to rate the plant as 'good'

in terms of energy efficiency. The colours proposed for the Plant would not result in any greater visual impact than is already apparent. There is no reason to think that any EfW Plant would be more distracting to road users than any other feature by the road.

## **ENVIRONMENT**

**Environment – general**

**Noise from operations**

**Odour**

**Contravenes policy W3 b and c (minimise nuisance from noise, dust, fumes, odour, visual intrusion, and traffic)**

**Amenities – impact on Trow Pool**

**Measures for mitigating dust inadequate**

**Vermin due to storage of waste before incineration**

The environmental effects of the proposal have been considered in the report and it is concluded that they would not result in material objections to the proposal.

**Other smaller applications rejected on grounds of aesthetics – why not these larger, uglier proposed developments?**

The design of the building is considered to be acceptable but the report says such large buildings are also considered harmful to the countryside.

**Application implies incinerators are ‘green’ – misleading**

That the proposal for the EfW Plant is ‘green’ is not a material planning consideration. The environmental and climate change effects of the proposal are discussed in the report.

## **CONTRACT**

**Market should not determine the location or technology**

**OCC should release more information about site and facility selection process to public/other authorities**

**Long term nature of contract (DEFRA advises against long contracts)**

**Long term contract – other authorities who’ve agreed to long term contracts have openly regretted doing so e.g. Kent**

**Long term contract – too long when waste technology disposal technology is constantly progressing**

**Long term contract – does not take into account changes in policy**

**Long term contract – does not take into account economic shifts**

**Market-led/biased**

**Economy-led/avoidance of fines**

**Insufficient waste in county to supply proposed level**

**OCC should not be technology neutral**

**Potential cost of penalties/fines for insufficient supply**

**Council tax will inevitably rise**

**If council taxes do not rise, other services will suffer to cover the costs**

**Burden on provision of existing council services**  
**Requires public funding**  
**Tendering process did not allow for other technologies to even be proposed**  
**Councillors not given chance to debate/vote on facility type**  
**Facility, type and location determined by market**

Effects on the contract for an EfW Plant are not material planning considerations.

## **AMENITY**

**Residents have suffered enough**  
**Detrimental to quality of life**  
**Amenities – site located opposite Ardley playing fields**  
**Longer operating hours – 365 days a year, 24 hours a day**  
**Detrimental to local community – nursing home, dog kennels**  
**Impact on local businesses (due to incinerator and increased traffic) e.g. 2 pubs**  
**Less attractive to tourists**  
**Amenities – needed for expansion/development in the area**  
**Amenities – e.g. footpaths, bridleways, fishing – impact on**

The EfW Plant would be permanent so residents of Ardley and Middleton Stoney will continue to experience HGV traffic beyond the end of the life of the landfill. If permission is given it is proposed to attach conditions limiting hours of traffic generation to those similar to the current landfill significantly protecting amenity at the weekend and at night. The increase in traffic during the day would not be so great as to adversely affect tourism or local businesses. If permission is given there would be improvements in the Rights of Way system. It has been concluded that the proposal would not affect Trow Pool and therefore would not affect fishing there.

## **Viridor not contributing to village amenities**

Viridor have proposed to contribute to a Community Fund. It would be for Viridor and the Parish Councils to arrange details.

## **PROPERTY PRICES**

**Housing (and land and businesses) – reduced value**  
**OCC liable for loss of business/ruining business prospects**  
**Cannot leave/escape development due to loss of property value – would not sell**  
**Reduced house values – should be compensated**  
**Will move away if permission is granted**

The effects on property prices are not a material planning consideration.

## **WATER ENVIRONMENT**

### **Water contamination**

**Contravenes policies W3d and W7c (risk to water environment, pollution of aquifers and impact on floodplain)**

### **Flood risk**

**Flood risk – potential to disrupt efficient and safe running of incinerator**

The applicant and the Environment Agency (EA) have considered effects on the water environment in detail and have concluded that subject to appropriate planning conditions and licences from the EA there was no objection with regard to effects on the water environment.

**Leachate from landfill causes sewage floods in Bucknell. As Viridor designed the sewage system can we trust them?**

Current problems do not mean any new permission will operate with problems for local residents. Trust in the operator is not a material planning consideration.

## **INEXPERIENCE OF OPERATOR**

**Viridor – inexperienced in operating EfW Plant**

**Viridor – could they be trusted to operate plant safely/manage an emergency operation? – inexperience increases risk of accidents**

Viridor are a major waste disposal company employing experienced staff and the proposal is for a tried and tested technology. They are aware that they must comply with any conditions imposed on any planning permission or Environmental Permit and that any operations would be closely monitored.

## **LANDFILL**

**Landfill – increase to lifetime**

**Restoration – impact on/must wait longer**

The current landfill is expected to last to 2017. If permission is given there will be a reduction in inputs but also a reduction in void, to accommodate the EfW Plant. The life of the landfill would only be an additional 2 years. Restoration would take place progressively, as now, but overall restoration would be delayed for two years.

## **ENVIRONMENTAL PERMIT**

**Pollution Prevention and Control Permit should not be awarded/would not be deserved**

This is not a material planning consideration.

## **CLIMATE CHANGE**

**Energy – GLA Report says incineration performs worse than any other technology except landfill – application implies the opposite – misleading and false**

**Application claims EfW has lowest contribution to climate change of alternative waste treatment options – but report from Eunomia for Greater London Authority ranked it one of the biggest contributors – Viridor refuse to critique this**

**Need to reduce carbon footprint, not increase it**

**Should not burn plastics – more carbon intensive than coal-fired power station (should be recycled or buried instead)**

These are matters for the Environmental Permit application.

### **Consideration of elements of process lacked detail**

These matters may mean that Energy from Waste is not as efficient as first thought. However, the applicant has used the WRATE system which is considered to be robust.

## **MONITORING**

**Monitoring – should be more strict**

**Monitoring – should be independent**

**Monitoring – self-monitoring inadequate**

**Monitoring – should be no advanced warning of inspections**

**Monitoring – should be continuous**

**Monitoring – EA inspections/monitoring inadequate**

**Monitoring – soils and livestock should be monitored regularly for contaminants**

The points made on monitoring appear to relate to issues that would be monitored by the Environment Agency as part of the Environmental Permit, rather than by Oxfordshire County Council in relation to monitoring planning conditions. Compliance with matters covered by planning conditions would be monitored by Minerals Waste Monitoring Officers several times per year if permission was granted. Planning conditions should not cover matters which are covered by the environmental permit. The Environment Agency could issue an enforcement notice if any condition on an environmental permit is contravened, or even if they think it likely. Contravention of a permit condition is an offence (maximum £50,000 fine or 12 month prison sentence). In addition to or instead of penalties, the court may require the convicted person to take steps to remedy the situation. The Environment Agency also have powers to take steps to remove a serious risk of pollution or to remedy it and recover the cost from the operator.

**Monitoring – application wrongly states that monitoring location no. 2 is not near any long term receptors even though it is near houses and village hall**

The Environmental Health Officer says the monitoring station is not sufficiently close to sensitive receptors that any exceedance of pollution levels at the station will not be a risk to people in Ardley.

**GENERAL**

**OCC has duty of care**

**OCC should be serving interests of Oxfordshire residents, not companies**

OCC has duty to determine the planning application on its planning merits.

**Deterrent to investment – will inhibit growth/impact on economy**

No reason to conclude that an EfW Plant would inhibit investment.

**DEFRA say waste arisings are decreasing – no need for incinerator**

The covering report sets out the need for the development taking into account targets for diversion from landfill and recycling and concludes that there is a need to provide a facility to deal with residual waste.

**Cherwell (and other authorities) are opposed to the proposal**

It is not who objects but the strength of the objection that matters.

**Precedent will be set for further applications on the site/in the area – risk of becoming industrial area**

Any future development near any EfW Plant would have to be determined on its planning merits.

**Viridor will build EfW plant irrespective of contract**

**May end up with 2 large scale facilities, far exceeding capacity needed in county**

**Oxfordshire could become incineration capital of the South East**

It is very unlikely that Viridor would invest in a Plant if it did not get the Council contract for treating residual waste because of the uncertainty of obtaining enough waste to justify the investment. The covering report considers the implications of granting two permissions.

**Smaller domestic applications rejected for aesthetic reasons – hypocritical/unfair**

All applications considered on their planning merits regardless of size.

**Community cohesion at risk due to proposal**

It would be difficult to see how community cohesion in the area would be at risk through the grant of this application.

**Local MPs/Councillors not representing constituents views**

The support or otherwise of MPs or Councillors is not a material planning consideration.

**Development Plan – prematurity**

The covering report considers the implications of prematurity.

**Viridor – existing joint venture with Grundon on Colnbrook waste incinerator – already running 1 year behind schedule**

The speed of implementation of another development is not relevant to the determination of this application.

**No benefits/compensation for residents e.g. renewal of children’s play area**

Benefits for the community must be commensurate to the amenity disbenefit of the proposal and must meet the tests for conditions/agreements. The applicant is willing to provide a pedestrian crossing in Ardley. Apart from determination of the application Viridor have stated they would contribute to a Community Fund.

**Jobs – do not justify/not worth incinerator**

**Jobs – claims of creating jobs for local residents and the local economy misleading – most workers at the recycling centre are migrant workers – does not benefit local people**

The provision of jobs in the local area is not a major planning consideration for this application.

**Chimneys pose danger to low-flying aircraft**

If an EfW Plant was built it would have to comply with flying safety regulations.

**COMMENTS MADE BY CONSULTEES WHICH HAVE NOT BEEN ADDRESSED IN THE MAIN REPORT OR UNDER REPRESENTATIONS ARE LISTED BELOW TOGETHER WITH OFFICER COMMENTS:**

**Chimney will cause harm to the character and appearance of the countryside**

This point was made by many objectors within a general visual objection. The main report concludes that the Plant would cause harm to the character and appearance of the countryside and that would include the chimney.

**OCC was inviting submissions for treatment facilities at the same time as asking the public to comment on site selection. The Parish Council has never been 'informed' in inviting companies to submit tenders for treating residual waste as was promised in the Statement of Community Involvement  
OCC's website states that consultation on possible waste sites will take place as part of the WDF process. It is a sham. The market has dictated the location and type of facility to be provided  
If planning permission is granted the public's comments on site selection cannot be incorporated. Lack of transparency has caused distrust and stress**

The Council is procuring an EfW Plant and consultation processes for it are not material planning considerations. At the same time the Council is producing a Waste Development Framework (WDF) that does involve consultation in line with the Statement of Community Involvement. The planning application has involved the applicant in consultation with Parish Councils and the Council have consulted widely on the application. If the application is approved the WDF will be preceded to a significant extent.

**Both applications for planning permission (Ardley and Sutton Courtenay) claim their site is best which indicates bias in the site selection process  
By inviting two companies to propose solutions in a competitive process permission needs to be granted to both to keep competition alive contrary to policies WM1 and WM2 of OSP**

Both applicants have stressed the best aspects of their developments and concluded theirs is the best. In any event, the applications must be decided on their planning merits by the Planning Authority. There is no planning need to grant two applications.

**If permission is granted a condition is requested that only Oxfordshire waste be treated to accord with the proximity principle**

If permission is granted the Planning Authority would seek to ensure most waste comes from Oxfordshire. However, regional policies do allow for some cross boundary movement of waste.

**An incinerator only generating electricity wastes huge amounts of heat. The European Commission's thematic strategy on waste prevention and recycling says 'at low efficiencies incinerators might not be more favourable than landfill'**

An EfW Plant would generate more electrical energy more efficiently than a landfill site.

**The potential for heat use does not constitute a 'material consideration'**

The use of heat would comply with SEP policy NRM12 and so is a material planning consideration.

**If permission is granted there should be conditions to provide each house in Ardley with Fewcott, at no cost to the occupants, heat from the EfW**

Supplying heat to all properties in Ardley cost free is not commensurate with the amenity disbenefits of the development or with the tests for conditions and agreements and so cannot be secured.

**If the site selection process had been complete we doubt that Ardley Fields Farm would have been chosen. If the process had been completed it would have corrected errors which include:-**

- **omission of a designated and potential SSSI**
- **presence of a European Protected Species**
- **assumption that waste could be delivered by rail, which is not possible due to impacts on an SSSI and on a large part of a restored landfill**
- **incorrect understanding of local road connections –**
  - **B430 runs through Ardley, not around it;**
  - **pinch point at railway bridge stopping 2 HGVs passing each other at that point;**
  - **trunk road network (M40, junctions 9 and 10 and A34) are already congested with no plans for improvement;**
  - **that the site is an existing waste management facility does not recognise that PPS 10 says WPA's should not assume that it is appropriate to add or extend existing waste facilities. Should consider cumulative effect of previous waste facility on community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may be relevant. Engagements with local communities will help.**

If a site selection process had taken place as part of the WDF process it may well have chosen a different site. However, the application must be determined on its planning merits.

**The fact that the site is under the control of the waste management industry is not a PPS 10 criteria for site selection for waste facilities**

The applicant is entitled to choose his own site selection criteria. However, the application must be determined on its planning merits.

**It is contrary to PPS 10 which says consideration should be given to the social fabric of communities and PAs should reduce social inequalities to deliver safe, healthy and attractive places to live**

The EfW Plant is sufficiently far from villages not to prejudice PPS 10 considerations.

**There is no detail associated with IBA aggregates**

There is sufficient detail to understand the proposed operations. If permission is granted more details of operation of the IBA could be required by condition.

**If permission is granted there should be a new stretch of road to the east of Ardley village from J10 to the B430 at the railway. It should be in cutting and with low noise surfacing to the satisfaction of Ardley with Fewcott PC**

The cost of such a bypass is not commensurate with the amenity disbenefits of the development.

**If permission is granted the design and layout should be changed to ensure it is not visible from any location**

It is not practicable to hide the building.

**The aerial view is unfortunate and would not want it to become the Cerne Abbas Giant of the 21<sup>st</sup> Century, the layout should be changed**

The aerial view will seldom be seen and does not warrant a change in layout.

**The landscape scheme is confusing and full details of landscaping should be applied before any permission is granted.**

The landscape scheme is not fully detailed and if permission is granted further details should be required by condition.

**As OCC decided 'to ensure an independent assessment of health risks before commissioning any Energy from Waste Facility' 15 January 2009 it had concerns on health aspects of incineration.**

This was a matter for procurement process and is not a material planning consideration.

**There is no consideration of more than a qualitative environmental impact of odour and bio aerosol particles above 10 microns in size.**

Odour and bio-aerosols have been considered as part of the ES.

**No environmental impact of heat pipelines undertaken**

Heat pipes are not a part of this application. They may well be permitted development. If not, their environmental impact will be considered as part of any application.

**The sustainability appraisal for the application was based on WRATE. WRATE has flawed assumptions on efficiency and bio-carbon and gives an over-estimation of the benefits of incineration and are not consistent with PPS 1 which requires developments to state how well they are adapted to climate change effects**

The WRATE system is used widely. I am not aware that there are flaws in any assumptions used which would give a significantly different rating for EfW Plants.

**Objects to incinerator for the following reasons:-**

- **Haulage to the site has been incorrectly considered. Trip Generation statistics must be incorrect and a full traffic assessment should be undertaken as HGV movements would increase by 30%.**
- **Night-time deliveries are objected to.**
- **Traffic measures appear to have been taken during half term period in February 2008 when a lighter load would be expected.**

The Council carried out its own surveys as a result of objections and the results are set out in the report. I agree that night time deliveries should not be allowed for amenity reasons. If permission is granted a condition should prevent night time deliveries.

**The additional traffic on the B430 will mean people will look for an alternative route through Somerton, both north and south. Closures of the M40 have caused this traffic congestion already. Nothing offered for traffic calming to discourage speeding. Therefore, object and request proposal is adjusted to reflect concerns and firm commitment given to funding of measures to counter severe deterioration to quality of life in Parish.**

Additional traffic from the site would not add more than 1% to total traffic and would not cause more congestion in Somerton. Funding measures to counter adverse effects in Somerton are not justified.

**There is no reference to a community fund for projects**

The applicant has said he would contribute to a local community fund. It would not be a requirement of any permission as it would not meet the tests for a planning agreement. Any contribution would be a matter for the applicant and local communities.

**There is no liaison forum for local residents during construction phase**

There is a local liaison committee for the Ardley site and, if permission is granted, it should be convened regularly.

**Objects on transport grounds as increase in HGV traffic will pose risks on B4030. The B4030 is unsuitable for lorries and a routeing agreement should be prepared if permission is granted.**

If permission is granted the Council would seek a routeing agreement to ensure large HGV's only access from the M40 via Ardley. Smaller HGVs such as Refuse Collection Vehicles could use the B4030 without significant problems.

**A composting facility is an excellent plan providing traffic does not affect villages**

Composting is not proposed on the site. A composting site is already located close by.

**Why does the County need a 300,000 tonnes p.a. incinerator when it only produces 175,000 tonnes of waste?**

The County produces some 175,000 tonnes of MSW and a much larger tonnage of C&I which justifies building a plant to process it.

**Conditions/Agreements should secure management of pollution risks and air quality from the EfW Plant**

Management of these matters are for the Environment Agency to secure through the Environmental Permit application process.

**Would welcome quantity and source controls as at Sutton Courtenay**

The application provides for input of Commercial and Industrial Waste unlike Sutton Courtenay. There is a need for treatment facilities for such waste and the implications of the greater throughput at Ardley is considered in the report.

**Pedestrian crossings cost far more than the Council has indicated**

The applicant has agreed to provide a crossing and I am informed that the cost would be £15,000.

**Highways Agency website says there is a problem with the A34/M40 and any increase would make the problem worse**

The Highways Agency does not object to the proposed development.

**The proposed green travel plan does not contain details on how workforce traffic will be reduced. They will have to drive**

If permission is granted a travel plan would be agreed and would need to reduce workforce traffic.

**If permission is granted times for deliveries should be restricted to 9.30 am to 4.00 pm**

The development would not materially increase congestion because it would represent only 1% of the overall traffic. Therefore, it would not be reasonable to restrict their traffic at these times. Restrictions should be similar to those for the existing landfill. That would give a significant amenity effect in Ardley at night and at weekends.

**If landfill capacity is reduced, as proposed, where will the needed replacement be?**

The loss of landfill capacity is contrary to SEP policy W13. Alternative landfill capacity would need to be permitted elsewhere. It is not possible to say whether this could be provided easily.

**Viridor takes no action on mud and dust on the road, slimy road surfaces, litter in hedgerows and flies in the village**

I am not aware that the existing site creates major problems as described. Any EfW Plant can be better controlled than a quarry and landfill and are unlikely to create these problems.

**Transporting waste to Ardley rather than Sutton Courtenay would mean 16,500 tonnes extra of CO2 would be produced from traffic and would cost Oxfordshire taxpayers an extra £267,000 over 25 years**

It is probable that an Ardley site would result in a greater production of CO2 from traffic than Sutton Courtenay would. The cost to taxpayers depends on more than the cost of transport. In any event, cost is not a material planning consideration.

**Annual cost of fuel to access Ardley (+£1.1m) outweighs LATS fines**

Costs of fuel and LATS fines are not material planning considerations.

**The baseline air quality assessment is questioned. Claims of no significant effect on local communities are not defensible**

This is a matter for the Environmental Permit application.

**A full EIA transport assessment should be undertaken. It should consider:**

- **gates survey to gauge correct traffic level**
- **66% increase in traffic**
- **policing of routeing**
- **declassification of B430**

The applicant's transport assessment and the Council's surveys give sufficient information to gauge transport effects. A gate survey was carried out and the increase in traffic from the proposed development was gauged. Any routeing agreement should include provision for easy monitoring and enforcement. Any declassification and weight restriction as a result of implementation of a Local Transport Plan (LTP) would affect through traffic only and prevent rat-running of HGVs. The provisions of any LTP would not affect HGVs accessing sites within the restriction area.

**Bridleway 26 should have a diversion over the brick railway bridge rather than use the level crossing**

The possibility of using the brick railway bridge should be discussed with the applicant.

**Local rights of way will be interrupted and decline**

Rights of Way would not be interrupted. A diversion would have to be in place before the definitive line of bridleway 27 was abandoned.

**Bucknell would experience noise in the evenings from lorry reversing alarms**

It is proposed that should permission be given the hours for traffic generation would be similar to those for the current landfill and would cease in the early evening. In any event, lorries visiting the EfW Plant would only reverse inside the building. Bucknell is separated from the site by the M40 and noise from that source is likely to be greater than any emanating from the site.

**Heat use is unviable because of cost of pipework**

There is little detail in the application on use of heat. The viability of its use at distance is unknown.

**A named palaeontologist should be appointed**

If permission is granted a condition would be needed to control how dinosaur footprints are protected.

**Zero waste and incineration are incompatible**

National targets for recycling and diversion of waste do not include zero waste as a target.

**No consideration of risks of major accidents**

Risks are those associated with pollution and are a matter for the Environmental Permit application process.

**Does incineration make air quality worse?**

**Should there be mandatory continuous automated monitoring data for pollutants?**

**Are there plans to measure current contamination in the environment?**

**Has work on distribution of emitted particles been carried out?**

**Who is responsible if adverse health conditions develop?**

**How soon would public be notified of a disaster – is there an Action Plan?**

**Insufficient analysis of CO2 release. Global warming effect?**

**Will there be contamination in dry windy weather or wet weather?**

**Who would be responsible for contaminating the aquifer?**

These are matters for the Environmental Permit application.

**Is CHP not possible because of lack of connections? Does it make Ardley not acceptable environmentally and economically.**

CHP has not been proposed and the viability of connections not assessed. Lack of CHP does not meet the aspirations set out in SEP policy NRM12 which is disappointing but does not make the development unacceptable.

**Does incineration undermine the waste hierarchy?**

The report confirms that there is a need for a facility to deal with waste that cannot be recycled and should not be landfilled. It would move waste up the hierarchy to an appropriate level.

**Does incineration have low energy efficiency compared with other treatment levels?**

The proposal is for an EfW plant, not straight incineration. Applying the WRATE assessment shows that it is comparable to other treatment methods and better than landfill.

**Does incineration destroy materials that could be recycled?**

An EfW Plant would not prevent national targets for recycling being achieved.

**To reduce global warming should incineration be discouraged?**

An EfW Plant would process residual waste that could not be recycled, reused or reduced and has less global warming effect than landfilling.

**A number of statements in the additional information document are questioned**

These are discussed in the report or in answers to representations.

**The chimney will be seen from Aynho, Croughton and Evenly**

The building does not comply with countryside policies in the Cherwell Local Plan. The view of the chimney contributes to that. However, views of the chimney from these villages would not be significant.

**Section 12 of the ES does not adequately assess the impact of the proposal on the Upper Heyford Conservation Area. The chimney would be visible from there**

Another part of the ES assesses the impact. The chimney would be visible but the distance means views would not be significant from the Conservation Area.

**How can supplier be identified in advance of planning decision?**

Contract provisions are not material planning considerations.

**RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES AND GUIDANCE****Waste Management Policy**Waste Policy Statement

PPS10 contains guidance on making decisions regarding waste management and promotes sustainable waste management, the moving of waste up the 'waste hierarchy' and disposing of waste to landfill as a last resort after reduction, reuse, recycling and energy recovery.

South East Plan

SEP policy W3 refers to regional self-sufficiency and states that waste authorities and waste management companies should ensure management capacity equivalent to the amount of waste arising and requiring management within the region's boundaries. Provision for recycling, recovery and composting should be made reflecting targets.

SEP policy W4 states that waste planning authorities should plan for net self sufficiency. A degree of flexibility should be used when applying the sub-regional self sufficiency concept and where appropriate and consistent with SEP policy W3 capacity should also be provided for waste from adjoining sub regions.

SEP policy W5 sets out targets for the diversion of waste from landfill for the region and goes on to state that the optimal management solution will vary according to the individual material resource streams and local circumstances and will usually include one or more of: re-use, recycling, mechanical/ biological processing, thermal treatment. Priority should be given to processes higher up this hierarchy. It states that sufficient landfill should continue to be provided for residues and waste that cannot practicably be recovered.

SEP policy W13 states that provision should be made for continuing but declining landfill capacity. Non-inert landfill capacity should be husbanded to provide for disposal of residual non-inert waste.

SEP policy W16 states that policies should aim to reduce the transport and associated impacts of waste movement.

SEP policy W17 states that in identifying suitable sites for waste management facilities, priority should be given to safeguarding and expanding suitable existing (permanent and temporary) waste management sites. The suitability of sites should be assessed on the basis of characteristics including good accessibility from existing urban areas, good transport connections, compatible land uses and ability to meet environmental and amenity criteria.

OMWLP policy W2 states that provision will be made to accept waste from London and other parts of the South East for treatment/disposal within Oxfordshire, provided that the treatment/disposal is consistent with regional, structure and local plan

policies. Proposals for the treatment or disposal of waste from London requiring road transport for the principal component of its journey will not be permitted.

OMWLP policy W5 states that waste treatment plant, machinery, buildings and stockpiles must be properly screened from the surrounding landscape. Such screening – by landscaping or other means – should be in place before any waste stockpiling or treatment begins.

SEP policy W6 sets targets for recycling and composting within the South East region until 2025. It states that waste planning authorities should adopt proposals to assist delivery of these targets.

SEP policy W7 states that waste planning authorities should provide for an appropriate mix of development opportunities to support the waste management facilities required to achieve the targets set out in SEP.

SEP policy W12 states that waste development documents should only include energy from waste as part of an integrated approach to management and that proposed waste facilities should operate to the required pollution control standards and include measures to ensure that appropriate materials are recycled, composted and recovered where this has not been carried out elsewhere. Proposed thermal facilities should, wherever possible, aim to incorporate combined generation and distribution of heat and power.

### **Recycling (applies to HWRC)**

SEP policy W3 – Proposals for recycling permitted provided site is close to waste/market, well located to transport network, no nuisance, no risk to water environment, no conflict with other policies.

SEP policy W4 – Permit recycling in open countryside only if: overriding need and no other site available and/or forms part of landfill site and will be removed once it's complete.

### **Impacts on the local Environment**

#### **Pollution and Amenity**

PPG23 covers planning and pollution control. It states that, 'any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use.' It also states that 'where it will save time and money, consideration should be given to submitting applications for planning permission and pollution control permits in parallel and co-ordinating their consideration by the relevant authorities'. It states that, 'planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced' and advises that 'the controls under the planning and pollution control regimes should complement rather than duplicate each other.'

Other matters that PPG23 states may be material considerations in the determination of planning applications include the possible impact of potentially polluting development on land use, including effects on health, the natural environment or general amenity, the potential sensitivity of the area to adverse effects from pollution, the environmental benefits that the development might bring, the economic and wider social need for development, the existing, and likely future, air quality in an area, the need for compliance with any statutory environmental quality standards, the need to limit and where possible reduce greenhouse gas emissions and possible adverse impacts on water quality.

PPG24 provides Government Policy on noise. It outlines the considerations to be taken into account in determining applications for development which will generate noise and advises on the use of conditions to minimise the impact of noise.

SEP policy NRM9 states that local authorities should seek an improvement in air quality in their areas.

SEP policy E7 states that local authorities should work with the Environment Agency and others to play a positive part in pollution control and encourage measures to improve air quality. At the planning application stage local authorities should ensure that air quality is taken into account along with other material considerations.

SEP policy NRM8 states that measures will be developed to address and reduce noise pollution at regional and local level.

CLP policy ENV1 (and NSCLP policy EN3) state that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

NSCLP policy EN5 states the Council will have regard to likely impact of development on air quality from its operation or traffic generated. Development which has a significant adverse impact on air quality will not be permitted. Council will seek to improve air quality through control of development.

NSCLP policy EN6 states:

Council will seek to avoid unnecessary light pollution. External lighting schemes will need to demonstrate that:

- (i) lighting scheme is minimum needed;
- (ii) light pollution is minimised;
- (iii) no detrimental impact on residential amenity, character and appearance of the landscape, nature conservation or highway safety.

## **Ecology and Geology**

PPS9 on Biodiversity and Geological conservation sets out the Government's objectives for planning and biodiversity and geological diversity. The broad aim is that planning and development should have a minimal impact on biodiversity and enhance it wherever possible. The objectives set out to achieve this include the promotion of sustainable development by ensuring that biological and geological diversity are conserved and enhanced so that development decisions integrate

biodiversity and geological diversity with other considerations and the conservation and enhancement of wildlife and geology by sustaining and improving the quality and extent of natural habitat, physical processes and species.

PPS9 also identifies key principles to follow in the determination of planning applications. These include that decisions should be made on the basis of up to date information about the environmental characteristics of areas, appropriate weight should be attached to designated sites and the aim of planning decisions should be to prevent harm to biodiversity. Where granting a planning permission would result in significant harm to those interests, planning authorities should be satisfied that the development cannot reasonably be located on any alternative sites that would cause less harm. In the absence of such alternatives adequate mitigation should be put in place. Where harm cannot be prevented or mitigated against appropriate compensation measures should be sought. If significant harm cannot be prevented, mitigated against or compensated, permission should be refused.

SEP policy E1 states that priority should be given to protecting areas designated at an international or national level for their intrinsic nature conservation value.

SEP policy E2 states that the region's biodiversity should be maintained and enhanced with positive action to achieve the targets set in national and local biodiversity action plans through planning decisions and other measures.

SEP policy NRM5 states that local planning authorities shall avoid a net loss of biodiversity and actively pursue opportunities to achieve a net gain across the region. The highest level of protection shall be given to sites of international conservation importance. Where a likely significant effect cannot be excluded an appropriate assessment will be required. If this is unable to conclude that there would be no adverse effect on the integrity of the site the plan or project will not be approved. Damage to nationally important sites and county wildlife sites will be avoided. Plans shall require green infrastructure in conjunction with new development.

OMWLP PE14 states that sites of nature conservation importance should not be damaged.

CLP policy C1 states the Council will seek to promote the interests of nature conservation. Development which result in loss or damage to SSSIs or other designated wildlife sites will not normally be permitted. The Council will seek to protect sites of nature conservation value.

CLP policy C2 (and NSCLP policy EN25) states development adversely affecting any species protected by the Wildlife and Countryside Act 1981 or Habitats Directive 1992 will not normally be permitted.

NSCLP policy EN23 states development which may affect a known or potential site of nature conservation value will submit an ecological survey to establish the ecological impact.

NSCLP policy EN24 states the Council will seek to promote nature conservation interests through control of development. Development damaging to sites of ecological or geological value will not be permitted unless:

- (i) for internationally important sites no alternative solution and over-riding public interest for the development;
- (ii) for nationally important sites need for the development clearly outweighs ecological or geological value or national policy to safeguard such sites; or
- (iii) for regionally or locally important sites the reasons for development outweigh ecological or geological value.

Where development is permitted damage must be minimal and conditions and obligations will be used to protect and enhance ecological or geological interest or provide mitigation.

NSCLP policy EN22 states development proposals will be expected to incorporate features of nature conservation value in the site and such features should be retained and enhanced. Conditions and obligations sought to secure protection and management or secure compensatory measures.

NSCLP policy EN27 states development proposals should incorporate creation of new habitats wherever possible. The Council will assist in their establishment where it is for environmental education and passive recreation.

## **Landscape**

SEP policy C4 states that outside nationally designated landscapes positive and high quality management of the region's open countryside should be supported.

CLP policy C8 states sporadic development in the open countryside including developments in the vicinity of motorway or major road junctions will generally be resisted.

CLP policy C7 states development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

CLP policy C9 states beyond the existing and planned limits of the towns of Banbury and Bicester development of a type, size or scale that is incompatible with a rural location will normally be resisted.

CLP policy C10 states development which would have a detrimental effect upon the character and appearance of historic landscapes, parks and gardens and battlefields and their settings will normally be resisted.

NSCLP policy EN30 states sporadic development in the countryside beyond the existing and planned built-up limits of settlements including developments in the vicinity of motorway or major road junctions will be refused.

NSCLP policy EN31 states beyond the existing and planned limits of the towns of Banbury and Bicester development of a type, size or scale that is incompatible with a rural location will be refused.

NSCLP policy EN34 states the Council will seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:

- (i) cause undue visual intrusion into the open countryside;
- (ii) cause undue harm to important natural landscape features and topography;
- (iii) be inconsistent with local character;
- (iv) harm the setting of settlements, buildings, structures or other landmark features;
- (v) harm the historic value of the landscape.

NSCLP policy EN36 states the Council will seek opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

NSCLP policy EN37 states in exercising its development control functions the Council will welcome opportunities for countryside management projects where:

- (i) all important trees, woodland and hedgerows are retained;
- (ii) the ecological value of the site will be enhanced; and
- (iii) new tree and hedgerow planting using species native to the area and of local provenance is encouraged and subsequently managed.

### **Rights of Way**

SEP C6 states that local authorities should encourage access to the countryside particularly by maintaining and enhancing existing rights of way, identifying opportunities and planning for routes within and between settlements and where possible making routes multi-functional to allow horses, pedestrians and cyclists to use them.

OMWLP policy PE11 states that the rights of way network should be maintained and individual rights of way retained in situ. Diversions should be temporary, safe and convenient and should be reinstated as soon as possible. Any proposal for permanent diversion should fulfil the functions of recreational and communications use of the right of way. Improvements to the rights of way network will be encouraged.

NSCLP policy R4 states the Council will safeguard and, where possible, enhance the existing public rights of way network. Development over public rights of way will not be permitted unless a suitable diversion can be secured which will not prejudice public rights.

### **Public Access**

OMWLP policy PE12 states in appropriate cases public access will be sought to restored mineral workings, planning permission would not be granted until its provision and long-term management has been secured.

## **Design**

SEP policy CC6 states that decisions associated with the development of land will promote the creation of sustainable and distinctive communities. This will be achieved by developing a vision which respects and where possible enhances the character and distinctiveness of settlements and landscapes and creates a high quality built environment which promotes a sense of place.

SEP policy CC4 states that the design and construction of all new development will be expected to adopt and incorporate sustainable construction standards and techniques.

## **Impacts on Water Environment**

Government policy on flood risk is set out in PPS25. This aims to ensure that flood risk is considered at all stages of the planning process. Planning authorities should consult the Environment Agency and they should provide advice on flooding for all development on land exceeding 1 hectare. Site specific Flood Risk Assessments should be provided for development over 1 hectare in flood zone 1 and for all proposals in flood zone 2 and 3.

SEP policy NRM1 relates to the protection of the water environment. It states that development should not be permitted that presents a risk of pollution.

CLP policy ENV7 (and NSCLP policy EN12) states that development which will directly adversely and materially affect water quality of surface or underground water bodies, such as rivers and lakes, will not be permitted.

CLP policy ENV12 states that development on land known or suspected to be contaminated will only be permitted if

- (i) adequate measures are taken to remove the threat;
- (ii) the development is not likely to result in contamination of surface or underground water resources;
- (iii) there is no conflict with any other policy in the plan.

NSCLP policy EN11 states development will only be permitted where adequate water resources exist or can be provided without detriment to existing use.

NSCLP policy EN13 says river corridors will be protected and enhanced where possible. Development by watercourses should:

- (i) conserve existing value and restore natural elements;
- (ii) not adversely impact nature conservation, fisheries, landscape, public access or water related activities;
- (iii) promote appropriate public access;
- (iv) identify locations for water related activities;
- (v) make adequate provision for maintenance; and
- (vi) make adequate provision for buffer zones.

NSCLP policy EN14 states in flood risk areas new development or land raising will not be permitted if proposals:

- (i) result in net loss of floodplain storage;
- (ii) impede floodwater flow;
- (iii) increase the risk of flooding elsewhere.

NSCLP policy EN15 states new development generating increased surface water run-off affecting watercourses such as increased risk of flooding or damage to habitats will not be permitted unless appropriate source control and/or attenuation measures are included. Developers should pay for these measures.

## **Landfill**

SEP policy W14 states that high quality restoration and, where appropriate, aftercare should be secured on waste management sites.

OMWLP PE13 states that landfill sites should be restored within a reasonable timescale to an afteruse appropriate to the location and surroundings. Restoration proposals should be submitted at the same time as any planning application for mineral working.

OMWLP policy W7 states that proposals for landfill sites will be assessed against the following criteria:

- a. there is a definite need for the facilities which cannot be met by existing or permitted landfill sites;
- b. no material damage or disturbance to the environment or to the amenities of residential and other sensitive uses;
- c. no impedance of floodplains or risk of pollution;
- d. no material damage within a Site of Special Scientific Interest or other site of nature conservation importance;
- e. no material damage to an ancient monument or archaeologically important area;
- f. no adverse effects on an Area of Outstanding Natural Beauty;
- g. no injury to the visual amenities of the Green Belt or conflict with its purposes;
- h. suitable access and transport routes;
- i. progressive restoration and completion within an acceptable period;
- j. meet with hydrological and geological requirements for safe disposal.

## **Traffic and Transport**

PPG13 sets out the Government guidance in relation to transport. The key objective is to promote more sustainable transport choices.

SEP policy T1 states that management proposals and policies should favour sustainable modes of transport, encourage development which is located and designed to reduce average journey length, improve the maintenance of the existing transport system, include measures to minimise negative environmental impacts and where possible enhance the environment and communities.

SEP policy T5 states that development documents and transport plans must identify categories of major traffic generating development for which travel plans should be developed.

SEP policy CO5 states that there should be a co-ordinated approach in effective management and development of transport networks in Central Oxfordshire and access to Oxford from major towns will be a priority.

SEP policy T2 states that development plans should include policies that give priority to: the maintenance of the existing transport system, improvements to the overall levels of safety and access, reduction of the environmental impact of movement and ensuring that new transport infrastructure enhance the communities and environment affected.

CLP policy TR7 states development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.

NSCLP policy TR1 states all traffic generating development must contribute to achieving the objectives of the Local Transport Plan.

NSCLP policy TR3 states a transport assessment and travel plan must accompany development proposals likely to generate significant levels of traffic.

NSCLP policy TR4 states before proposals for development are permitted the Council will need to be satisfied that all appropriate mitigation measures required to support that development are identified within an implementation programme. Such measures will include highway improvements, traffic management measures, improved public transport and/or facilities and measures to improve pedestrian and cycle accessibility.

NSCLP policy TR8 states development that would prejudice pedestrian and cycle circulation or route provision will not be permitted.

NSCLP policy TR11 states development likely to attract vehicular traffic will be required to:

- (i) Accommodate within the site the necessary highway safety requirements relating to access, turning and servicing.
- (ii) Include appropriate measures to minimise the visual impact of vehicles and parking areas.
- (iii) Comply with maximum standards for car parking.
- (iv) Provide parking for people with disabilities in accordance with the Council's standards.
- (v) Provide cycle parking in accordance with the Council's standards.

Development proposals which do not have regard to these criteria will not be permitted.

NSCLP policy TR16 states development that would generate frequent heavy goods vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted.

## **Energy**

SEP policy NRM12 states that policies should encourage the integration of combined heat and power (CHP) in all developments.

NSCLP policy D9 states in assessing development proposals the Council will seek to ensure that energy efficiency design principles are incorporated by means of:

- (i) minimising energy loss through appropriate urban form, siting of buildings and soft landscaping;
- (ii) maximising natural (passive) solar heating, natural lighting, and natural ventilation by means of appropriate layout and orientation;
- (iii) minimising energy consumption by means of building design;
- (iv) ensuring that the aesthetic implications of the green technology proposed are appropriate to the particular context of the proposals;
- (v) providing adequate accommodation for waste separation and recycling facilities.

## **Employment**

SEP policy RE3 states that local development documents should provide a range of sites for general employment purposes in locations which are accessible to the labour supply, make efficient use of underused sites, focus on urban areas and promote the use of public transport.

## **Historic Environment**

Government policy on planning and the historic environment is set out in PPG15 as amended by Circular 01/01 and 01/07. This urges planning authorities to ensure they have appropriate specialist advice on any application which, by its character or location, might have an adverse impact on any sites or structures of the historic environment. PPG15 states the Secretary of State's view that the desirability of preserving or enhancing conservation areas should be a material consideration in decisions regarding proposals outside the conservation area, but which would affect its setting or views into or out of the area.

NSCLP policy EN39 states development should preserve listed buildings, their features and settings, and preserve or enhance the character or appearance of designated conservation areas, as defined on the proposals map. Development that conflicts with these objectives will not be permitted.

## **Hazardous Substances**

NSCLP policy EN20 states proposals for new installations handling hazardous substances will not be permitted in close proximity to housing and other land uses which may be incompatible from the safety viewpoint or in proximity to environmental areas of particular sensitivity or interest. Proposals relating to an existing

establishment will not be permitted if it would increase risk to human health or the environment.

### **Land Resources**

NSCLP policy EN16 states development on Greenfield land including the best and most versatile (Grades 1, 2 and 3a) agricultural land will not be permitted unless there is an overriding need for the development and opportunities have been assessed to accommodate the development on previously developed sites and land within the built-up limits of settlements.

If development needs to take place on agricultural land, then the use of land in grades 3b, 4 and 5 should be used in preference to higher quality land except where other sustainability considerations suggest otherwise.

### **Environment**

MWLP policy PE18 sets out a Code of Practice for the operation of mineral workings and waste disposal operations to regulate them by imposition of conditions and seeking of planning obligations.

NSCLP policy EN1 states in determining planning applications the Council will take into account the likely impact of a proposal on the natural and built environment and will seek to enhance the environment whenever possible. Development which would have an unacceptable environmental impact will not be permitted.

NSCLP policy EN2 states in exceptional circumstances, where a development proposal is essential, but is likely to result in demonstrable harm to the environment and has no acceptable alternative, then in addition to appropriate mitigation measures, the Council will seek compensation for the environmental resource harmed or lost in order to conserve and enhance the overall quality of the environment. The type of environmental compensation should be the same as the resource which is being replaced. Replacement of some environmental resources will not be appropriate in any circumstances.

NSCLP policy EN3 states development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not be permitted.

### **Tall Buildings**

NSCLP policy D10a states for tall buildings will only be approved when:

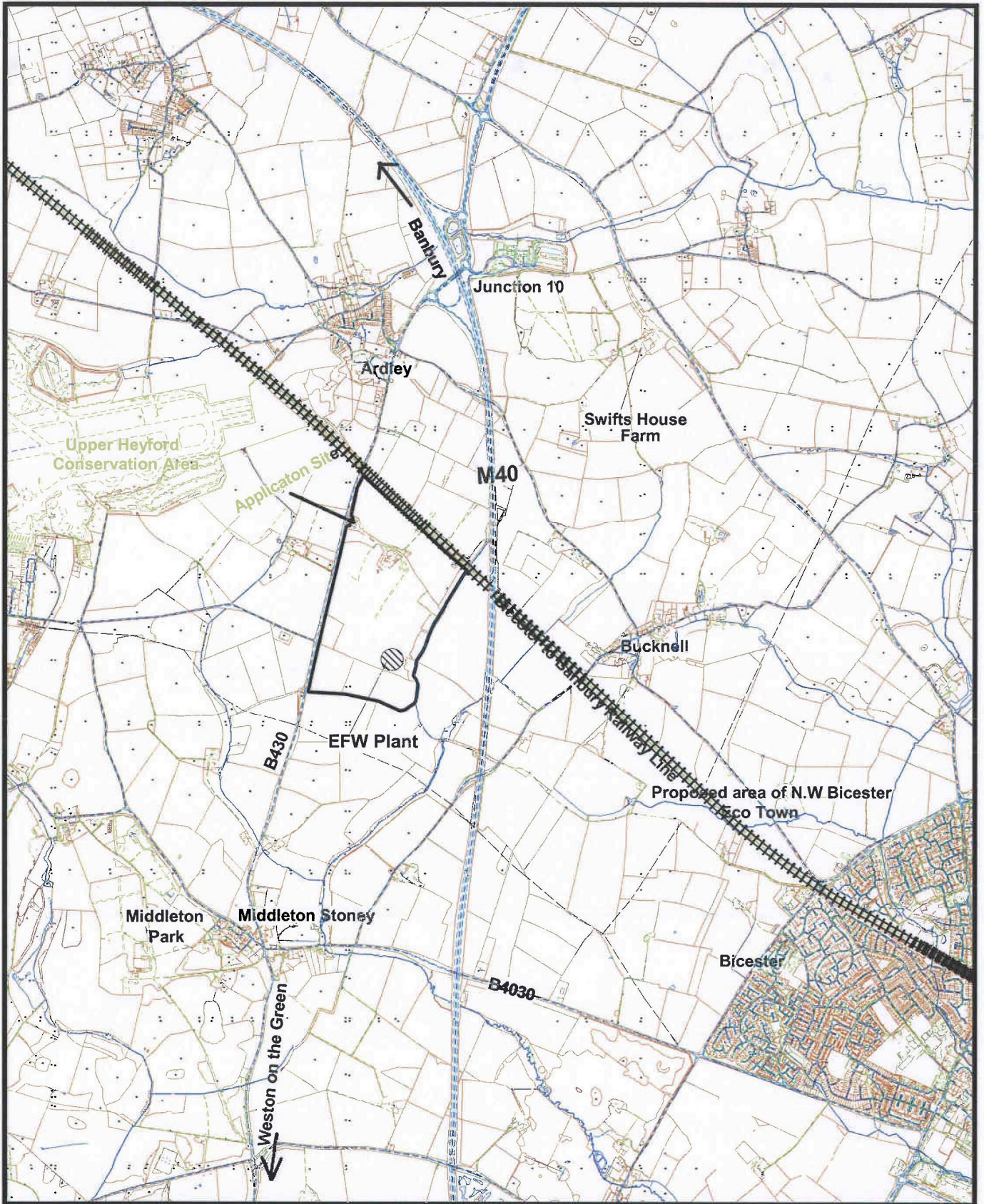
- (i) They relate well to their context, including both topography and built form.
- (ii) They will not damage or detract from:
  - listed buildings and their settings including the backdrops to landmark buildings
  - Conservation Areas and their settings
  - open spaces including rivers
  - skylines and other important views.

- (iii) Their architectural qualities including their scale, form, massing, silhouette and facing materials respect their location and their relationship to other structures.
- (iv) They contribute positively to public spaces in the area including their permeability for pedestrians, particularly disabled people, and cyclists.
- (v) They do not have an adverse impact on the local environment, including overshadowing, microclimate effects and night time appearance.

**Other issues**

SEP policy E8 states that development plans should set out policies on the level of protection to be offered to the best and most versatile agricultural land and ensure that soils are protected.

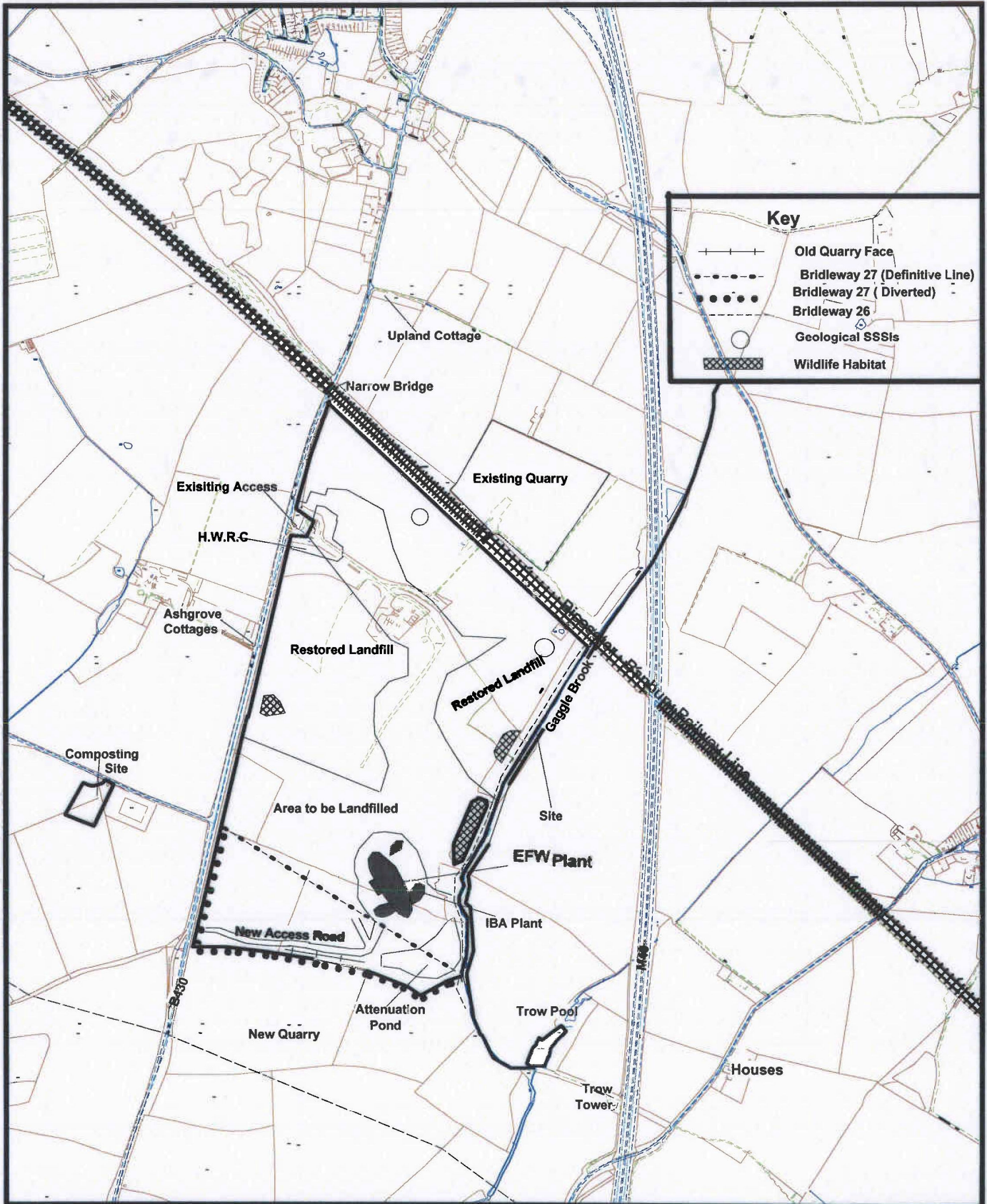
# Plan 1 - Location Plan



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Scale: 1:34999.96  
Plot Date: 6/10/2009  
By: T.Philp  
Dept:

# Plan 2 - Site Plan



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Scale: 1:14000  
 Plot Date: 6/10/2009  
 By: T.Philp  
 Dept:

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Division(s): Sutton Courtenay and Harwell
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## PLANNING AND REGULATION COMMITTEE – 19 OCTOBER 2009

### ENERGY FROM WASTE INCINERATOR (EfW) INFRASTRUCTURE PLUS THAT FOR COMBINED HEAT AND POWER (CHP), INCINERATOR BOTTOM ASH (IBA) PROCESSING PLANT WITH OUTSIDE STORAGE AREA AND AIR POLLUTION CONTROL RESIDUE (APCR) TREATMENT AND DISPOSAL FACILITIES, VISITOR AND OFFICE ACCOMMODATION AND LANDSCAPING WITHIN SUTTON COURTENAY RECOVERY PARK

Report by Head of Sustainable Development

<b>Location</b>	Sutton Courtenay landfill site
<b>Applicant</b>	Waste Recycling Group Ltd.
<b>Application No</b>	SUT/APF/616/60-CM
<b>District Council Area</b>	Vale of White Horse

#### Introduction

1. This application proposes an Energy from Waste (EfW) incinerator and facilities for processing the incinerator bottom ash (IBA) and for treating and disposing the air pollution control residue (APCR) that would be produced by the incinerator. The development proposed also includes weighbridges, landscaping, offices, infrastructure for combined heat and power (CHP) and a visitors' facility. The site proposed sits on the Sutton Courtenay landfill complex which measures 264 hectares.

#### Location (see Plan 1)

2. Sutton Courtenay landfill site is located approximately 8 miles (13 km) south of Oxford, between the villages of Sutton Courtenay to the west and Appleford to the east. These villages each lie about 300 ms from the closest approach to the site. Didcot lies approximately 2 miles (3.5 km) to the south and Abingdon is approximately 2.8 miles (4.5 km) to the north.
3. Little Wittenham Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located approximately 2.5 miles (4 km) to the east.

The second closest SAC is Cothill Fen, which is approximately 4 miles (7 km) to the north west.

### **The Site and its Setting (see Plan 2)**

4. This is an application for development at Sutton Courtenay landfill site, an active non-hazardous landfill site which accepts predominantly household waste and also commercial and industrial wastes.
5. The landfill 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 to the south and to the west lies open agricultural land.
6. The proposals in this planning application would affect two areas within the Sutton Courtenay landfill complex and the access points. The two areas covered by the application are the Air Pollution Control Residue (APCR) disposal area which is proposed to be located in an area consented for non-hazardous landfill to the north of the site, and the area for the incinerator plant, IBA processing and stockpiling, offices/visitors centre, weighbridges and CHP infrastructure (resource recovery park area) to the south. The total area of the application site is 50.3 hectares.
7. The landfill 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 all or part of their lengths. Bridleway 3 runs along the route of one of the two southern access roads. Byway Open to All Traffic (BOAT) 9 forms the western boundary of the waste park area and BOAT 10 and Road Used as Public Path (RUPP) 4 running along Portway forms the northern boundary. Footpath 12 bisects the APCR residue landfill area. The area proposed for the EfW plant and IBA processing plant is to the south of Portway and east of Corridor Road. The proposed APCR disposal area is to the west of Corridor Road. It is immediately north of the processing plant for the sand and gravel extraction at Bridge Farm.
8. There are two vehicular access points 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. The southern access is more heavily used and exits onto a roundabout on the Didcot perimeter road (A4130.) There are two routes from the southern access point to the application site and both have been included in the application area. One route goes to the west of Hill Farm and the other to the east and they join at the south-east corner of the planning application area. There is also access from Didcot Power Station. The site has a rail siding entering the site from the east off the main Oxford to London line. This is used for the import of limestone aggregate and waste from London. There is an area at the railhead with permission for permanent minerals and waste development. Developments associated with the railhead include a blacktop plant and offices.

9. The closest property to the site is Crossing Cottage which lies immediately to the east of the edge of the resource recovery park area and approximately 550 m from the EfW building. Hill Farm and Hartwright House lie adjacent to the southern access route, approximately 550 m and 600 m from the EfW building. The closest property on Main Road, Appleford is just over 100 metres from the edge of the application boundary and approximately 600 m from the proposed EfW plant itself. The closest properties to the APCR residue landfill are on the Appleford Road in Sutton Courtenay. These are approximately 500 m from the landfill boundary. There are office buildings 200 m from the boundary.
10. Millennium Common lies to the west of the proposed APCR disposal site, on the other side of the haul road. The proposed ACPR site is currently semi-restored lakes created by an old gravel working.
11. There is a landfill gas utilisation plant which produces electricity from gases from the landfill site. This is excluded from the application area and is located south of Portway and north west of the proposed EfW building, adjacent to the IBA area.
12. An overhead power line runs through the site crossing the western end of the resource recovery park area to the west of the IBA area.

### **Site History**

13. Landfilling has occurred on the Sutton Courtenay site since the late 1970s, following its working for sand and gravel since the 1930s. A planning application was submitted in 1992 to consolidate all earlier permissions and extend mineral extraction and landfilling. This permission was issued in 1996 (SUT/APF/616/33-CM). Conditions on this permission limited import of waste to 600,000 tpa with a limit of 200,000 tpa to be imported by road. The majority of waste was to be imported by rail via the existing sidings. End dates for landfilling were limited by condition to the end of 2012 and for clay extraction to the end of 2009.
14. An application was made (SUT/APF/616/45 CM) to continue the development but to increase the limit on road imports to 350,000 tpa. Permission was granted in 2001 to allow the increase in road imports for a period of 6 years after which time it would revert to 200,000 tpa.
15. In 2006 an application (APF/616/56-CM) was submitted to extend the date for the end of landfilling from 2012 to 2021 and to maintain the increased levels of import by road until the site closes. Committee resolved to grant permission in May 2007 (minute 33/07) and permission was issued in January 2009 following the completion of a legal agreement. Sand and gravel working has now finished on the site and so this application refers only to clay extraction and landfilling operations.
16. An application (APF/616/57-CM) was made in 2007 to construct a Materials Recovery Facility (MRF) and In-Vessel Composting Facility (IVC) in an area of

the landfill site other than that which had been previously approved under the SUT/APF/616/45-CM permission. Temporary permission for this development until 2020 was issued in December 2008, following the completion of a lorry routeing agreement.

17. An application was made in April 2008 to deposit waste to higher topographical levels within the landfill site. This included the temporary storage of pulverised fuel ash (pfa) from Didcot Power Station and an extension in the life of the landfilling activities until 2030. This was considered by committee in July 2008 (minute 43/08) when it was resolved that the permission will be issued once a legal agreement to cover issues including a hinterland, transport contributions and rights of way, is signed.
18. Planning permission was issued for sand and gravel extraction at Bridge Farm in 2008. Bridge Farm is to the north of the Sutton Courtenay site, on the other side of the B4016. However, material worked from this site is proposed to be processed at the existing processing plant at Sutton Courtenay site in an area to the south of the proposed APCR disposal site. This does not form part of this application site.

### **Details of the Development**

19. The EfW plant would be capable of processing 220,000 tonnes of waste per year (tpa). This would include residual municipal waste and commercial and industrial waste. The amount of municipal waste is projected to range between 140,000 and 185,000 tpa over the life of the plant and the amount of commercial and industrial waste would be between 35,000 and 80,000 tpa.
20. Waste would be incinerated in the plant and a steam turbine would produce electricity fed to the national grid. There would also be the capability for Combined Heat and Power (CHP) which is the utilisation of the excess heat produced by the process for heating schemes for other uses such as industry or housing.
21. The incineration process would create three by-products: incinerator bottom ash (IBA), ferrous metals and air pollution control residues (APCR). This application also proposes a processing plant for the IBA and a landfill area for the APCR. Although an IBA processing plant is proposed as part of the development, the application states that the IBA would be landfilled in the adjacent landfill site until such a time that it becomes economically advantageous to recycle it.
22. It is also proposed to construct office accommodation and a visitor centre within the EfW building.

### ***The EfW Plant***

23. The EfW plant itself would be 197.9 m long with a maximum width of 51.4 m with a maximum height of 49 m. The chimney stack would be 96 m high and 4 m in diameter.

24. Within the building there would be a waste bunker, tipping floor and turbine hall.
25. Waste would be tipped from waste collection vehicles into a refuse bunker within the tipping hall, which would be kept under negative pressure to control odour, dust and litter. The waste would then be loaded from the bunker to the furnace by an overhead grab crane. Crane operators would mix and load the waste and remove any unauthorised or unsuitable wastes for disposal at the neighbouring landfill site.
26. Waste would be loaded onto a feeding chute and transferred into the furnace. The waste would flow slowly over a combustion grate and burn at a controlled temperature. All biodegradable components would be removed and at the end of the combustion grate only inert and non-combustible material would remain. A vibrating grid would remove bulky items, such as ferrous metals, and the remaining IBA would be transported by conveyor to the IBA yard.
27. Hot gases from the combustion process would pass into a boiler and raise steam. This would then be passed through a turbine to produce electricity. Approximately 19 Mega Watts (MW) would be produced and approximately 17 MW of that would be exported to the electricity grid. The remaining 2 MW would be used to power the facility. It is proposed to install the necessary infrastructure to connect the plant to the Milton sub-station. This infrastructure does not require planning permission and does not form part of these proposals. The steam system comprises the boiler, turbine, condensers and associated pipe work.
28. The EfW building is proposed to be steel clad and coloured blue, silver and orange. Light reflective colours are proposed on the higher parts of the building.

### *Combined Heat and Power Infrastructure*

29. The steam produced for the generation of electricity can also be used to heat water for district heating schemes. This would reduce the amount of electricity generated, but increase the overall efficiency of the plant. The applicant has not secured a user for the hot water produced, but is in discussions with developers of new buildings at Milton Park and Southmead. CHP infrastructure would be located east of the EfW plant. There would be a CHP pump house measuring 20 m by 10 m with a height of 3 m and a thermal store would be 4 m by 3.8 m with a total height of 7.7 m.

### *Incinerator Bottom Ash recycling plant*

30. The IBA yard is proposed to be located to the west of the EfW plant and would contain an IBA plant building and open air storage yard. The IBA stockpiling areas will be roofed to minimise rainwater runoff from the stockpiles.

31. The July 2009 revision to the planning application supporting statement proposed that the IBA be transferred by conveyor to the IBA yard and then transferred to the wider Sutton Courtenay landfill site without undergoing processing. This option is proposed until there is an economic advantage in processing the IBA.
32. The application includes proposals for an IBA building measuring 37.6 m by 28.2 m with a roof height varying between 10.4 and 12.6 m. If brought into operation IBA would be transported to the yard by conveyor and stored in the open air storage area for up to 12 weeks to dry the material and make it easier to process. Then it would be fed into a processing plant within the IBA building, located to the south of the yard area.
33. Within the building IBA would then be screened and graded to separate and recover a range of materials for recycling. These would include metals and secondary aggregates. Residual, unusable material would be landfilled at the neighbouring non hazardous landfill site.
34. This plant would have the capacity to deal with 50,000 tonnes of IBA per year.

#### *Air Pollution Control Residue Disposal Facility*

35. Gases produced by the incineration process would be cleaned before they are released to the atmosphere to ensure that emission levels achieve the required standard. The cleaning processes involve the addition of materials such as hydrated lime, activated carbon and ammonia and produce a powder at the bottom of the baghouse filter. This powder is referred to as Air Pollution Control Residue (APCR). It is very alkaline and classified as a hazardous waste.
36. It is proposed to landfill the APCR in an area in the north of the site in an area currently permitted for the landfilling of non-hazardous wastes. As APCR is classified as hazardous waste, permission is sought for its deposit in this location.
37. The APCR would need to be conditioned prior to landfilling. This would involve the addition of water to reduce dust. It is proposed to construct a plant for this purpose, comprising two vertical silos and a mixing tower. It would be 18 m high with a base of 18 sq m. This conditioning plant is proposed to be located adjacent to the hazardous landfill area. APCR would be transferred to the storage silos from the EfW plant in vacuum tankers. It would then be transferred from the silo by sealed pipework, mixed with water and be deposited onto a dump truck.
38. The APCR would then be transported from the conditioning plant to be landfilled. It would be landfilled progressively, in clay-lined cells. There would be four cells in total. Once filled each cell would be capped with clay and soils would be placed on top then grassed, seeded and planted.

39. The application anticipates that the plant would produce 12,000 cubic metres of APCR per year. Infilling at this rate would give the site a 30 year capacity. There is the potential for APCR to be used in industry and the application states that it would be recycled if a secure and viable user was found.

*The Visitor and Office Accommodation, Weighbridges and Car Parking*

40. It was originally proposed to construct a separate block containing the visitor facilities and office accommodation. Following the second amendments to the application it is now proposed to incorporate these within the EfW building. This would not lead to any significant change to the external elevations of the EfW building, although it would result in an enlargement of the surface of the western elevation of the waste bunker to allow for the enclosure of a stairwell.
41. It is proposed to construct six weighbridges, three for the EfW, two for the IBA plant and one on the landfill exit road. Car parking will be provided for 78 vehicles.

*Landscaping*

42. Landscaping is proposed around the development to soften its impact. The proposed landscaping includes native tree and shrub planting, a parkland area with pedestrian access routes, hedgerow and tree planting along the access road, an ornamental lake, and screening mounds planted with native trees and shrubs. Attenuation lakes are proposed to be incorporated into the landscaping.

*Construction*

43. The construction period would last 34 months and at its peak the site would generate 346 vehicles per day. This includes HGVs and traffic associated with the 160 construction staff anticipated to be working at that time. This total would be in addition to the 424 daily movements associated with existing consents on the site. The peak number of construction staff would be 220 but these would not coincide with the peak period for HGV movements.

*Operating Hours*

44. The plant would operate 24 hours a day, 7 days a week. It is proposed to receive waste between the hours of 6 am and 8 pm 7 days a week including bank holidays. IBA processing operations are proposed between 7 am and 6 pm Mondays to Fridays and 7 am to 1 pm on Saturdays and Sundays, including bank holidays. ACPR landfilling is proposed between 7 am and 6 pm Mondays to Fridays and 7 am to 1 pm on Saturdays.

### *Traffic*

45. Once operational it is proposed that there would be 240 daily HGV movements associated with the EfW and IBA plants. Taken with the resulting decrease in movements associated with the landfill site and clay extraction, there would be a total of 432 daily HGV movements from this site, which would be 8 vehicle movements per day more than the existing movements for consented activities. There would also be vehicle movements associated with the 50 staff who would be employed once the plant is operational.

### *Waste Imports*

46. It is proposed to import waste from within Oxfordshire only.

### *Rights of Way*

47. Improvements to the rights of way network are proposed as part of this application. This includes the upgrading and resurfacing of some of the existing rights of way within the site. It is not proposed to upgrade or enhance inappropriate rights of way such as those that are also haul roads or those that have water voles in perimeter ditches. Portway is a haul road and traffic on it would increase as a result of this development. Therefore a new permissive restricted byway is proposed to create a safer and more pleasant east-west route in the site, away from vehicular traffic. The application also proposes making a financial contribution to pathways beyond the boundaries of the site to enhance the general network of rights of way in the surrounding area.

### *Traffic Routeing*

48. The applicant has confirmed that they are willing to enter into a routeing agreement that routes HGVs associated with the development on to the A4130 Didcot Northern Perimeter Road. HGVs can then go west onto the A34 or east to Wallingford and south east Oxfordshire. The only exception to these routes would be waste collection vehicles from the local area which could use the site's northern access onto the B4016. The existing routeing agreement for the site allows 100 vehicles a day to use the northern access onto the B4016 and this limit would remain as a total for all development on site, including local waste deliveries to the EfW plant.

### *Environmental Statement (See Annex 1)*

49. The application is supported by an Environmental Statement (ES). The topics covered by the ES are described in Annex 1.

### *Legal Agreements*

50. The applicants have indicated that should planning permission be granted for this development, they would be willing to enter into legal agreements to cover the following matters;
- a routing agreement to ensure HGVs are restricted from travelling through local villages and urban areas;
  - a contribution of £43,824 (index linked) towards the Didcot Integrated Transport Strategy (ITS);
  - a limitation on the amount of tonnage to the EfW; a limitation on the amount of total waste being carried to the site by road; a limitation on the total number of vehicles using the secondary northern access and the number of vehicles travelling eastbound to the A4130;
  - a contribution of £1,000 towards the monitoring of a travel plan;
  - the funding of a 25 year long term management plan for any approved restoration scheme;
  - a contribution towards mitigation measures for both on site and off site public rights of ways;
  - a restriction on the area from which waste can be imported (a hinterland).

### **Consultations (See Annex 2)**

51. The planning application was originally submitted in August 2008. As a result of the comments and objections that were raised in the initial consultation period the applicant was asked to submit further information. In February 2009 an amended application was received including additional information. These revisions included changes to the design of the EfW building. The revised plans show a reduced footprint of the EfW building, changes in the elevation so that some points were higher and some lower, with the highest point of the building raised from 44.25 to 49 m. The size of the IBA yard was reduced. Further landscaping was proposed along the site boundaries and to the east of the EfW plant. At that stage it was proposed to take up to 25% of the total waste import from Berkshire. There was a further consultation period on the amended application in March 2009.
52. In August 2009 further amendments and revisions were submitted. The details of the development outlined above in the details of development section refer to the most recent revisions. The design of the EfW plant was not altered. The main changes were to reduce the throughput and size of the plant, although not the size of the EfW building. This allowed the visitor centre and offices to be incorporated into the main building. This resulted in changes to work in the ES including the transport and air quality assessment. It is now proposed to import waste from Oxfordshire only.
53. All consultation responses are outlined in Annex 2.

### **Representations (See Annex 3)**

54. The points made in letters of representation are outlined and addressed in Annex 3. The main issues raised related to concerns about air quality and health, visual impact, traffic, risk of flooding and water contamination, and the benefits of alternative forms of waste management.

### **Relevant Planning Policies (see Annex 4)**

55. The key policies are those related to waste management, pollution and amenity, ecology, landscape and countryside, rights of way, design, hydrology and transport. The relevant policies are set out in Annex 4.
56. The Development Plan comprises saved policies from Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) and the South East Plan (SEP) and the Vale of White Horse Local Plan (VLP). Although policies in the SEP are worded to provide guidance on writing policies, they can also be used for development control purposes. Certain policies from OMWLP have been 'saved' by the Secretary of State and therefore remain part of the development plan. PPS10 (Planning for Sustainable Waste Management 2005) is also relevant in determining this application.
57. There is not currently a Waste Development Framework in place for Oxfordshire. When this is published it will identify suitable locations for waste management in Oxfordshire. The Core Strategy with strategic site allocations is currently expected to be adopted in late 2011 or early 2012. The timetable for a Site Allocations Development Plan Document is not yet clear.
58. At the time that the application was originally submitted, Regional Planning Guidance for the South East (RPG9) and saved policies from Oxfordshire Structure Plan (OSP) also formed part of the development plan and so some consultation responses refer to these documents. However, they were replaced by the publication of the South East Plan in May 2009. Three OSP policies remain saved but these are not relevant to the consideration of this application.

### **Comments of the Head of Sustainable Development**

59. The non site specific issues of waste management policy, including need and pollution are dealt with in the covering report. The other key site specific issues are dealt with below, together with a number of other topics that are pertinent to the consideration of the proposal.
60. The key issues that should be considered in determining this application are:
- Site specific waste policy and management issues,
  - Strategic location of EfW plant at Sutton Courtenay against planning/transport criteria for waste management facilities
  - Landscape and countryside impacts and context
  - Amenity/impacts on local people

### **Site specific waste policy/management**

61. The application proposal would provide an EfW plant capable of treating up to 220,000tpa of residual waste (after recycling and composting). It would provide capacity to manage the waste arising in Oxfordshire. It is not proposed to import any waste from London or elsewhere in the South East to the EfW facility. Therefore it would contribute towards net self-sufficiency in waste management capacity at a sub-regional level, in accordance with SEP policy W4.
62. The proposal no longer involves the recycling of IBA, although the plant would be available should this become viable. If recycling of IBA took place on site, the quantities involved would be small and unlikely to make a significant impact on the targets for the recycling of construction and demolition waste.
63. This proposal includes the husbanding of the existing landfill void. The plant has been situated in a location that would not reduce the capacity of the void. The diversion of waste to the EfW would reduce the rate at which the void was filled. This is in accordance with the requirement to husband non-inert landfill capacity set out in SEP policy W13.
64. Energy from waste plants must be part of an integrated approach to waste management, to accord with SEP policy W12. In terms of municipal waste, this EfW is proposed to manage only the residual waste that remains after the separation of waste at the kerbside. The EfW plant would form part of the integrated approach to the management of Oxfordshire's waste consistent with the aims of SEP W12. The commercial and industrial waste that is proposed to be dealt with at this site would not have gone through this separation process. These wastes may arrive separated in any case but there would be no system to ensure that they were. The EfW plant itself does not include a facility for the separation of recyclable wastes. Therefore in terms of commercial and industrial waste the proposal does not support the aims of SEP policy W12.

### **Strategic location of EfW plant at Sutton Courtenay against planning/transport criteria for waste management facilities**

65. This proposal would involve the transport of municipal waste from across Oxfordshire to one waste management site. At present waste in Oxfordshire is taken to 4 landfill sites in different areas of the county. The development of a single facility would therefore cause an increase in the length of journeys transporting waste across the county. The extent of increase in length may be reduced depending on the bulking facilities which are operated in conjunction with the EfW plant. However, it is likely that there would still be an increase in the number of journeys. This is because any journeys from the bulking facilities to the EfW plant would be additional compared to the current situation where waste travels to one of 4 landfills sites. This is not supported by SEP policy W16 or T1.

66. The proposed EfW site is well located in relation to the existing urban areas of Didcot, Abingdon and quite well located for Oxford. It is well connected to the A34 which provides good accessibility from wider Oxfordshire. Therefore the location of the site broadly accords with SEP W17 in this respect. SEP W17 also supports the use of rail where possible. The wider Sutton Courtenay site has a railhead. However, it is not proposed to make use of this railhead to import waste to the EfW plant.
67. PPG13 does not contain specific advice on transport in relation to waste development. However, I consider this development to be in accordance with the general aim of sustainable travel which it promotes. Rail transport is only practical for waste brought in from single major sources over long distances. As waste for this site would arise from Oxfordshire only, it is proposed to import it by road. PPG13 states that the imposition of operating hours on freight movement can cause problems of congestion at peak hours. In this case as the routeing agreement would ensure that HGVs would not pass through residential areas, operating hours could be longer and peak hour congestion problems avoided.

## **Landscape and Countryside**

### *Landscape Context*

68. The landscape around the Sutton Courtenay landfill complex is characterised by fairly flat agricultural land with small villages.
69. The proposed EfW plant, which would form part of the existing Sutton Courtenay landfill complex, would be a permanent industrial scale development in the countryside. The site is within the Lowland Vale as referred to in policy NE9 of the VLP. It would have an adverse impact on the landscape, specifically the long open views across the area. Therefore the proposal is contrary to VLP policy NE9.
70. This development is also within the Important Open Land between Didcot and Appleford as identified in VLP policy NE10. Significant parts of this open land currently form part of the Sutton Courtenay landfill complex. The proposed EfW plant would sit within the present landfill complex. The landfill permission is temporary and will in time be restored to agricultural land. Once landfill restoration is completed, the EfW plant would harm the essentially rural and open character of the area as it would introduce a large industrial building unrelated to any other significant built development. Therefore the development is contrary to VLP policy NE10.
71. Policy NE11 of VLP allocates this site within an Area for Landscape Enhancement. A landscaping scheme has been submitted within the application. It is a high quality scheme that would improve the visual appearance of the development. However, it would not hide the development and I consider that the development would damage the agricultural character of the area, contrary to VLP policy NE11.

72. Extensive screening and landscaping is proposed to reduce the visual impact of the EfW on the surrounding landscape. The visual and landscape assessment shows that these proposals would contribute towards the mitigation of these impacts. Due to the size of the building it would not be possible to screen it from view entirely. However, the design of the building is of a high standard and has received positive comments from CABI. I consider that the proposal is consistent with OMWLP policy W5, in that the waste treatment (EfW) plant would be properly screened from the surrounding landscape. Conditions could be used to ensure that the landscaping is completed before waste treatment begins, as required by this policy. However, the effectiveness of the screen would improve over time as the native trees and shrubs grow.
73. The area proposed for APCR landfill already has landfilling consent. The change in the type of waste landfilled from non-hazardous to hazardous would not alter the impact of the landfilling on the landscape. The contours would remain the same and the land would still be returned to countryside following the completion of landfilling. Following restoration this area of the site would be subject to the standard 20 year aftercare period.
74. OMWLP policy W5 also applies to the IBA processing plant and APCR conditioning plant. It is proposed to screen the IBA plant through landscaping and planting. It would also be screened by the EfW plant building itself and further by the landscaping proposed to screen the plant. The APCR treatment plant would be set down 2 m below ground level and would be screened by the woodland planting proposed across the wider Sutton Courtenay site. I therefore consider that the IBA and APCR plants could be properly screened as required by this policy. These requirements could be secured by condition.

### *Compatibility with surrounding land uses*

75. The application site should be viewed within the context of the wider Sutton Courtenay site which includes mineral working and processes and industrial development. Both mineral workings and industrial uses are listed as compatible landuses in SEP policy W17. Although the application boundary for this development does not encompass it, the wider Sutton Courtenay site does contain an area of permanent minerals and waste/industrial development (the 'coffin' area.) Permanent consents in the 'coffin' area include the construction of rail sidings and associated developments (including the importation of waste ballast). Therefore further waste development would be expanding on a site with some existing waste management use.
76. The wider Sutton Courtenay landfill site has temporary permission until 2021 and there is a resolution to grant permission which would extend landfilling operations until 2030. There is also permission for a Materials Recovery Facility and In-Vessel Composting until 2021. A green waste composting facility operates on the site with temporary permission. It should be recognised that the landfilling, MRF and IVC have temporary consents and these sites will be restored. However, the inclusion of active mineral workings

in the compatible landuses listed in SEP W17 confirms that temporary uses can be relevant in considering the suitability of sites.

77. There has been a landfill site at Sutton Courtenay for over thirty years and therefore I consider the site has the ability to meet a range of environmental and amenity criteria, in accordance with the policy. Therefore I consider that the proposed location largely accords with SEP policy W17. Although it is located in the countryside, it is in close proximity to two compatible landuses; an active mineral working site and industrial uses.

## **Amenity/impacts on local people**

### *Pollution*

78. The pollution control issue is dealt with in the covering report. However there has been a significant level of concern from objectors about the cumulative impacts on air quality from the developments at Sutton Courtenay.
79. The applicant has provided details of their plans to handle air emissions and the Environment Agency has been consulted on these. The details of air quality will be carefully considered by the Environment Agency through the determination of the environmental permit. Unless the plant can operate to the necessary standards of air emissions it will not be granted a permit and would not be able to proceed. The Environment Agency has confirmed that it considers well managed, modern energy from waste facilities do not cause significant pollution. Therefore I am satisfied that air quality issues have been taken into account and will be dealt with in detail through the appropriate process, as required by SEP policy E7.
80. This development would provide an alternative to landfilling for Oxfordshire's waste. Landfilling has an impact on air quality due to the escape of gases such as methane, which happens even when there are facilities to capture gases. Landfill gases that are captured are burnt which also results in an impact on air quality. A development which reduces landfilling therefore has the potential to improve air quality. However, this development would also create emissions from the incineration process, which would have the potential to have an adverse impact on air quality. The ES sets out the incorporated mitigation measures and states that the plant would be operated in accordance with the requirements of the Waste Incineration Directive (WID). The plant could not operate if it did not meet these requirements. Therefore, I consider that this development would be in accordance with the aims of SEP policy NRM9.
81. The development would involve the use and storage of hazardous substances. This would be a matter for the permit to consider in detail but there is no reason to believe that this would be unacceptable in principle in this location, which is some distance from residential properties. Pollution issues are considered above and will also be considered by the Environment Agency as part of the permit application. I do not consider that there would be harm to amenity as a result of heat from this development, due to the

condenser and the distance between the plant and residential properties. Therefore, subject to the appropriate conditions, this development would not unacceptably harm the amenities of neighbouring properties and would therefore accord with VLP policy DC9.

### *Proximity to local population*

82. There are a number of factors to take into account in determining whether this development would have an adverse impact on local amenity. The proposed EfW facility is approximately 550 m from the nearest properties. I consider that this distance will mean that the development would not cause a loss of privacy, daylight or sunlight. Although it would be a visible feature in the landscape it would not cause a significant impact on any particular property in terms of dominance or visual intrusion. External lighting would be controlled by condition to ensure it would not have a detrimental impact on local amenity.

### *Odour and Dust*

83. Odour and dust would be managed as the operations would be carried out inside a building kept under slight negative pressure and the air drawn would be used in the combustion process. The Environmental Permit would control odour. There has been no objection from the Environmental Health Officer in terms of noise and this would be controlled by condition.

### *Noise*

84. There is the potential for the noise impact of the site to be reduced if operations take place inside a building and the number of vehicles moving over the landfill site itself are reduced. The development design incorporates mitigation and the noise study in the ES shows that with this mitigation, noise levels from the development would not be significant in either the construction or operational stage at the identified sensitive receptors. Therefore noise has been considered in line with PPG24 and the development is not considered to increase noise pollution. The proposal does not conflict with the aims of SEP policy NRM9. There has been no objection from the Environment Agency or the Environmental Health Officer regarding contaminated land.

### *Impacts on Water Environment and Flooding*

85. A flood risk assessment has been submitted with this application. The Environment Agency has been consulted and has provided advice regarding flooding in line with PPS25. The Environment Agency has confirmed that the flood risk assessment is acceptable. The development is not likely to increase the risk of flooding elsewhere. Therefore the proposal accords within VLP policy DC13 and OMWLP W7(c).
86. There have been particular concerns that this development would pose a threat to the water environment as there would be a risk of leaching from the APCR landfill site into local watercourses and the Thames. However, the

hazardous landfill area would be lined with clay in order to prevent leaching. The proposal will also be subject to the environmental permit application process which will ensure that the development would not lead to pollution. Therefore the development would be in accordance with SEP policy NRM1 and OMWLP W7(c).

*Traffic and transport*

87. SEP policy T2 provides guidance for the formulation of policies aimed at ensuring that the environmental impact of traffic movements related to any development is minimal. I consider that this development is consistent with the general aims of this policy, subject to a routeing agreement to ensure that HGVs do not use roads passing through sensitive villages.
88. The applicant has agreed to enter into a routeing agreement to ensure that the current arrangements for HGV routeing continues. This agreement would ensure that most vehicles use the Didcot Perimeter Road and not the villages of Sutton Courtenay, Appleford or Long Wittenham. In the current routeing agreement for the site there is the provision for some roadside collection vehicles which have been collecting waste in the local area to use the northern access. It is proposed to continue this, but not increase the use of the northern access. Therefore subject to this agreement the proposal is in accordance with OMWLP policy SC3.
89. Transport Development Control have confirmed that the access is safe and, subject to a legal agreement securing financial contributions to Didcot Integrated Transport Strategy the road network can accommodate additional traffic arising as a result of this development. Provision is made for parking and loading off the highway and the other requirements of VLP policy DC5 are also met. Therefore the proposal is in accordance with this policy.
90. As a result of the EfW plant, waste to landfill by road would be reduced from 350,000 tpa to 100,000 tpa. Waste to landfill would predominantly be commercial and industrial waste and would therefore be bulked before being delivered. It is estimated that once the EfW is operational, as much as 90% of waste to landfill would be bulked. As this would be different to the existing input to landfill the number of HGV movements would be reduced.
91. Transport Development Control's view is that the site is well located in respect of the surrounding strategic road network to receive imported waste from around the county and is an existing resource recovery park. The existing site access is suitable for the proposed traffic generation and there is capacity within the highway network to cater for vehicles associated with the EfW.
92. Transport Development Control has also requested a travel plan, a construction travel plan and funding for monitoring the travel plan. This would be in accordance with SEP policy T5.

### *Operating Hours*

93. The application proposes that deliveries are made to the plant between 6 am and 8 pm 7 days per week. This is longer than the standard operating hours usually applied to minerals and waste permissions in Oxfordshire. The standard hours are 7 am to 6 pm Monday to Friday and 7 am to 1 pm Saturday with no working on a Sunday. This is proposed for the APCR landfilling and these standard hours could also be imposed by condition for the waste deliveries to the site. However, I do not consider that this restriction of hours is necessary in this location. The plant is located some distance from residential areas and HGVs delivering to the site will not pass through the residential areas. Therefore, I recommend that a condition is imposed reflecting the operating hours which have been applied for.

### **Other Issues**

#### *Design*

94. The application includes a predictive Building Research Establishment Environmental Assessment Method (BREEAM) assessment. This assesses the performance of the proposed buildings in areas such as materials, energy consumption, transport and health. This suggests that the buildings would achieve a minimum rating of 'good' and conserve resources. I am satisfied with the conclusions reached in this assessment. Therefore consideration has been given to measures to conserve energy and other resources, in accordance with SEP policy CC4.
95. I consider that the design of this development is of a high quality. Although it is a large and tall building this is necessary for its function and the design has been carefully considered to ensure that it is more interesting than a simple box shaped industrial building. The mass of the building is broken up by a layered design. Consideration has been given to materials and detailing and the relationship to adjoining open space. Overall I consider that the layout, scale, mass, height, detailing, materials used and its relationship to adjoining buildings and open space do not adversely affect those attributes that make a positive contribution to the character of the locality, which is supported by VLP policy DC1.
96. The policy also requires design to take into account local distinctiveness and character. However, although it may take it into account it would be difficult for a building of this type to reflect local character due to its nature and the fact that there are not many surrounding buildings and few of this scale. It is possible that the building could positively enhance the character of the local area, as it would be a distinctive and unusual building. However, design is subjective and there are many local residents concerned that the building would be an eyesore.
97. The facility is designed to be secure and deter crime in accordance with VLP policy DC3. Additionally the landfill site is currently closed overnight and there have been problems with people trespassing over the site. This plant would

be easier to secure and the continuous operation of an EfW building and presence of employees on site has the potential to reduce this trespassing.

### *Ecology*

98. SEP policy NRM5 states that local planning authorities should avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.
99. Comments from the various interested bodies on biodiversity (including Natural England and the County Ecologist) conclude that they accept the mitigation measures put forward to address any impacts on biodiversity. Indeed the landscape and restoration proposals may well result in an increase in habitats of value to biodiversity and the net impacts of the development will be positive within the site and local area. This would be in accordance with SEP policy NRM5.
100. In addition, there are several SSSIs within 10 km of the application site boundary and concerns have been raised about the indirect impact of this development on these sites. Natural England have confirmed that they have no objection in terms of potential air pollution impacts on any designated sites.
101. There are also 2 Special Areas of Conservation (SACs) within 10 km of the proposed site. These are Little Wittenham and Cothill Fen. In considering the possible impact of the proposed development on the SACs (and whether an Appropriate Assessment would be required), Natural England appointed an air quality consultant to review the proposal. As a result of the consultant's findings, Natural England have confirmed that this proposal is unlikely to have a significant effect, alone or in combination with other plans or projects on the SACs, and therefore an Appropriate Assessment is not required.

### *Historic Environment*

102. English Heritage have confirmed that they do not object to this application. The development would not be visible from public walking routes within the conservation area. There might be some visibility of the chimney stack from the private spaces behind some residential properties. However, this would be limited and the stack would be in the distance. Therefore I do not consider that this development would cause any harm to Sutton Courtenay conservation area or its setting. Therefore it would preserve the character and appearance of the conservation area in line with VLP policy HE1.
103. Specialist heritage advice has been sought from English Heritage in line with PPG15. The proposed development would not have a significant impact on the conservation area or listed buildings in Sutton Courtenay.
104. The application site is on an area that has previously been worked for sand and gravel and is landfilled, except the hazardous waste landfill area which has been worked but not yet landfilled. Therefore there is no archeological interest and there is no need to consider policies in relation to the protection

of archeological remains. The County Archaeologist has not objected to this application.

### *Rights of Way*

105. There have been no objections from the rights of way team. Although the proposal would lead to an increase in traffic on a designated right of way and potentially affect the attractiveness to users of routes within the site, the development also offers potential improvements to the rights of way system within the site and also off-site.
106. This development would retain the existing rights of way in-situ, in accordance with OMWLP policy PE11. Rights of way on the site would be improved and the applicant is willing to enter into a legal agreement to improve off-site improvements. This is also in accordance with OMWLP PE18.
107. The proposal to maintain and improve existing rights of way is in accordance with SEP policy C6. Although there would be additional traffic movements on an existing BOAT and a potential effect on the attractiveness of some routes, a satisfactory mitigation scheme has been submitted. I consider that these improvements would mitigate any adverse impact on the rights of way.
108. The consultation response from the British Horse Society also refers to the Rights of Way Improvement Plan. As the development proposes improvements to the rights of way network to mitigate any adverse impact, I do not consider that the aims of this plan would be compromised by this development.

### *Climate Change*

109. Moving waste up the waste hierarchy assists in making a significant contribution to limiting the effects of climate change. In this case the electricity generated by the development saves on fossil fuel use. In addition, the EfW building has been designed with energy efficiency in mind as it is aimed at achieving a BREEAM rating of 'good' which measures the sustainability of the building.

### *Energy*

110. The proposed development includes the potential for CHP but no detailed scheme for its utilisation. The applicant has provided details of a potential scheme for CHP (as supported by SEP policy W12) but has not provided a detailed plan for its utilisation. Therefore at this point the proposal is not consistent with the aims of NRM12 which encourages that CHP be included in all developments.

### *Employment*

111. Although the main purpose of the development is not to provide employment, the development would create 50 full time jobs. Therefore the proposal must

be considered against SEP policy RE3. The site is close to urban areas such as Didcot and has good accessibility by car. The accessibility by public transport is less good and given the 24 hour operation of the plant it may be difficult for some employees to travel to work by public transport. 220 people would be employed during the 34 month construction phase. The highways authority has requested that a condition be placed on any permission granted requiring a travel plan for the construction phase. This would help ensure sustainable means of transport are used. In general I consider that this is consistent with SEP policy RE3.

### *Alternative Sites*

112. The applicant has carried out an analysis of alternative sites for the EfW proposal as required by the EIA regulations. The alternative site appraisal was fairly extensive and considered 229 sites. These sites were subject to an initial desk based appraisal taking into account site size, availability, compatibility with development plan policy, suitability of access and proximity to incompatible land uses. As a result of this initial appraisal 218 sites were rejected and 11 were shortlisted (these included both Sutton Courtenay and Ardley).
113. The remaining 11 sites were subjected to a more detailed appraisal using a system of scoring which covered the planning vision, sensitive human receptors, landscape and visual consideration, potential impacts on the natural and historic environment, road access, rail and water transport, energy utilisation, flood risk and ground water vulnerability, aerodrome safeguarding areas, air quality management areas and the green belt.
114. I am satisfied that the applicant has undertaken an assessment of alternative sites that is sufficient to satisfy the EIA regulations. The applicant has put forward this site for the proposed development and this proposal now has to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Landfill Proposals**

115. The development of an EfW plant creates a need for a facility to handle the APCR that would be produced. APCR is classified as a hazardous waste and, therefore, must be disposed of within a designated hazardous waste landfill site. The application seeks permission to incorporate a hazardous waste landfill area to dispose of this waste. This need could potentially be met by an alternative hazardous waste landfill site so arguably there is not a definite need for the facility which cannot be met elsewhere as required by OMWLP W7(a). However, in this case there are clear advantages to reducing waste transport by dealing with the waste on the site from which it arises.
116. The proposed hazardous waste landfill site is approximately 3 miles (5 km) from the nearest SSSI and SAC at Little Wittenham. The County Ecologist does not consider that the hazardous waste landfilling would cause any damage to these sites. This area already has consent for landfilling and

therefore the archaeological issues have been considered. Therefore the landfill proposal is in accordance with OMWLP W7(d) and (e).

117. Allowing the deposit of hazardous waste in this area of the permitted landfill site would not have any effect on any AONB and the site is not in the Green Belt. Therefore the development is in accordance with OMWLP W7(f) and (g).
118. The APCR would be produced and deposited within the Sutton Courtenay site and therefore would not need to travel on a public road. Therefore the proposal is in accordance with OMWLP W7(h.) The application does not include any proposal to import hazardous waste from elsewhere to landfill here.
119. The proposals would not be granted an Environmental Permit if it does not meet the hydrological and geological requirements for safe disposal. Therefore OMWLP policy W7(j) would be satisfied.
120. A restoration plan has been submitted for the hazardous waste landfill area and it is considered high quality, in line with SEP policy W14. A 5 year aftercare would be required by condition, as encouraged by this policy.
121. The timing of the restoration of the landfill cells can be required by condition, therefore ensuring that the site is restored within a reasonable timescale after the completion of landfilling, in line with OMWLP PE13. The agricultural restoration is considered appropriate to the agricultural surroundings. The proposed restoration is progressive, in accordance with OMWLP W7(i).

## **Conclusions**

122. There is strong support in the South East Plan and elsewhere to permit appropriate waste treatment facilities to move waste up the hierarchy and help meet targets to divert waste away from landfill. These policies support provision of facilities such as EfW plants to deal with waste as part of a balanced/integrated strategy. Oxfordshire County Council is aiming to do this by achieving comparatively low waste arisings, high recycling rates, garden and food waste treatment and residual disposal through an appropriate facility.
123. The proposed facility would have a throughput of 220,000tpa and is intended to take commercial, industrial and municipal waste from Oxfordshire only. There is a need to provide for at least 425,000tpa of residual waste from these sources. Whilst Sutton Courtenay is not within or adjacent to a built up area, it is close to Didcot and Abingdon and well related to the strategic road network which serves Oxfordshire as a whole. It is therefore well placed to meet the need that exists.
124. There is conflict with policies which seek to prevent permanent built development in the countryside. There is however some support in the South East Plan for locating waste management facilities at mineral and waste sites

which is proposed here. The visual impact on the countryside would be reduced by extensive screening and landscaping.

125. There are potential impacts for the local population. However, there have been no objections from those statutory consultees with relevant responsibilities on matters such as flooding, health, pollution and transport grounds as long as appropriate measures are included by conditions and agreement. Local environmental impacts can be satisfactorily dealt with by conditions and agreement.
126. A routing agreement would ensure that HGVs (other than local collections vehicles) are routed along the A4130 which would largely avoid HGVs travelling through local villages.
127. The development is contrary to policies that seek to protect the countryside and local landscape character. Whilst it would not be possible to fully hide the development, mitigation measures through landscaping, screening and good quality design would reduce the overall impact on the landscape.
128. In this case, I think that the need for a waste treatment facility to serve Oxfordshire, and the appropriateness of this location in relation to the strategic road network, justify granting planning permission.

## **RECOMMENDATION**

129. **It is RECOMMENDED that**

**(a) subject to legal agreements to cover the following matters:**

**(1) legal agreements to cover the following matters:**

- (i) the routing of HGVs along such routes as to avoid travelling through local villages and urban areas;**
- (ii) a contribution of £43,824 (index linked) towards the Didcot Integrated Transport Strategy (DIDITS);**
- (iii) a limitation on the amount of tonnage to the EfW; a limitation on the amount of total waste being carried to the site by road; a limitation on the total number of vehicles using the secondary northern access and the number of vehicles travelling eastbound to the A4130;**
- (iv) a contribution of £1,000 towards the monitoring of a travel plan;**
- (v) the funding of a 25 year long term management plan for any approved restoration scheme;**
- (vi) a contribution towards mitigation measures for both on site and off site public rights of ways;**
- (vii) a restriction on the area from which waste can be imported (a hinterland).**

that the planning application for the development described in planning application SUT/APF/616/60-CM be approved subject to conditions to be determined by the Head of Sustainable Development but to cover matters to include the following

1. Compliance with details of application submitted (as revised). This includes a restriction to incinerating waste arising from within Oxfordshire only.
2. Detailed duration – 3 years.
3. Schedule of external materials to be agreed.
4. Noise levels.
5. Contaminated land risk assessment to be carried out.
6. Details of groundwater drainage scheme.
7. Development shall halt if previously unidentified contamination is discovered.
8. Details of piling or other foundation designs using penetrative methods to be submitted.
9. Details of final surfacing and containment arrangements for all areas used for storage of liquid fuels etc.
10. Details of underground land drainage scheme.
11. Details of all surface water drainage arrangements.
12. Total amount of waste to be imported to the site by road to be restricted to a maximum of 320,000 tpa.
13. A travel plan to be drawn up.
14. A construction travel plan to be drawn up.
15. Details of proposed cycle storage provision.
16. Final details of proposed car parking layout.
17. The northern site access onto the B4016 to be limited to 100 vehicle movement per day.
18. Macrophyte surveys of water bodies to be carried out.
19. Works in the vicinity of badger setts.
20. Great crested newt (GCN) surveys to be carried out. Should GCN be found to be present, a mitigation strategy should be prepared and licence obtained from Natural England.
21. An updated water vole survey to be carried out.
22. Water bodies should only be drained down in winter months (November to February inclusive).
23. Exclusion fencing to be erection around little plover nests.
24. No disturbance to grassland areas during the bird breeding season (March to August inclusive) as skylark are likely to be nesting there.
25. The quarry face which is a sand martin colony should not be removed during the bird breeding season (March to August inclusive).
26. No vegetation clearance to take place during the bird breeding season (March to August inclusive).
27. Details of any external lighting should be submitted for approval before development commences.

28. **Bat surveys to be carried out prior to removal of trees to determine whether the trees are being used as bat roosts.**
29. **A water vole strategy should be submitted.**
30. **A detailed restoration and landscaping scheme to be submitted.**
31. **A 25 year management and monitoring plan to be submitted.**
32. **Local liaison group to be established.**
33. **Details and scheduling of any night time construction activities to be agreed.**
34. **Hours of working to be agreed.**
35. **Dust suppression measure to be agreed.**
36. **Details of scheme to prevent pollution of watercourses.**
37. **No increase in infiltration through contaminated ground**
38. **Hydrogeological risk assessment to be agreed.**
39. **Final routing of waste heat recovering infrastructure.**
40. **Phasing of waste disposal.**
41. **Area of waste disposal to be solely for APCR from Sutton Courtenay EfW plant.**
42. **No reversing beepers except those whose noise levels adjust automatically to surrounding noise levels.**
43. **All internal site haul roads to be maintained.**

**Informatives to cover:**

- **Waste heat recovery infrastructure**
- **Oil and chemical storage areas**
- **Environmental Permit**
- **Water extraction and dewatering**
- **Discharge consents**
- **Works within 8 m of designated main rivers**
- **Culverting of watercourses**

- (b) **the application being referred to the Secretary of State as a significant departure from the development plan and the Secretary of State not calling in the application for his own determination.**
- (c) **the Head of Sustainable Development be authorised to refuse the application if the legal agreements recommended in (a) above are not completed within 10 weeks of the date of approval of the application.**

CHRIS COUSINS  
Head of Sustainable Development

Background Papers: File Ref: SUT/APF/616/60-CM held in Environment & Economy, Speedwell House, Speedwell Street, Oxford.

October 2009

## Environmental Statement

1. This application is supported by an Environmental Statement (ES). This ES contains sections on traffic and transport, air quality, ecology, landscape, hydrology and flood risk, land and contamination, noise and vibration and archaeology. The policy context, need and alternatives are also considered. The sections within the ES also consider the potential effects of the technical discipline upon others. For example air quality has been considered in relation to ecology.
2. The need and alternatives section considers alternative technologies, alternative site layouts and design and alternative sites for the development. The alternative sites appraisal considers 229 sites in Oxfordshire and concludes that no other site is better placed to serve the county.
3. The section on traffic and transport assesses the environmental impact of the changes in traffic flow in terms of visual impact, severance, driver delay, pedestrian delay, pedestrian amenity and accidents and safety. The proposals would increase traffic flow on the adjacent network by less than 10% during periods of peak activity on the site and less than this at other times. It concludes that in terms of traffic there would be no perceptible environmental effect as a result of the proposed EfW plant.
4. The air quality and human health risk assessment considers the atmospheric emissions released from the stack and also from traffic. The impacts to community and ecological receptors are assessed using computer dispersion models. A long term human health assessment has been made to determine the effects of exposure to potential contaminants in the soil following 50 years of deposition. The assessment identifies a number of residual adverse impacts. However, the significance of these impacts is considered to be negligible, except for the air quality effects from stack emissions, which are considered to be negligible/moderate adverse. The assessment concludes that the effects on the vegetation and ecosystems are not predicted to be ecologically significant, the effects of emissions from operational traffic are not considered to be significant and the potential human health impact is not considered significant. The plant would incorporate an air pollution control system designed to minimise emissions to limits specified in the EU Waste Incineration Directive (WID). Overall, with control of emissions in accordance with the WID, effects are considered to be of neutral significance during both construction and operation.
5. The landscape and visual impact assessment finds that the proposed building would be visible from many viewpoints within the Didcot/Abingdon area and therefore the design of the building is very important. High quality design would reduce potential adverse visual effects. Distance would have a mitigating effect and the development would be screened from some viewpoints by trees and other buildings. The overall conclusion is that with

the mitigation that has been incorporated into the proposal, the development would not be likely to result in a significant effect.

6. The ecology and nature conservation section includes protected species surveys and a habitat survey. It considers the impact on species that may be affected by the development. The proposed development would cause the loss of the majority of the terrestrial habitat within the development site. However, this impact is assessed as minor. There would be a significant minor local level impact on breeding birds and in particular a significant, minor, district level impact on little ringed plover. Mitigation is proposed to address these impacts. This section concludes that the mitigation measures proposed have the potential to result in a positive long term effect on bird populations within the site boundary and wider area.
7. The hydrology and flood risk section concludes that the construction or operation of this development would not be expected to result in an adverse effect on hydrology. Monitoring and management strategies will be implemented to monitor the environmental impact of the project including water quality monitoring, drainage and emergency spillage.
8. The geology, hydrogeology and land contamination section details the mitigation measures that would be used to ensure that there would be no discharge of pollutants to groundwater during construction and that water quality is not compromised during the operational phase.
9. The noise and vibration chapter considers sensitive receptors in Appleford and Sutton Courtenay. It concludes that no significant effects from noise or vibration would be likely to arise at residential properties.
10. The community and social effects section considers the employment that the development would generate to be a slight positive benefit.
11. The archaeology and culture heritage section considers the nearby listed buildings, Scheduled Ancient Monument (SAM), registered Park and Gardens and Conservation Areas. It finds that these cultural sites and their settings would not be affected by the development. It considers that no further action is required regarding below-ground archaeology because the area has previously been quarried and potential for remains is negligible.
12. The amenity section states that the potential for the development to cause litter, pests, vermin and dust, can be adequately mitigated through measures such as the handling of waste within the building and ensuring waste is dealt with promptly. It also suggests that the removal of the municipal waste from the waste stream to landfill would reduce the potential for litter, flies, rats and seagulls at landfill sites across the county, leading to a minor beneficial impact of district importance.

Environmental Statement Addendum

13. Following revisions to the application and requests for the submission of further information, the applicant provided an Environmental Statement Addendum. This provides supplementary information for the Environmental Statement (ES).
14. This includes the Human Health Risk Technical Appendix that was omitted when the ES was originally submitted. This provides the technical background work referred to in the Human Health Risk Assessment.
15. A revised air quality and human health risk assessment has been provided. The amended assessment includes some minor amendments to the technical work. However, the amendments to the application have not altered the nature of the development or the stack. There is no change to the significance of the likely effect on the environment.
16. An odonta (dragonflies and damselflies) and lepidoptera (butterflies) survey has been submitted which concludes that once the proposed mitigation and enhancement is in place, it is considered that the proposed scheme would have an overall positive impact on dragonfly and butterfly populations in the area. Mitigation includes the proposed balancing ponds with features to benefit dragonflies, and the landscaping scheme which would provide further breeding habitat for butterflies.
17. A Noise and Vibration Assessment of the proposed APCR landfill site has been supplied. This concludes that the activities proposed would not have any significant effects at any noise sensitive receptors.
18. The ES addendum provides a revised description of development section reflecting the proposed changes to the development. The details of the proposals are provided above.
19. A revised landscape and visual assessment has been provided to assess the impacts of the amended scheme including the changes to the building elevations and the revised landscaping scheme.
20. A section on cumulative impacts considering developments such as the Asda storage and distribution centre and the Great Western Park development has been submitted to supplement the chapter on ecology. This concludes that there would be no significant cumulative impact.
21. The ES addendum also responds to the issues raised by consultees in the first consultation period. A surface water management plan has been supplied to supplement the Flood Risk Assessment, as required by the Environment Agency in the first consultation. An ecological assessment using new critical levels for ammonia has been submitted as required by Natural England. Individual points raised by consultees are also addressed.
22. There is no change to the overall ES conclusion.

Further Environmental Statement Revisions

23. Further amendments and revisions to the ES were submitted in August 2009.
24. The traffic assessment considers the reduced number of vehicle movements associated with bringing 225,000 tpa of waste from Oxfordshire only, rather than 300,000 tpa from Oxfordshire and Berkshire. The conclusion remains that there would be no noticeable transport or highways effects.
25. The revised air quality ES chapter considers the changes to the building including increased building height and length and changes to the roof profile. These changes were first proposed as part of the February 2009 consultation. It also considers the changes to the development outlined in the July 2009 amendments including the reduction in capacity and changes in the emission parameters of the proposed facility due to revised data from the technology provider. There is no significant change to the conclusions and it shows that all relevant air quality standards and environmental assessment limits are achieved.
26. There is no change to the visual and landscape, socio-economic, amenity, archaeology, or hydrogeology and ground conditions chapters.
27. The ecology section includes increased planting as a result of the change to the masterplan. It concludes that this planting would have a significantly beneficial impact at the local level. A water body that was previously to be drained is now proposed to be retained which would be restored to provide an improved habitat for two pairs of little ringed plover. Under the previous proposal this habitat would have been lost. There is no change to the overall conclusion that there would be a neutral/positive impact in the long term.
28. The hydrology section includes changes to the surface water management strategy to address the Environment Agency's objection.
29. The noise assessment considers the reduced capacity plant. The overall conclusions remain unchanged.

## Consultation Responses

### 1. Sutton Courtenay Parish Council

#### First Consultation

Objects. Site location – this area is designated as an area for landscape enhancement and an area of important open land. This would not comply with policy NE11 and N9. Would be a major blot on the landscape after the cooling towers are decommissioned. Not in accordance with Oxfordshire Structure Plan (OSP) EN1 regarding enhancement of landscape character and EN4 regarding historic parks and gardens.

Transport - should the life of the site be extended to 2030 the lorry movements would not decrease should the incinerator be granted consent. No evidence that opportunities to reduce the impact of HGVs have been considered. Cumulative effect of transport arising from different developments in the area needs to be considered. Additional traffic would affect already congested junctions. Effects of pollution from traffic must be considered. Although HGVs may be routed away from villages, there would be an increase in car traffic through the villages from staff. The vibration could damage listed buildings. No proposals to monitor compliance with conditions or section 106 agreement.

Noise – village already suffers noise pollution and this will add to it.

Emissions – Didcot Power Station microclimate has not been taken into account. The application to the Environment Agency for a licence should be made now so that the pollution implications of the application can be considered. WRG have a poor track record at their Eastcroft incinerator in Nottinghamshire. Application does not take into account risk when there is an accident, it assumes normal operation. It does not consider the different emissions at start up and shut down. Application does not consider the historic garden at the Manor House at Sutton Courtenay or the Scheduled Ancient Monument. Oxfordshire County Council's consultants stated that this site was not suitable for thermal treatment unless it could be established that it would not impact on the SAC at Little Wittenham. There is no evidence that this has been shown.

Health – PPS23 states that potential impacts on health from a development is capable of being a material planning consideration. Fourth report of the British Society for Ecological Medicine refers to new data. While it is recognised that there have been few studies of populations exposed to incinerator emissions, most show higher levels of disease and birth defects. The Human Health Risk Assessment is missing from the Environmental Statement. No reference is made to the proposal by Thames Water to construct a reservoir. Impact of pollution on this drinking has not been considered.

Fly Ash and APCR – APCR provides a threat to groundwater. The land, ground and surface water will be polluted for many years. The water table is high and a breach would cause risk to public health and the environment. It is important to retain remaining ground water flow paths with no impermeable barriers. Hanson were required to restore to a wetland at Bridge Farm in order to ensure this.

Loss of Amenity – safety of users of the rights of way are at risk, both during construction and operation. Loss of amenity and open character of the existing site.

Conditions – if permission is granted request the following conditions:

- Restriction on volume of waste to ensure that predicted levels of traffic are not exceeded
- routeing agreement, with monitoring of northern access
- construction traffic routeing plan
- limit on number of vehicles by road
- section 106 for financial contribution to off site travel measures
- environmental monitoring scheme for construction and operation
- restriction on external lighting
- restrictions on open storage of waste
- restriction to ensure waste is from Oxfordshire only
- controls on movement of ash
- noise limits
- landscaping
- energy generation

More waste should be recycled. Regards proposal as an increased concentration of industrial facilities in an area of 'open land' close to residential population.

Encloses a critique of the Environmental Statement by a local environmental consultant.

## 2. Appleford Parish Council

### **First Consultation**

Object. Visual impact, would not be possible to adequately screen it and so would not accord with OMWLP. Would have an adverse impact on long, open views and so would not accord with policy NE9 of VLP. Would have a significant impact on road network. The traffic assessment assumes the offset of traffic volumes in permissions that have not yet been issued but they envisage that these activities would in fact overlap, leading to HGV increase above the 5% stated. The site is not served by public transport and so there is a fear there would be a substantial increase in car movements. Impact of noise from traffic and 24 hour operation. Village already suffers noise from the landfill site. The microclimate created by Didcot Power Station has not been taken into account. Application has not been made for Pollution Prevention Control Permit, despite guidance that states the planning application and PPC application should be made in parallel. Consideration of planning application should be delayed to allow the two applications to be considered together. WRG has breached emission levels at its incinerator in Nottinghamshire. The application does not take into account the risk of accident, normal operation is assumed. Immediate setting of the Thames and the Special Area of Conservation should be protected in accordance with the development plan. Concerned about health risks, refers to the Fourth Report of the British Society for Ecological Medicine reports. Application does not propose continuous monitoring only a reaction when things go wrong. The impact of the incinerator on water resources has not been properly investigated. The potential impact associated with piling operation is not assessed. Might create a pathway for the migration of contamination to the underlying aquifer. Concerned about leaching of the hazardous waste landfill, which is located in a high water table area near the Thames. Should the County Council be minded to approve this application, conditions are suggested to cover noise, handling of hazardous waste, restrictions on open storage of waste, outside lighting. There should be restrictions to the volume of waste that the EfW can process, a routeing agreement, monitoring for the

limit on traffic using the northern access, a construction vehicle management plan, no waste should be brought in from outside Oxfordshire, there should be contributions towards off-site transport measures. The bag filters used should be suitable to trap PM2.5 particulates.

### **Second Consultation**

Support the objections from the Vale of White Horse District Council. If this technology is to be permitted it should be located somewhere with less of an impact on the landscape. There is growing concern about the health risks of incineration, especially the small particles which are not trapped in the chimneys. There are better alternative non-combustion technologies available. It is impossible to prove that combustion is totally safe or totally dangerous, but we hope OCC will not take the incineration risk, especially when any damaging medical results are only finally discovered long term. We realise that OCC wish to avoid the increasing EU landfill fines, and we believe this is possible with alternative technology of a non-combustion type, which WRG operate on other sites.

Alternative technologies can operate economically on a smaller scale, and that could have considerable traffic benefits. More than one alternative technology plant could mean much more localised deliveries of waste, and cut down overloaded road usage. The recent subsidiary WRG application greatly enlarges the scale of their operation. Possibility that site would continue to grow and take waste from further away until there is a regional waste centre, with specialist waste operators in addition to WRG. Waste should be strictly confined to Oxon only, as originally proposed.

We believe that with escalating carbon taxes in the future, there could be important longer term economic arguments against the incineration process, whereas non-incineration methods could avoid or at least lessen this. If this economic case is correct, OCC could get themselves into a very expensive 25 year contract, when it could be avoided at the outset.

We wish to be constructive in the search to find alternatives to landfill. We believe that OCC should turn down the current planning application, especially the extension beyond Oxon, and encourage WRG to submit an application based on smaller scale and alternative non-combustion technology which might then acquire the actual support of the many local critics.

### **Additional Consultation response dated 1 June 2009**

Object. Do not believe that Oxfordshire County Council and the Environment Agency can assure people in Appleford that there are no risks. The village has put up with odour, flies and vermin from the landfill site for 40 years. The original application has now been amended to make the infrastructure larger and bring in waste from outside the county. Oxfordshire County Council has failed to seek independent advice on waste disposal and has instead assumed that the EA and the operators will regularly monitor the site. Have had 40 years of broken promises and alteration of conditions from those who should monitor the site.

### 3. Dorchester on Thames Parish Council

#### **First Consultation**

Object. Impact on Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs) and Wittenham Clumps Special Area for Conservation (SAC). Industrialisation of a rural area. Will result in an expansion of waste management facilities on this site, which will have a further impact on the landscape. No attempt to design the building to make it in harmony with surroundings. Would like evidence that illumination required for 24 hour working would not spill and pollute. There should be a condition covering light pollution. Not satisfied with the Flood Risk Assessment (FRA.) Concern about contaminated flood water. Perception of harm is a valid planning concern and are concerned that there is better technology available. EfW plants can also be smaller scale. Disappointed that OCC did not consult on what would be appropriate technology. Forecast increase in road traffic is based on assumptions about the source of waste. As recycling increases waste will have to come from further, unless there is an increase in local housing. Would like to know the assumptions about the future population of the county that underpin the traffic forecasts. PPS10 shows that EfW is only one position higher in the waste hierarchy than landfill. Reuse and recycling should be encouraged but this development may reduce them. If smaller, less expensive installations were adopted these consequences would be less likely. A proportion of waste should be brought in by rail.

### 4. Culham Parish Council

#### **Second Consultation**

Strongly object. Alternative waste disposal strategies should be considered. Contrary to local plan policies NE9, NE10, EN1, EN2, EN4, G2. Would destroy open rural land, not enhance Oxfordshire's landscape character, cause the loss of habitat for protected species (little ringed plovers and skylarks), have an adverse impact on listed building and conservation area and cause harm to the character of the area through the size of the facility. Plant is larger than necessary to deal with Oxfordshire's waste and this is confirmed by the proposal to bring in waste from Berkshire. Independent assessment of alternative sites should be carried out. This site is on aquifer in flood zone and in a high humidity climate. Will dominate flat landscape. Will cause noise impact. Concern about how these will be monitored. In terms of traffic, the application does not consider the impact in relation to other developments such as commercial developments at Milton Park, the land adjacent to the Asda warehouse, proposed new housing developments or the Bridge Farm quarry. Concern about emissions, especially in relation to the microclimate created by Didcot Power Station. Application only assesses risk during normal operation, not in the event of an accident. Does not take into account the increased emissions during start up and shut down. Refers to the Fourth report of the British Society for Ecological Medicine and concerns about health. Concern about impact of APCR disposal on aquifer. Not all toxic pollutants will be continuously monitored. Loss of amenity due to public perception of health risks, loss in air quality, visual impact and effect on public rights of way. Oxfordshire County Council has a duty of care and should not allow an incinerator without adequate research into safety.

5. Didcot Town Council

**Second Consultation**

No objection to incinerator, concerned about increase in traffic.

**Third Consultation**

Welcome the reduction in capacity and the associated reduction in traffic movements.

6. Sunningwell Parish Council

**Second Consultation**

Object to any further progress until an independent environmental impact assessment has been undertaken and published and until the legitimate concerns of objectors have been met. Concerned about risks to public health.

7. Long Wittenham Parish Council

**Second consultation**

Object. Have conducted a survey and found that the majority of residents oppose this proposal. Endorses the responses of SODC and the Vale. Supports the objections made by Sutton Courtenay Against Incineration (SCAI). Request that the St Dennis incinerator application in Cornwall is taken into account as a planning precedent. Request that no decision is made on the planning application until the EA have completed the permitting process. Development is contrary to the South Oxfordshire Local Plan. There would be an adverse impact on the local landscape including the AONB and Wittenham Clumps. The proposed plant is bigger than all existing units currently operating in the UK. The development presents a potential flood risk. It has not been demonstrated how energy will be fed into the national grid. If heat cannot be recovered with power than it is not fully in compliance with DEFRA's advice that heat recovery makes plants more efficient. Air quality modelling has not been the subject of robust, independent audit. Must consider microclimate and military helicopter down-draft effect. Government urges anaerobic digestion where there is separate food waste collection. Lack of transparency regarding how this technology was selected for this site.

8. Berinsfield Parish Council

**Second Consultation**

Objects on the following grounds:

- the proposal conflicts with the local development framework
- the visual impact of the development
- risk to health from air emissions and emissions entering the food chain.

9. Abingdon Town Council**Second Consultation**

Concurs with the views of Sutton Courtenay Parish Council. There is insufficient evidence to allay public fears about health risks. Concerns for the safety of the water supply due to the proximity of the plant to the River Thames and proposed new reservoir. Notes that the applicant's claim that the stack height will mean there will not be local pollution, but also concerned about pollution elsewhere. Proposals are contrary to policies NE10 and NE11 of the Vale of White Horse Local Plan.

10. Vale of White Horse District Council Local Councillor Gervase Duffield**First Consultation**

The Vale is keen to restore the view from Wittenham Clumps south across the Downs. It is currently marred by Didcot A but this is due to be removed by 2015 and the view could be restored unless the massive incinerator building repeats the mistake. Traffic congestion in this area is horrific and getting worse. The roads around Ardley are better and it is close to the M40. The most serious issue is the medical one, particularly small particles. It is not good enough to say we can tick an Environment Agency box when there is the possibility of long term health damage. There are alternative technologies that avoid this medical problem.

11. Vale of White Horse District Council**First Consultation**

Objects. Contrary to policies GS2, NE9 and NE11 of the adopted Vale of White Horse Local Plan 2011. Would have an adverse effect on an open rural landscape, particularly having regard to the likely demolition of Didcot A and its cooling towers in the next 5-7 years.

The proposal represents a potential flood risk as demonstrated by the objection received by the Environment Agency. The proposal does not conclusively demonstrate how the energy generated from the EfW incinerator will be fed into the national grid. No draft legal agreement or heads of terms have been submitted to show how the potential cumulative impact of the proposed use, along with existing permissions on the site, will be controlled to ensure that there is no significant impact on the local highway network. The cumulative impact assessment of other large scale developments in the area has omitted the redevelopment of the 40s, 50s and 60s site at Milton Park. The assessment of the impact on local air quality relies solely on a model which has not been the subject of a robust independent audit. The Human Health Risk Assessment has not been submitted to the District which has concerns that the proposed incinerator could have an adverse impact on human health. The Environmental Statement has not used the new lower critical levels of ammonia in the analysis of the impacts from potential air pollutants. No independent assessment of the Environmental Statement has taken place to ensure it provides sufficient detail for a proper assessment, to validate the EIA methodology and to ensure that all legal obligations have been fulfilled. It has not been demonstrated that alternative new technologies have been considered for the disposal of non-recyclable waste on this site.

It is a matter for the County Council to assess whether the proposal can be justified as an exception to these policies. It is acknowledged that the remaining objections may be overcome by the submission of further information, the consideration of the work by independent third parties and the use of planning conditions regarding noise and contaminated land.

### **Third Consultation**

Environmental Health Officer - I have no further observations to make in respect of this other than that I would expect any emissions to be reduced in line with the reduced plant capacity. Having been through the earlier iterations of this application I have no intention of going through the whole library of documents again unless there are any significant changes in plant or predicted emissions or air quality modelling.

## 12. South Oxfordshire District Council

### **First Consultation**

Planning - Object. The proposed development lies within the Vale of White Horse District, but lies close to the District of South Oxfordshire. Relevant policies from the South Oxfordshire Local Plan (SOLP) G2, G6, C1, C2, EP1, EP2, EP3, EP4, EP5, EP6, EP7, EP8, EP9, T1, T2, T3.

SODC is in agreement with the recommendations of the Vale of White Horse District Council. In particular SODC objects to the application on the grounds that the development is contrary to policies G2, C1, C2, EP1 and EP5 of SOLP. The development would have an adverse impact on the local landscape including the AONB and Wittenham Clumps. The proposal represents a potential flood risk. It has not been conclusively demonstrated how the energy generated from the incinerator will be fed into the national grid. The assessment of the impact on local air quality relies on a model which has not been the subject of robust independent audit.

Drainage – recommends general foul and surface water drainage conditions are imposed on any permission granted, requiring details to be submitted and approved.

Air Quality Officer – the developers will have to apply to the Environment Agency for a PPC permit. This will outline strict construction and operational control measures to be implemented with regards to stack emissions. In terms of the output concentrations predicted by the modelling work undertaken I am satisfied that the construction and operation of the proposed development will not have a significant impact on local air quality in South Oxfordshire. However, I do not feel I have the technical knowledge to fully appraise the approach taken and the specific methods used within the modelling. Therefore it may be appropriate for the body determining the application to satisfy itself through independent scrutiny that the methods used and assumptions made were appropriate.

13. Environment Agency

**First Consultation**

Object. Flood Risk Assessment is insufficient to ensure that the proposed outline surface water drainage scheme is feasible on the site. Requests further information in relation to this. Also concerned about biodiversity. The infilling of two lakes is permitted under an existing consent. However, there should still be full surveys of these lakes to assess their value and determine appropriate mitigation. Further details of improvement of watercourses on site should be provided.

**Second Consultation**

Object. The submitted Surface Water Management Plan lacks some essential detail.

**Second Consultation – Second Response**

No objection subject to conditions. The Environment Agency is now satisfied that it will be feasible for the developer to incorporate a suitable surface water drainage scheme to manage surface water drainage without increasing the risk of surface water flooding to the surrounding area. A detailed surface water drainage scheme will need to be produced at a later stage. Recommends conditions on flood risk, contaminated land and groundwater quality, advice to the applicant and informatives.

**Additional Statement**

The Environment Agency has not made detailed comments on air quality or health risks from emissions from the plants. This is because the operation of these facilities is not a land use planning consideration. Any potential impacts to the environment and human health from operation will be considered as part of the determination under Environmental Permitting Regulations 2007. A permit will not be granted if the Environment Agency consider that there is likely to be significant pollution to the environment or harm to people's health. The Environment Agency considers that well managed, modern, energy from waste facilities do not cause significant pollution. If a permit is issued the Environment Agency would continually monitor the facility and take appropriate enforcement action in the event of any breach of permit requirements.

**Third Consultation**

None of the proposed amendments to the development materially affect the EA's previous comments. Still satisfied that developer can incorporate a suitable surface water drainage scheme to manage surface water run-off without increasing surface water flooding to surrounding area. Developer has indicated they can incorporate features such as swales, ditches, balancing of attenuation lagoons and infiltration. Pleased that applicant has decided to move away from a pumped surface water drainage system to a gravity drained system. Support proposal to increase amount of planting in the landscape master plan and proposal to retain water body 19 purely for ecological enhancement and opportunities for enhancement within enlarged water body 7. Measures required to prevent migration or contamination through to surface water features and groundwater.

Consider the proposed development is only acceptable if following conditions are imposed to cover the following issues:

- Detailed surface water drainage scheme to be submitted.
- Maintenance of watercourses as part of the 25 year ecological management plan. No development to take place until scheme to prevent pollution of watercourses has been submitted.
- Detailed soft landscaping scheme to be submitted.
- Details of a method statement to deal with any contamination found during course of development to be submitted.
- Piling or any other foundation designs using penetrative methods will not be permitted unless with the express consent of the WPA.
- No increase in infiltration through contaminated ground.
- No development until a hydrogeological risk assessment has been submitted.
- No development until final surfacing and containment arrangements for all areas used for storage of fuels, oils, chemicals, effluents has been submitted.

Various informatives and advice to both the applicant and Planning Authority are also included covering issues of onsite heat recovery infrastructure, oil and chemical storage, the Environmental Permit, water extraction and de-watering, discharge consents, works within 8 metres of designated main rivers and culverting of watercourses.

#### 14. English Heritage

##### **First Consultation**

The impact on the settings of conservation areas and listed buildings has not been examined rigorously. The landscape analysis should also consider viewpoints which have been selected to assess the impact of the building and chimney on the historic environment. Without this the conclusion that there is no impact on the local historic environment is an unsupported assertion.

##### **Second Consultation**

No objection. Do not wish to comment in detail, but offer general observations. Can confirm that English Heritage is now content with the analysis provided in the addendum to the Environmental Statement and the letter dated 1 December from RPS. It appears that the site is not visible from the public routes within the conservation area. There is potentially limited visibility from the private spaces to the rear of some residential properties which means that the proposed chimney might just be appreciable in the distance. English Heritage therefore raise no objection to this proposal.

#### 15. Thames Water

##### **First Consultation**

No objection on terms of sewerage or water infrastructure.

16. National Grid

**First , second and third consultations**

No objection.

17. Health and Safety Executive

**First Consultation**

No objection on nuclear safety grounds, this decision is made without prejudice to the interests of other branches of the Health and Safety Executive.

**Second Consultation**

No further response.

**Third Consultation**

No objection on nuclear safety grounds, this decision is made without prejudice to the interests of other branches of the Health and Safety Executive.

18. MOD Safeguarding

**First Consultation**

No objection. Recommend that the chimney stack be lit, however it is at the developer's discretion.

19. SEERA

**First Consultation**

No objection. Observes that permission should only be granted if the proposed site's capacity to host a thermal facility has been adequately tested and that the proposal is capable of meeting environmental and amenity criteria in Regional Planning Guidance for the South East (RPG9) and Draft South East Plan (DSEP) and that the highest pollution control standards are utilised and only residual waste is accepted. Short-term utilisation of waste heat should be fully considered. If permission is granted conditions or legal agreements should address mitigation measures for air quality, noise and traffic generation.

**Second Consultation**

Have previously commented and do not feel that the additional information raises any new regionally significant issues.

20. SEEDA

**First Consultation**

Recognise the importance of the provision of waste management facilities. Energy from Waste should only be used for pre-treated residual wastes. Applicant should actively seek to identify users of the excess heat generated. Welcomes the creation of 50 jobs and would welcome further information from the applicant on the types of full time employment opportunities created once the plant is operational.

## **Second and Third Consultations**

No further comments in addition to those made in first consultation. Amended application does not alter the principal of the development, nor SEEDA's position to it.

### 21. CABE

#### **First Consultation**

This facility has the potential to become a good example of this building type. In principle, the building's design is sound, but have some reservations about the visitor's centre and the general detailing in terms of durability and low maintenance costs. Ultimately, the quality of the building will be dependant on the materials and detailing. Ensuring the façade is robust and solid, for example, will be crucial in ensuring low maintenance costs and the building's long life. Hope that the determining authority has assured themselves that nuisance for local residents is kept to a minimum.

#### **Second Consultation**

No objection. These views supersede all views expressed previously. Welcome changes to the design of the EfW plant. The more accentuated and slimmer form of the main hall gives the plant a more dynamic appearance. Disappointed that the design of the visitor centre has not been improved. Simplistic box design does not live up to its potential. Ultimately the quality of the building will depend on the materials and detailing.

### 22. Natural England

#### **First Consultation**

We have looked at the Environmental Statement that has been included with this application and are concerned that the new lower critical levels for ammonia ( $3 \mu\text{g.m}^{-3}$  with uncertainty range of  $2-4 \mu\text{g.m}^{-3}$  for higher plants,  $1 \mu\text{g.m}^{-3}$  for sensitive lichens and bryophytes and habitats where they are considered key to ecosystem quality) have not been used in the analysis of the impacts from potential air pollutants. It is important that the new critical levels are applied in order to adequately assess potential significant effects on European and nationally designated sites. Natural England objects to this proposal, however if we receive further information using these revised levels we will re-visit our objection.

With regards to the ecological information supplied, we are satisfied with the ecological information given subject to the implementation of the recommended mitigation and protected species licences where required.

#### **Second Consultation**

Further specialist advice is being sought regarding the amendments to the ES chapter on air quality and human health.

The proposed development site lies outside the boundary of the North Wessex Downs AONB, but the site is within 3 kilometres of the nearest part of the AONB boundary. A notable public viewpoint within the AONB is Wittenham Clumps, within 5km of the site, from which there are panoramic views over the Vale of Oxford. Natural England considers that the degree of landscape change brought about by the proposed Energy from Waste plant would have a moderate adverse visual

impact on the AONB, which we would advise is a factor that the Planning Authority should take into consideration in evaluating and determining the application. From the information supplied, we do not consider that there is likely to be a major impact on the AONB's special qualities and distinctiveness which would clearly outweigh the potential public benefits of waste disposal and energy generation proposed in this case. Accordingly, Natural England does not object to the current proposal in relation to impacts on the North Wessex Downs AONB.

The proposed development will generate additional traffic. The Planning Authority should consider whether there is likely to be significant additional traffic on roads within the AONB area, which could impact on its local communities and public enjoyment of its special qualities, including tranquillity.

AONBs have been recognised by government to be of the very highest quality and as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. Section 85 of the Countryside and Rights of Way Act (CROW) 2000 requires that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, all public bodies have a duty to have regard to the statutory purpose of AONBs, which is to conserve and enhance the natural beauty of their areas.

The proposal would be a substantial development visible from a wide range of open viewpoints in local areas and the wider countryside. We would therefore advise that the County Council, in determining the application, should give careful consideration to the potential for minimising visual impact. This should include the use of colours, non-reflective surface textures, minimisation of angularity of roof outlines and the development placement within the site. As well as visual impacts, careful consideration should also be given to other potential perceptual impacts such as smell and noise.

Natural England raised initial concerns with regards to protected species at the pre-application stage in July 2008. These concerns were addressed by SLR Consulting in the form of a letter dated 15 July 2008 addressed to Ms Thompson at Oxfordshire County Council. Based upon the information provided Natural England does not wish to object to the proposal as providing suitable conditions are attached which secures the proposed mitigation it would seem unlikely that protected species would be adversely affected by the impacts of the development. The recommendations detailed in the letter dated 15 July 2008 by SLR Consulting should be attached as conditions.

### **Second Response to second consultation**

Can now confirm that, as set out in letter of 9 February 2009, in Natural England's opinion this proposal is unlikely to have a significant effect, alone or in combination with other plans or projects, on the interest features of the above Special Areas of Conservation and therefore does not require appropriate assessment in accordance with Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994. In addition, the wider conservation interests of the above SSSIs are unlikely to be

adversely affected by the above proposal. Therefore Natural England does not object to the proposal in terms of air quality issues. Previous comments in relation to landscape and protected species issues still apply.

23. Network Rail

**Response dated 12 June**

No objection in principle to the proposal. Provides comments and requirements for the protection of the railway and Network Rail, including drainage, safety, ground levels, site layout, dust, noise, vibration, landscaping, plant scaffolding and cranes. These comments can be incorporated into planning conditions as appropriate.

24. BBOWT

**First Consultation**

No reason to believe that there would be significant negative impacts on biodiversity on-site. However concerned about potential impact off-site. OCC must consider whether an Appropriate Assessment is needed. Even if not emissions including atmospheric concentrations and depositions at SACs should be monitored. Welcome the proposed 25 year Ecological Management Plan. Suggests a species mix of higher conservation value be used in the creation of semi-improved grassland. Suggests the ornamental lake is designed to maximise biodiversity value. In combination with mitigation to increase habitat connectivity for bats, enhancements could be provided through the provision of bat hibernaculae and bat boxes.

**Second Consultation**

Understand that Natural England is satisfied that the proposals for the Sutton Courtenay site are unlikely to have a significant effect on SACs or SSSIs in the area. However, the assessment of air quality impacts on nature conservation sites has not looked at the impact of Local Wildlife Sites. Estimate that there are approximately 40 of these within the 10 km zone within which impacts on SACs and SSSIs have been considered. An assessment of air quality impacts on these sites is needed, particularly for those LWSs which support BAP habitats which are not found on the SSSIs. Suggest this information is requested to fully inform the decision on the application.

**Third Consultation**

Welcome the provision of an assessment of potential air quality impacts on Local Wildlife Sites and have no reason not to accept the assurances given with regard to the impacts. Understand that Natural England are also satisfied that SACs and SSSIs within the vicinity would not be adversely affected by emissions from the proposed incinerator.

25. Northmoor Trust

**First Consultation**

Not against the construction of the proposed facility in principle. Would like assurances on some matters. It is not clear whether the plant would include provision for extracting compostable or recyclable waste. It is crucial that these are included in the design of the building. Concerned about the potential impact of

emissions on the Wittenham Clumps. This site is internationally designated and the amphibian species found there are especially susceptible to pollution. Little evidence is provided to justify the claim that the development would not have significant ecological impacts. Would like reassurance that an Appropriate Assessment will be carried out and to know what procedures are in place to ensure that there is appropriate action of any emission limits are exceeded. Plans are not clear about whether water entering ponds will be treated before being discharged into the river system or about the capacity of these ponds to hold water in extreme rainfall events.

### **Second Response**

Object. Share concern of Natural England that the new, lower, critical levels for ammonia have not been taken into account. It is not clear that the plant has been designed to include provision for the extraction of recyclable waste. Concerned about the potential effect of emissions on Wittenham Clumps as little substantive evidence is provided to justify the claim that the impacts of the development will not be ecologically significant. Would like assurance that an Appropriate Assessment will be carried out. Would like to know procedures for ensuring that there is immediate action of emission limits are breached. Plans do not make it clear if water in ponds would be treated before entering river system. It is not clear how well these ponds could hold water in extreme rainfall events.

### 26. Campaign to Protect Rural England

#### **First Consultation:**

Comments made to VOWH – find it difficult to see how this proposal will meet the criteria set out in VLP policies NE9, NE10 or NE11.

#### **Letter dated 6 March 2009**

Object. Contrary to VOWH Local Plan policies NE9, NE11 and NE10. Proposed buildings are ugly and bulky and chimney is tall.

### 27. Oxford Friends of the Earth

#### **First Consultation**

Object. The large scale of the building will cause visual intrusion. Will not fit with the historic character of Sutton Courtenay village. Will add to the visual harm from Didcot Power Station. Therefore would not accord with OSP W3 and G2. Building cannot be adequately screened and therefore it is not in accordance with W5. Concern about noise from construction at night. The application does not consider added nuisance as a result of traffic coming from parts of the county currently serviced elsewhere. Transportation of hazardous waste off-site should be considered. Cumulative effect of dust nuisance with traffic nuisance and nuisance from other developments in the same area, should not be ignored. The water table is high in this area and there is an aquifer close by therefore there is the possibility of contamination. Incineration is not the best environmental option and does not move waste up the hierarchy. Alternative methods such as MBT have fewer environmentally undesirable consequences. Oxfordshire may have to bring waste in from outside the County to make up a shortfall. Three protected species will be

affected and 63 species will lose habitat during construction. The Environmental Statement inadequately assesses and mitigates potential biodiversity loss.

28. British Horse Society, Oxfordshire

**First Consultation**

Not consulted.

**Second Consultation**

Object. Contrary to Oxfordshire Structure Plan policies R1 and R2, Local Transport Plan for Oxfordshire, Vale of White Horse Local Plan policy L10 and Oxfordshire County Council's Rights of Way Improvement Plan. Concerned about impact on byways and bridleways, although welcome efforts to consider potential improvements to the rights of way network. Application makes no specific reference to the needs of equestrians. Horses have sensitive hearing and sense of smell and are subject to allergies. Noise of HGVs and emissions will affect horses being ridden or grazing nearby. Application refers incorrectly to 'footpaths' where the rights of way concerned are in fact bridleways. This reflects that the writers did not consider the needs of horses as users. Signage on the site currently refers incorrectly to 'footpaths.' If application goes ahead permissive paths should be of a similar status to the byway. They should be surfaced appropriately. Horses are flight animals and therefore landscaping of routes is necessary. The impact of the increase in traffic on horses and riders has not been considered. Object on basis of OSP policies R1 and R2.

29. Chilterns Conservation Board

**First Consultation**

No comment. The application is not one on which the Board would generally comment.

30. North Wessex Downs

**First Consultation**

Unable to comment due to work commitments. Does not mean that North Wessex Downs supports the application.

31. County Ecologist

The ES has adequately assessed any potential biodiversity loss of this proposal and I am happy with the mitigation proposed.

The proposed development will not have significant impacts on any designated wildlife sites (SAC, SSSI, LWS) within 10 km of the site.

Within the site, water bodies 5, 8, 15 and ditch D will be removed and small areas of other habitats of low ecological value will be lost as part of the development. However, the landscape and restoration scheme will result in an overall increase in habitats of some value for biodiversity.

Protected species are present on the site but surveys have been carried out and provided that mitigation is followed, there should not be significant impacts on protected species, particularly water voles.

Provided that the mitigation for protected species is followed and a S106 secured for the long term management of the site, the net impacts of this development will be positive within the site and local area and neutral elsewhere.

This complies with SEP policy NRM5 Conservation and Improvement of Biodiversity “Local planning authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region”.

Therefore I do not have an objection to this proposal from a biodiversity point of view subject to appropriate conditions covering a raft of ecological issues as follows:

- 1) Macrophyte surveys of water bodies to be removed.
- 2) Works near badger setts.
- 3) Great crested newt surveys to be carried out less than one year before development commences.
- 4) Updated water vole survey to be undertaken.
- 5) Water bodies only drained down during winter months.
- 6) Exclusion fencing to be erected around Little Plover nests.
- 7) No disturbance to grassland areas during bird breeding season.
- 8) Sand martin colony quarry face not to be removed during bird breeding season.
- 9) No vegetation clearance during bird breeding season.
- 10) Lighting to be kept to a minimum.
- 11) Bat surveys on any trees prior to removal.
- 12) Water vole strategy to be agreed.
- 13) Detailed landscape and restoration scheme.
- 14) 25 year management and monitoring plan.

### **Landscape**

Visual impact – the proposed EfW plant will be most visible within 2 km of the site and a permanent feature in the landscape. The predicted impacts will be between a moderate and major effect, creating a visible new structure where there is presently open ground, although the architectural design of the proposed EfW plant could result in it subjectively being considered as a landscape feature. At a distance greater than 2 km, the EfW building will be less visible but the chimney stack and plume would still be visible.

Landscape character – the Oxfordshire Wildlife and Landscape Study (OWLS) has identified the landscape type associated with Sutton Courtenay as lowland village farmland. The key characteristics associated with this landscape type are:

- a varied gently rolling and almost flat topography
- medium to large sized arable and hedged fields
- thinly scattered hedgerow trees, which are mostly ash
- ash, willow and poplars fringing ditches and streams
- prominent village settlements scattered throughout the area.

The overall landscaping of the proposal conforms to this pattern of hedged fields and tree-lined water courses and includes significant areas of new woodland and scrub planting. The applicant has given some indication of the tree, shrub and grass species present but more detail will be required (which can be dealt with by condition should permission be granted).

Conclusion – the proposals include a landscaping scheme which complies with VLP policy DC6 Landscaping “All proposals for development will be required to include hard and soft landscaping measures designed to protect and enhance the visual

amenities of the site and its surroundings and maximise the opportunities for nature conservation and wildlife habitat creation”.

The ES concludes that with incorporated mitigation, the proposal will not result in a likely significant effect on the landscape. However, it is evident that the proposed development, particularly in relation to the chimney stack and its associated plume, will have a permanent impact on the local landscape.

A decision therefore has to be made about whether the proposed development demonstrates special circumstances and whether this outweighs the potential, permanent visual impact of the proposed development on the local landscape.

### 32. County Archaeologist

#### **First and Third Consultations**

The development is sited within an existing quarry where extraction has previously taken place. The current proposal does not include any further extraction or significant disturbance of previously undisturbed land.

Although the area has seen extensive activity from the earliest prehistoric periods onwards the previous mineral extractions have removed any surviving archaeological deposits. As such no archaeological investigation will be necessary.

### 33. Rights of Way

Asks for mitigation measures to mitigate the impacts of the development on the on site and off site public rights of way network. These are necessary in terms of providing a public rights of way network that is safe and easy to use. Enhancement measures should include items like seating, information boards, viewing platforms or amenity planting – not route creation, surface works and signage. Would welcome additional funds to enable this type of work.

Simple fact is they are creating only one public right of way (extension to Footpath 373/12) and the rest are permissive routes. Would welcome the creation of permanent public rights of way on these routes provided there is no costs to the County Council.

### 34. Transport Development Control

Site location – this site is well located in respect of the surrounding strategic road network to receive imported waste from around the county and is an existing resource recovery park.

Site access – the existing site access is suitable for the proposed traffic generation and no alterations are necessary.

Local Highway Network Capacity – the TA states that the waste origins will be restricted to Oxfordshire. The information provided within the TA demonstrates there is capacity within the highway network for vehicles associated with the EfW. This is assuming that there will be a 320,000 tonnes per annum limit on waste being delivered to the site as a whole by road.

Routeing – a routeing agreement is required to ensure that HGVs are restricted from travelling through local villages and urban areas. The northern site access onto the B4016 should be limited to 100 vehicle movements per day as for previous permissions.

Parking – the revised planning application supporting statement indicates that parking spaces will be provided for 95 vehicles including 7 disabled bays. This statement also indicates that further parking will be provided for light goods vehicles, buses and cycling. I am unclear as to how many cycle parking spaces are being provided and further information is required on this aspect. This could be added as a condition on any consent granted. In terms of the proposed parking layout (for cars, light goods vehicles and buses), although a drawing of the proposed layout of the EfW has been submitted (Fig 4.1A), a separate drawing must be submitted showing the proposed parking layout. This drawing must be approved by the planning authority in consultation with the highway authority prior to the commencement of works on the site and this should be added as a further condition.

Travel Plan – a travel plan should be submitted to the planning authority to encourage staff travel via non-car modes. A travel plan co-ordinator is to be appointed and will have the responsibility for promoting sustainable travel journeys. The co-ordinator will need to liaise with the County Council and agree the travel plan; therefore a monitoring fee of £1,000 will be required via a S106 agreement.

A construction travel plan for the construction period of the EfW is also to be submitted and approved in writing the planning authority in consultation with the highway authority prior to the commencement of works on the site.

Financial Contributions & Agreements – the transport assessment estimates that the proposal will result in an additional 8 two-way HGV movements per day. It is estimated that 2 of these movements are likely to be in the peak hour. The proposal will also create employment opportunities for 50 staff. The TA states that the EfW facility will be in operation 24 hours a day, it is therefore assumed that staff will be working on a shift basis. Assuming 3 shift periods with an average of 17 staff on each shift, it is estimated that the proposal is likely to result in an increase of 9 movements in the peak hour. Thus, in total the proposal is likely to generate an additional 11 movements in the peak hour. The LHA therefore requests a contribution of £43,824 (index linked to May 2009 Baxter Index) towards the Didcot Integrated Transport Strategy (DIDITS). This is to be secured by way of a legal agreement.

Summary – the main effect of the proposal in transport terms is to reduce the amount of landfill (consented) being carried to the site by 250,000 tonnes per annum. A broadly equivalent amount of waste will however be carried to the EfW facility. The net effect in terms of the number of HGV movements is therefore relatively small. However, there will be an additional 50 staff travelling to the site each day.

Providing a limit is placed on the amount of total waste being carried to the site by road (ie up to a maximum of 320,000 tonnes per annum) and a routing agreement is entered into by the applicant, the highway authority has no objection to the application.

A condition should be added to ensure that the existing consent relating to clay extraction is reallocated to landfill and EfW importation.

A travel plan is required to encourage employees to use non car modes of travel. A contribution for the monitoring of the travel plan is also required.

A construction travel plan is required and this should be added as a condition. The construction travel plan should make reference to a before and after survey to ensure that any damage to the public highway as a result of the construction phase of the development is made good.

Conditions should also be added relating to cycle parking provision and parking layout.

A S106 agreements will be required to limit the amount of tonnage to the EfW, to limit the amount of total waste being carried to the site by road, to limit the total number of vehicles using the secondary northern access and the number of vehicles travelling eastbound on the A4130, to secure contributions towards the Didcot ITS and to secure the travel plan and the contribution towards the monitoring of the travel plan.

## Representations

### Introduction

All of the representations and related documents referred to in this section are available in full to read in the members resource centre. A total of 868 representations have been received from members of the public over the 3 consultation and notification periods held. These include those originally sent to councillors, the waste management team and Vale of White Horse District Council, which have been forwarded to the planning department.

The application was initially sent out to consultation in August 2008. The statutory consultation period is 21 days, but an extended consultation period was provided to reflect the complex and controversial nature of this application. There were 380 representations received.

There was a second round of consultation due to amendments to the application and the submission of additional details. The formal consultation period ran 5 March to 30 March 2009. There were 415 representations received.

There was a third round of consultation following the further amendments submitted in July 2009. The formal consultation period ran from 15 September to 6 October. At the time of writing the report 73 representations have been received.

Any letters received following the drafting of the report will be considered in an addendum.

### Support for the proposal

- Two letters of support were received during the first planning consultation. One of these outlined the disadvantages of Ardley as a site for an energy from waste plant. The other states that incineration is the only viable option and that a refusal at Sutton Courtenay would simply push the problem elsewhere.

### Objections to the proposal

The vast majority of representations received were objections to the proposal, and raised a considerable variety of concerns about it.

The main areas of objection are set out below in bold. Officer comments on the individual topics are set out below the objections.

It is important to recognise that the mere numbers of objections on particular topics do not necessarily reflect the weight that should be given to that issue. The role of the committee as decision maker is firstly to identify whether that topic is a material consideration, and secondly to attribute appropriate weight to it. A particularly

compelling planning objection may be raised by only a few people, and conversely a large number of people may raise a matter that is not a planning consideration at all.

## **HEALTH AND AIR POLLUTION**

**Health risks - general**

**Health risks - not enough is known**

**Health risks of cumulative effect/interaction between gaseous particles from incinerator & waster vapour from power station**

**Small particles (and persistent organic pollutants) – health risks/no monitoring/ limits**

**Children/future generations – impact on children generally and in local schools (inc impact of bio-accumulative chemicals)**

**Air pollution – general**

**Air pollution - Cumulative effect with power stations on health & environment**

**Air quality – already very poor in this area**

**Banned in the USA (+ other countries)**

**Health risks - financial cost in long-term**

**Food chain – could get polluted**

**Livestock – impact of emissions**

**Health risks - no established ‘safe’ level for emissions**

**Health risks - historical underestimation of pollutant danger**

**Monitoring - continuous rather than spot measurements**

**Health risks - precautionary principle**

**Health & safety - no assurance the plant will be safe**

**External independent experts should scrutinise human health risk assessment**

**Health assessment does not compare upwind data with downwind data**

**Health risks – overlap of power station operations and incinerator operations**

**HPA statement states no unacceptable risk – should be no risk**

**DEFRA Review 2004 quoted on health matters - need more up-to-date evidence**

**University of Birmingham/Enviros Review of Environmental Health Effects of Waste Management**

**Health & safety - plant not entirely safe when not in optimal burning conditions**

**Low cloud/hot weather/venting of steam will prevent dispersal of emissions.**

**HPA refers to studies which only look at radius around the incinerator – do not consider villages further downwind of the site.**

**Health risks - may not be possible to measure health impact due to length of time involved**

**Could it be guaranteed to be well run to ensure minimal health risks?**

**Drayton dam – would cause more deposition of pollution**

**High dioxin releases at incinerator start up & shutdown of incinerators yet assumptions about safety are based on standard operating conditions**

**Stack should be higher to disperse emissions.**

**Acid rain increase**

**Emissions from power station already blot out sun**

**Small particles - intensification due to microclimate**

**Health risks – perception of risks**

The above comments all relate to the health impacts of the development and air pollution issues. These will be addressed in detail as part of the Environmental

Permit application which is being considered by the Environment Agency and upon which the Health Protection Agency will provide comments. The issue of how health concerns relate to the planning application process is covered in the covering report for both the Sutton Courtenay and Ardley sites.

**Health risks - no human health assessment/initially omitted/inadequate**

The human health risk assessment that was originally omitted was submitted as part of the amended application and consulted on from February 2009.

**HPA statement is from 2005 – should consider new evidence**

**HPA statement has been misinterpreted by OCC – it does not say the incinerator is safe.**

The HPA issued a new report in September 2009 which updates the 2005 statement. Details of this are given in the covering report for both the Sutton Courtenay and Ardley sites.

**MONITORING**

**Monitoring - generally inadequate**

**Monitoring systems may not detect all harmful emissions – some emissions not monitored**

**Spot monitoring should be independent**

**WRG should not be given advanced warning of spot monitoring**

**Regulating authorities not good at enforcing or prosecuting breaches**

**No provision for monitoring of conditions or Section 106 agreement or routeing agreement**

The points made on monitoring appear to relate primarily to issues that would be monitored by the Environment Agency as part of the Environmental Permit, rather than by Oxfordshire County Council in relation to monitoring planning conditions. Compliance with matters covered by planning conditions and agreements would be monitored by minerals waste monitoring officers several times per year if permission was granted. Planning conditions should not cover matters which are covered by the environmental permit. The Environment Agency could issue an enforcement notice if any condition on an environmental permit is contravened, or even if they think it likely. Contravention of a permit condition is an offence (maximum £50,000 fine or 12 month prison sentence). In addition to or instead of penalties, the court may require the convicted person to take steps to remedy the situation. The Environment Agency also has powers to take steps to remove a serious risk of pollution or to remedy it and recover the cost from the operator.

## **VISUAL IMPACT**

### **Visual impact on landscape inc view from Wittenham Clumps**

#### **Visual impact - cumulative with power stations**

#### **Visual impact - plant too big**

#### **Visual impact - less attractive to tourists**

The visual impact of the development has been assessed as part of the Environmental Statement. The assessments were revised when the building design was altered for the second round of consultation. A plant of this type must be expected to have some visual impact on the surrounding landscape. Although there would be a landscape impact, the direct impact on people is limited due to the distance from residential properties. The plant is too large to completely screen by planting as can be done at other waste management facilities. The design of the building has been considered by the Commission for the Built Environment (CABE) who have made positive comments.

#### **Screening - inadequate due to size of planned development**

#### **Woodland for screening will not mitigate the adverse effect on views from the Clumps/Chilterns/Ridgeway**

#### **Woodland for screening will not be a mitigating factor as it will take years to mature**

The woodland planting would not fully screen the development and it would take some time to mature. However, it would help to soften the impact of the development.

#### **Visual impact - unattractive/inappropriate building design**

Whether a building is attractive or not is to some extent subjective. However CABE have been consulted on this application and offered positive comments about the design.

#### **Visual impact - plant should be sunk into the ground like Didcot B.**

The plant is proposed to be located on an area that has been landfilled and therefore setting it down would not be practical. There are areas within the wider Sutton Courtenay site which have not yet been landfilled. However, to place the plant there would not be in accordance with development plan policies which require landfill void to be husbanded. Due to the size of the building, even if it were set into the ground it would still have a visual impact.

## **TRAFFIC**

### **Traffic – increased congestion in villages/local area**

The impact from traffic has been assessed in the Transport Assessment. Any permission granted would be subject to a routeing agreement to route traffic away from sensitive areas such as the villages of Sutton Courtenay and Appleford.

#### **Noise - from traffic**

Noise from traffic would be most likely to cause an effect on amenity on minor roads through villages. However, the traffic would be routed away from sensitive villages onto main roads.

### **Traffic – increased congestion on A34/general in county**

The transport assessment submitted with the application indicates that the proposals would increase weekday traffic flows by less than 10% during periods of peak activity on site. The assessment states that in accordance with Institute of Environmental Management and Assessment (IEMA) guidelines, such increases are unlikely to create any perceptible effect on the road network.

### **Traffic – cumulative traffic increase with other developments**

**If landfill is extended until 2030 lorry movements would not decrease as suggested in the Transport Assessment**

**TA assumes grant of permissions which have not yet been issued**

This has been considered in the submitted transport assessment. The findings have been consulted upon and there is no objection from Transport Development Control subject to the imposition of appropriate conditions and agreements.

### **Traffic – increased pollution**

#### **Traffic – increased carbon emissions**

The air quality effects of the proposals arising from traffic have been assessed in the Environmental Statement Air Quality Assessment. The significance has been assessed to be negligible. There has been no objection from the Environmental Health Officer.

### **Traffic – increased safety risk**

The Environmental Statement considers the accident statistics and assesses the likely change in the frequency in accidents as a result of the proposed development. It concludes that the significance of this impact is neutral.

**Traffic – increased cost of road repairs**  
**Traffic – increased cost of congestion**

Waste has to be managed and the associated vehicle movements related to the movement of waste will affect roads somewhere in the county.

**Ancient bridge in Culham threatened by increased traffic**

If permission is granted it would be subject to a routing agreement that would ensure that all traffic other than local waste deliveries uses the southern access from the A4130.

**Transport of fly ash/APC residues by road (rather than treating at source) increases risk of accidental spillage/site contamination**

It is not proposed to transport ash or Air Pollution Control (APC) residues by road. Ash would either first be treated in the IBA plant then transported by road offsite for use as an aggregate or landfilled on site. It is not hazardous. APC residues are classified as hazardous but would be landfilled at the Sutton Courtenay site, which is seeking consent to deal with this type of waste as part of this application.

**Should encourage rail freight, not road.**  
**Rail – increased burden on passenger rail infrastructure**

Sutton Courtenay has the capacity to take waste by rail and currently takes some waste from London for landfilling. However, policy does not support the import of waste from London for treatment processes such as incineration. As waste is proposed to be brought in from within Oxfordshire only, it is not practical to bring it in by rail as there are not the facilities or line available.

**Self-sufficiency – import of waste from other counties/need to spread the risk, not concentrate it**

It is proposed to take waste from Oxfordshire only.

**Insufficient waste to supply proposed level**

There is a significant amount of commercial and industrial waste arising in Oxfordshire that could be treated in an EfW plant in addition to residual household waste. The second amendment to the application included reducing the size of the plant and the annual throughput of waste.

**Plant staff & visitors not considered in application - increased congestion  
Routeing agreement would not apply to staff cars**

Vehicle movements associated with staff have been considered in the transport chapter of the ES. Transport Development Control confirm that staff car movements should not be part of any routeing agreement.

**BIODIVERSITY**

**General biodiversity - impact on  
Loss of habitat for protected species**

The application and Environmental Statement has been considered by OCC's Ecologist Planner and also by consultees such as BBOWT, Natural England and the Environment Agency. There has been no objection on biodiversity grounds.

**Conservation area/SAC/SSSI – impact on**

Ecological consultees were specifically asked to provide their views on whether the development would have a significant impact on nearby sites of nature conservation importance. There has been no objection from the ecological consultees. Indeed, in relation to the possible impact of the development on the SAC, Natural England have confirmed that there is no requirement to undertake an Appropriate Assessment.

**No over-wintering bird survey**

The wintering bird survey was requested from the applicant and supplied for the third round of consultations.

**UNSUITABLE LOCATION**

**Proximity to residential areas  
Great Western Park in Didcot – development too close  
Sutton Courtenay/Appleford area has suffered enough**

Energy from Waste plants in other parts of the country are located closer to residential areas. The stack is designed to disperse air emissions and there is no reason not to permit plants of this type near residential areas. The effects of noise, air emissions and other potential nuisances are considered in the Environmental Impact Assessment.

**Industrial process not suitable for rural area/landscape/greenfield**

Policies relating to the location of a waste management facility in this location are considered in detail in the main report.

**Built heritage - impact on**

**Heritage - should not be built near Sutton Courtenay - site of George Orwell's grave**

**Impact on historic garden at the Manor House, Sutton Courtenay or the Scheduled Ancient Monument.**

English Heritage has been consulted on this application and has not raised an objection. The main report provides details of their comments. The plant would not be visible from most of Sutton Courtenay village and it is not considered that it would have an adverse impact on the historical qualities of the village.

**Consultant advised this was not a suitable location**

This comment was made in a large number of letters which were not specific about which report was being referred to. It is assumed that it is a report produced for OCC in 2007 by consultants ERM on 'Site Selection for Strategic Waste Management Facilities'. These reports were done as part of the initial work on waste site options for the emerging new Minerals and Waste Plan (the Minerals and Waste Development Framework). These are regarded as technical reports by consultants and have been published them on the County Council website for information, but the County Council has not yet formally considered them or come to a view on them.

The Sutton Courtenay Landfill Site is one of a number of potential locations for a strategic waste management facility that the reports cover and for which ERM have done a site assessment. ERM's conclusion on the Sutton Courtenay Landfill Site is that it is one of 8 sites 'that is considered to be appropriate to safeguard for a future waste use'. Parts of the report may have been interpreted as suggesting that this site is not suitable for an incinerator as ERM say:

"This site is within a 5-10 km range of the Little Wittenham and Cothill Fen Special Area for Conservation (SAC). ERM considers that waste management involving incineration, gasification and pyrolysis would be likely to have a significant effect on the identified SAC."

And "ERM concludes that development should not include thermal treatment unless it can be demonstrated through appropriate assessment that such development would not have an adverse impact upon the integrity of the Little Wittenham SAC."

The issue of possible impact of air emissions on these Special Areas for Conservation has been the subject of consultation with Natural England, the Environment Agency and the County Ecologist. It has been concluded the development would have no significant effect on any of the SACs and Natural England have confirmed that an Appropriate Assessment is not required.

**Facilities should be spread around the county more  
Smaller facilities needed instead of one large facility / need to spread the risk**

The application that has been submitted must be considered to determine whether it is acceptable in planning terms. The suggestion is not supported by any specific planning policy guidance.

**Incinerator unsustainable - longer-term solution needed  
Incinerator technology out of date/inappropriate - likely to be phased out/being outlawed globally  
Other counties with incinerators wish to be rid of them eg Kent & Stockton  
Other authorities have rejected incinerators eg Norfolk & London**

The application has been submitted and must be determined on its planning merits not on its engineering merits.

**CHP - heat and power should be utilised/residents not benefiting  
CHP assessment has no financial model/customer assessment/provisional plan  
Service pipes will heat new houses but not existing ones**

Development plan policies support CHP utilisation, as set out in the main report. However, there is no current proposal for its use.

**Incineration least popular waste management strategy**

The reasons for the unpopularity of incineration need have been considered as part of this annex. If there are justified planning reasons why the proposal would not be acceptable then approval would not be recommended.

**Application misleadingly associates energy produced by EfW plant with renewables**

The proposal has been considered against waste management policy and not renewable energy policy in the main report.

**MBT plants cheaper & more efficient  
Incineration as waste management strategy - councillors (and public) not consulted  
Reflects national bias towards incineration  
Alternative technologies should be considered  
No evidence for claim that MBT is more costly - gate fees for EfW are far higher than for MBT  
Energy recovery – not efficient  
Anaerobic Digestion cheaper & more efficient (produces valuable gas)**

These are matters for consideration as part of the procurement process and are not material planning considerations. Anaerobic digestion facilities are being planned in Oxfordshire to treat food and green waste.

### **Consultation Process**

#### **Environmental Permit not yet considered by EA – should wait for this before determining application**

There is no statutory requirement to wait for the outcome of the Environmental Permit application before making a decision on the planning application. Both consents would need to be in place before any development could commence.

#### **Consultation – insufficient time/rushed Consultation – generally inadequate/no public debate**

An extended consultation period of five weeks was allowed for the initial consultation period. This was further extended for consultees who requested an extension such as the District and some Parish Councils. Following that consultation period the comments received were fed back to the applicant who subsequently submitted a revised application. This revised application was the subject of a second consultation exercise. The statutory 3 week period was allowed for this consultation as the revisions were limited. By that time OCC had been accepting comments on the general concept of an energy from waste plant in this location for over 6 months. A further amendment to the application, basically reducing the throughput of waste through the EfW plant and restricting the plant to dealing with Oxfordshire's waste only was submitted in July 2009. This amended proposal was the subject of a third consultation period which ran from 15 September to 6 October. The application therefore has been available for public comment for (?) months overall, this far exceeds the statutory period for consultation and has generated considerable correspondence.

#### **Not clear that WRG 'presentations' were part of public consultation**

WRG held presentations as part of their own consultation on their proposals, before the application was submitted. Oxfordshire County Council have undertaken consultations on the application since it has been submitted.

#### **Consultation – insufficient information**

The entire planning application and Environmental Statement have been available on Oxfordshire County Council's website. The public have been notified of the submissions through press adverts, site notices, consultation with parish councils and by letter.

**Objections ignored/over 10,000 signatures on petition/undemocratic**

No objections have been ignored. All points raised in objections have been considered in this report. The decision will be made by democratically elected councillors. No members or officers are involved in both the procurement and planning process.

**The Council did not attend a meeting in March where the public could put questions forward - snub to voters**

It is appropriate for the applicant, rather than County Council planning officers, to answer questions relating to the proposals. Oxfordshire County Council as planning authority would not have been able to express a view on the application at that stage.

**WRG keep on pushing the boundaries of the application – underhand**

Although this is a complex application and there have been numerous changes all the necessary information has been received and consulted on prior to making a decision on the application.

**District & parish councils (+ MEP) oppose – should not negate their opinion.**

The views of all objectors are taken into account and made available in this report. Members of the Planning & Regulation Committee are made aware of these objectors prior to making any decision on the application.

**LACK OF INFORMATION**

**Weather data from Brize Norton used – does not reflect Sutton Courtenay weather**

**Microclimate - would make it unacceptable/has not been considered**

**No data provided in application on EA's assessment of greenhouse gas emissions from incinerator**

**Effects of dust spread from raised IBA storage has not been assessed following change in design.**

**No assessment of how increase in dust affect/spread to surrounding villages & no abatement process**

**Need risk assessment**

**No assessment with regard to toxicity limit alterations**

**No air modelling of dispersion**

**No details in application of monitoring of ecotoxins**

**Greenhouse gases - no assessment of net effect (of increased emission from incinerator and traffic) on Oxfordshire Carbon Plan**

**Health risk assessment assumes population is evenly distributed - risk needs to be considered on site by site basis.**

**Application does not explain how pollution levels will be kept below recommended levels**

**Application does not demonstrate how the proposal will comply with the incoming PM2.5 particulate limits**

**Economic or health effects of SNCR or SCR Nox reductions - not assessed**

**No BAT assessment**

**HHRA does not assess risk from location within floodplain, proximity to B4016, nor the cumulative impact of extraction beginning on the Bridge Farm site**

**No evidence for claim that emissions from cooling towers are not qualitatively different to factors such as rainfall/humidity**

**No evidence for claim that accidental releases are not likely to be significant - accidental dioxin discharges from Eastcroft facility have been measured as high as 900% above the limits**

**Small particles (PM2.5) - no evidence for how they will be continuously monitored as claimed**

**Proposal suggests that the power stations will cease to emit cooling vapour by 2015 - ignores possible extended use of cooling towers for Didcot B**

**Mercury emissions from low energy bulb incineration - not considered**

**Proposals are based on computer-modelling, not local conditions.**

**High dioxin releases at incinerator start up & shutdown - cost of shutting down plant will be disincentive against proper monitoring of emissions - will result in more emissions either way - not assessed**

**Weather parameters used on stack height calculations have not been justified. Contribution to local pollution/deposition levels should be assessed (independently and on site by site basis)**

This are matters for the Environment Agency in their consideration of the Environmental Permit application.

**Independent studies (on health, environmental, financial impacts) – need**

**No evidence of assessment against alternatives in application**

**Air quality & Human Health Risk Assessments not revised to consider the increase in height of the plant**

**No environmental health study**

**Wording of environmental assessment not accessible - too technical. Should be a non-technical summary**

**Application barely mentions impact on Sutton Courtenay and Appleford, despite their proximity**

**Highway assessment – lack of**

**No site specific flood risk assessment**

**Landscape proposals not submitted with application**

**Hydrological impact assessment – lack of**

**Independent ES/EIA needed**

**Environmental impact - more studies/ full ES/EIA/Environmental Health Study needed**

These were required as part of the Environmental Statement, submitted and consulted on.

**Geological impact assessment - lack of  
No independent geological survey  
No assessment with regard to carbon tax changes  
No assessment of potential impact on future investment  
Traffic - cumulative carbon emissions with incinerator (not assessed)**

These were not required.

**Proposal does not demonstrate how energy will feed into national grid**

Further information was submitted with the amended application. Full details are not required as planning permission is not needed for this aspect of the development.

**Need assessment of full lifetime pit requirements**

It is difficult to estimate the requirements of the air pollution control residue (APCR) disposal facility as it may be possible in the future to recycle it. However, the application states that the proposed area would be sufficient and estimates that it would have a 39 year capacity based on the landfilling of 9,000 cu m of conditioned APCR residue a year. If it were not big enough the APCR would have to be taken elsewhere and if it were too big the remaining void would have to be filled with another material.

**Need assessment of proportion of bottom ash likely to be hazardous**

Bottom ash is not classified as a hazardous material.

**No assessment of forward projections for waste treatment at the higher end of the waste hierarchy scale  
No assessment of future waste generation and recycling to support claim of OCC's reduced liability to LATS penalties**

This would not be expected as part of the planning application

**No assessment with regard to fluctuating waste levels**

The application is for a maximum tonnage (250,000 tpa) and if permission were granted a planning condition would restrict throughputs to that amount.

**Environmental impact of importing waste from outside county - not considered**

It is not proposed to bring in waste from outside the county

**Planning statement frequently refers to documents which are not available.**

All documents that were submitted as part of the application and ES have been made available on the Council's website. Where some documents were originally missing, these were all submitted for the final consultation period.

**Maps in application are poor**

Officers consider the maps to be of a good standard.

**Application does not state what will happen to toxic ash blocks**

The application sets out what would happen to both the bottom ash and the air pollution control residue.

**Application focuses on impact on Sutton Courtenay when Appleford is only 200 m away - inadequate assessment**

I consider that the impact on Appleford was adequately addressed in the ES

**Jobs - no assessment of net impact on employment  
No evidence to support claim of benefit to local employment levels**

Details of proposed job generation is given in the planning application.

**Survey of alternatives inadequate - factors not weighted  
Application does not include comparison of traffic miles for alternative sites  
Didcot A site not considered as alternative location  
Application does not compare energy efficiency data of incineration with alternatives  
Independent assessment of alternatives sites should be carried out**

I consider that the work on alternatives submitted with the ES and application was adequate. The issue of alternative sites is addressed in the main report.

**No evidence for social, environmental, or economic benefits claimed in application  
No evidence that the effect on groundwater flows will be minimal**

The ES provides evidence about the impact of the development. The Environment Agency have no objection to the proposals.

**Industrial re-use of APCR - no detail of treatment of before re-use**

It is proposed to landfill the APCR and information is provided about this. There is little information regarding the alternatives to landfilling it.

**Cumulative impact assessment of other large scale developments in the area does not take in account the redevelopment of the 40s, 50s, and 60s site at Milton Park**

**The proposal needs to be considered on it's merits against the development plan. Cumulative impacts have been considered in relation to health and air quality.**

**Environmental Statement has not used the new lower critical levels of ammonia in the analysis of the impacts of air pollutants (and its impact on biodiversity)**

This issue was raised in the first period of consultation; the amended application addressed this.

**Revision of application do not justify any further, or make it any clearer**

I consider the information that has been submitted to be sufficient to make a decision on this application.

**PROCUREMENT**

**Incinerator not cost-effective – economic risk/too costly  
Potential cost of penalties/fines for insufficient waste supply  
Long term nature of contract  
Economy-driven - trying to avoid fines  
Tendering - biased/market-led  
Likely to be over-turned by High Court – money wasted.  
Tendering - OCC should not be technology neutral  
Incinerator - cost of updating technology/decommissioning  
No guarantee waste will increase  
Unpredictable financial costs eg carbon tax increase/ volatile markets/law suits  
Financial cost of construction – WRG will pay for majority of construction costs, but OCC may have to contribute  
Capacity should be proportionate to waste arisings - should be no excess  
County Councillors not given chance to debate  
Financial cost of importing waste from other counties  
Preferred bidder with site at Ardley**

Points made in relation to the procurement exercise are not relevant to the consideration of the planning application. The County Council role as the Waste Planning Authority is entirely separate from its role as Waste Disposal Authority.

## **SUITABILITY OF APPLICANT**

**WRG poor track record – other incinerators e.g. documented breaches at Nottingham**

**WRG poor track record – SC landfill/composting**

**WRG is Spanish company – will have little interest preserving/serving the local area**

**WRG do not monitor toxic release concentrations at existing facilities**

**WRG would not operate plant as stipulated**

**WRG poor track record on meeting environmental obligations**

**WRG poor track record - supervision on site is minimal**

**WRG have no experience in running high-tech EfW plant**

**Environmental Permit conditions have not been met**

**WRG's track record of compliance with environmental permits in the UK - no evidence provided**

These points are not relevant to the consideration of this application. Matters which would need to be covered by planning condition would be regularly monitored by Oxfordshire County Council. Matters that would be controlled through the Environmental Permit would be monitored by the EA.

## **WATER ENVIRONMENT**

### **Flood risk and water contamination risk**

The EA has not objected to this application.

## **LOCAL ENVIRONMENTAL EFFECTS**

### **Odour**

This would be covered by the Environmental Permit.

### **Dust/soot**

#### **Black soot – effect on houses/washing, etc**

The main operations would take place within a building. The IBA and APCR areas would only be permitted with proper controls to ensure that dust would not be a nuisance.

**Millennium Common unusable – no access  
Millennium Common – development too close**

This development would not affect access to Millennium Common.

**Housing - prices would reduce**

This is not a planning consideration.

**Didcot - impact on planned growth  
Housing - impact on potential new development**

This development would not have any significant impact on new housing in the area.

**Noise – construction  
Noise – operational  
Single monitor for noise – inappropriate location (noise of operations will be blocked by  
Noise from 24 hour operation wind)**

Noise is assessed in the Environmental Statement and would be covered by condition. There has been no objection from the Environmental Health Officer.

**Longer operating hours**

The longer operating hours for delivery to the EfW plant are considered acceptable as the HGV route to the site would pass few residential properties.

**Amenity of site adversely affected (notably for walkers)  
Bridleways – impact on amenity & safety of riders  
Impact on horses – landscaping of routes necessary  
Safety of users on right of way**

There has been no objection from Oxfordshire County Council Rights of Way team and the proposed section 106 agreement would provide improvements (including improvements to safety (eg better signage and landscaping)) to the rights of way network.

**Light pollution**

The application explains that external lighting would be required during the construction and operational phases of the development. External lighting has the potential to cause an adverse impact on local amenity. However, no specific concerns in relation to the lighting proposals have been raised by the Environmental

Health Officer. The lighting can be controlled by condition. The application states that lighting units will be positioned horizontally, with no upward tilt, to ensure that excess light is not spilt from the area being illuminated.

### **Flies & vermin & litter**

The operation will take place within a building and therefore has less potential for these nuisances than the existing landfill site.

### **Environmental impact – general**

The environmental impact has been thoroughly assessed in the ES.

### **Wildlife Centre (Sutton Courtenay) – impact on**

There has been no objection from the ecological consultees

### **Increased likelihood of further applications on the site**

It is possible that other development might be proposed in future. However, such development would require planning permission in their own right and which would be assessed on their planning merits.

### **Greenhouse gases - increased emissions**

This proposal would produce less greenhouse gases than landfill.

## **ADEQUACY OF APPLICATION AND ENVIRONMENTAL STATEMENT**

### **Application uses old map that does not feature all nearby houses**

The information submitted with the application is sufficient to properly consider it.

### **ES inadequately assesses and mitigates potential biodiversity loss**

Ecological consultees on the application and ES have not raised any significant concerns relating to the content of the ES. They have no objection to the application.

**WRG claims to have taken into account the objections made, but in the briefing they admit they've only made minor changes, so haven't really taken anything into account at all.**

The application has been amended since its initial submission in areas including capacity, waste catchment area and building design.

**Applicant should not submit ES – bias**

In all planning applications requiring the submission of an ES, it is the applicant who provides the ES. The technical work contained within the report is normally done by experts/consultants.

**HAZARDOUS WASTE LANDFILL AREA**

**Hazardous waste storage does not have sufficient storage for 25 year contract**

It is difficult to predict the rate of filling for the APCR landfill. However, the applicant suggests that there is sufficient capacity.

**Landfill should be separate application**

There is no requirement for the landfill to be dealt with in a separate application and as the APCR landfill is linked to the EfW plant it is clearer for consultation purposes to have both aspects of the development in the same application.

**Hazardous waste barriers - no response on their reliability**

**Ash disposal – inadequate**

**Hazardous landfill – impact of toxic waste/land pollution (+ potential to interact with Harwell waste & other landfill)**

**Toxic waste will form depository for many years**

There has been no objection to this application from the Environment Agency. The APCR site would be clay lined to contain the hazardous material.

**Export of hazardous waste and bottom ash will result in leaching and spread of dust**

There has been no objection from the Environmental Health Officer in terms of dust. Dust could be controlled by condition.

**Denmark already ships toxic ash from their incinerators to other countries**

This application details the proposals for dealing with hazardous APC residue. It is to be landfilled in clay lined cells within the Sutton Courtenay landfill site.

## **EXISTING LANDFILL SITE**

### **Impact on restoration of landfill site Landfill – increase to lifetime**

The diversion of waste from landfill will lead to the landfill being filled less quickly and a delay to its final restoration. However, waste will have to be diverted from landfill whatever the outcome of this application. There is already a resolution to grant permission for the Sutton Courtenay landfill site until 2030, in anticipation of reduced levels of waste being sent to landfill.

Waste will be diverted from landfill whether it is sent to this plant or elsewhere. Husbanding the void complies with planning policy. A slowdown in the rate of infilling would mean that the landfill had reduced impact in terms of traffic movement and other potential sources of nuisance.

### **If incinerator is intended to replace landfill, why is the landfill licence being continued?**

This planning application does not seek to extend the life of the landfilling permission. The landfill has permission until 2021, or 2030 after the latest permission is granted following the completion of a legal agreement. Even if permission is granted for the EfW plant there will be some waste which is unsuitable for incineration that will have to be landfilled.

## **WASTE POLICY**

### **Waste should be dealt with at the source – in cities Proximity principle**

Waste policy is considered in the covering report for the Sutton Courtenay and Ardley sites. It does not rule out rural locations for waste management facilities and this location is not far from Oxford and other urban areas that produce large quantities of waste.

### **Undermines waste hierarchy of district councils**

This is a proposal to treat residual waste and therefore should not undermine the drive to reduce, reuse and recycle.

### **Development Plan – prematurity**

This is covered in the covering report for the Sutton Courtenay and Ardley sites.

**Sutton Courtenay/Oxfordshire will become waste capital of the South East**

It is not proposed to take waste from outside Oxfordshire.

**City Council should be more involved as Oxford produces most of the waste**

This application is for development classed as a 'County Matter' and as such must be determined by the County Council. However, Oxford City Council have been consulted on this application.

**SPECIFIC POINTS**

**Development plan policies – conflicts with**

The compliance with relevant development plan policies is fully considered in the main and covering reports.

**Endanger plans for European School nearby to be taken over by the government**

**Detract from the arts – local Abbey/concert venue nearby proposed site.**

This development would not directly impact the European School in Culham or nearby arts venues.

**Subsoil may not be suitable for incineration as it may be contaminated if there is a breach of the membrane containing the waste**

There is no intention to incinerate subsoil

**May become a target for terrorists**

This statement could apply to any new development but is not a reason to avoid new development.

**Financial cost of environmental impact**

This is not a planning consideration

**Energy recovery - Didcot Power station/landfill more efficient**

Didcot Power station may be more efficient at energy recovery but it does not treat waste. Landfill is not efficient at energy recovery.

**How can such a massive plant be considered when an application for a small house on the edge of Appleford was refused as it was deemed too industrial for such a rural area?**

This development must be considered against waste management policy. There are different policies for residential development.

**Energy produced is inadequate incentive for EfW plant as the grid does not need such a volume of power in that locality - inadequate infrastructure**

National Grid have been consulted on this application and have not objected. The grid transports electricity to where it is needed.

**Need resources for future generations**

This development would deal only with residual waste. It would not prevent the recycling or reuse of waste.

**Not enough infrastructure for '220 jobs' WRG claims the incinerator will provide**

**Jobs - alternative technologies would create more**

The application provides an estimate of the jobs that would be created by this development. However, this is only an estimate and employment policy is not a key policy in determining this application. Therefore, if fewer jobs were created it would not affect how the development fits in with policies.

**Plasma gasification – alternative to incineration**

The Environmental Statement considers alternative technologies. However, this application should be considered as submitted and be determined on its planning merits.

**EA & HPA will not be able to produce an assessment that is independent of government**

The Environment Agency is the statutory consultee and we rely upon them to provide expert advice as part of the consultation response.

**Not convinced that OCC has yet developed a strategy with regard to the obligations within Directive 2008/50/EC to minimise air pollution. The WRG application has inadequate plans with regard to the monitoring of air pollution.**

This Directive does not have direct relevance to planning decisions. More detail is given below.

Directive 2008/50/EC is aimed at EU governments. According to the DEFRA web page it is primarily a consolidating directive (ie brings together a number of earlier directives), although it does provide a new regulatory framework for PM2.5. The directive requires member states to bring national legislation into effect by 11 June 2010. The current national legislation is the Air Quality Standards Regulations 2007 (SI No 64 of 2007). These provide that the Secretary of State is the 'competent authority' under the directives, and in relation to PM2.5, monitoring is a responsibility of the Secretary of State. Therefore the obligation to develop a strategy to reduce PM2.5 is put upon UK government, not OCC, and national legislation is to be in place by 11 June 2010. It is not yet in place. If the precedent of the present regulations is followed, the Secretary of State will be responsible for the location of sampling points to meet national obligations.

### **Directive 2008/1/EC**

This directive codifies previous directives relating to integrated pollution prevention and control. Again, member states are obliged to bring equivalent national legislation into effect. The current regulations are the Environmental Permitting (England and Wales) Regulations 2007 (SI 2007 No 3538). The functions of regulator under these regulations are split between the Environment Agency and the relevant district council. Accordingly the County Council has no specific obligations under the directive. 'Best Available Techniques' will however be a relevant factor in relation to the issue of an Environmental Permit by the EA

### **Implications of the Capel decision**

The issue of prematurity relates to and is considered in the covering report for the Sutton Courtenay and Ardley sites.

### **COMMENTS MADE BY CONSULTEES WHICH HAVE NOT BEEN ADDRESSED IN THE MAIN REPORT**

#### **Impact of piling operation not assessed**

Piling will be short term and located some distance from housing. Conditions can be added restricting the times for noisy construction operations.

#### **Impact on AONB**

The site is not within the AONB.

#### **St Dennis incinerator in Cornwall should be taken into account as a precedent**

The application as submitted should be determined on its own planning merits.

**Would like assurance that an Appropriate Assessment will be undertaken**

Natural England has confirmed that an Appropriate Assessment will not be requested.

**Not clear if water in ponds would be treated before entering river system  
Not clear how well these pond would hold water in an extreme rainfall event**

The Environment Agency has not raised any objection regarding this issue.

## Relevant Policies

### Waste Management Policy

PPS10 contains guidance on making decisions regarding waste management and promotes sustainable waste management, the moving of waste up the 'waste hierarchy' and disposing of waste to landfill as a last resort after reduction, reuse, recycling and energy recovery.

SEP policy W3 refers to regional self-sufficiency and states that waste authorities and waste management companies should ensure management capacity equivalent to the amount of waste arising and requiring management within the region's boundaries.

SEP policy W4 states that waste planning authorities should plan for net self sufficiency. A degree of flexibility should be used when applying the sub-regional self sufficiency concept and where appropriate and consistent with SEP policy W3 capacity should also be provided for waste from adjoining sub regions.

SEP policy W5 sets out targets for the diversion of waste from landfill for the region and goes on to state that the optimal management solution will vary according to the individual material resource streams and local circumstances and will usually include one or more of; re-use, recycling, mechanical/biological processing, thermal treatment. Priority should be given to processes higher up this hierarchy. It states that sufficient landfill should continue to be provided for residues and waste that cannot practicably be recovered.

SEP policy W13 states that provision should be made for continuing but declining landfill capacity. Non-inert landfill capacity should be husbanded to provide for disposal of residual non-inert waste.

SEP policy W16 states that policies should aim to reduce the transport and associated impacts of waste movement.

SEP policy W17 states that in identifying suitable sites for waste management facilities, priority should be given to safeguarding and expanding suitable existing waste management sites. The suitability of sites should be assessed on the basis of characteristics including good accessibility from existing urban areas, good transport connections, compatible landuses and ability to meet environmental and amenity criteria.

OMWLP policy W2 states that provision will be made to accept waste from London and other parts of the South East for treatment/disposal within Oxfordshire, provided that the treatment/disposal is consistent with regional, structure and local plan policies. Proposals for the treatment or disposal of waste from London requiring road transport for the principle component of its journey will not be permitted.

OMWLP policy W5 states that waste treatment plant, machinery, buildings and stockpiles must be properly screened from the surrounding landscape. Such screening – by landscaping or other means should be in place before any waste stockpiling or treatment begins.

OMWLP policies W3 and W4 cannot be applied to this application. They refer to proposals for reuse and recycling and energy from waste is neither. Although the IBA reprocessing plant is a recycling operation this will operate as an ancillary function to the EfW plant. OMWLP para 3.21 states that there is unlikely to be a large increase in waste disposal by incineration in Oxfordshire in the short term. Although the situation has changed since the plan was published, this makes it clear that the policies were not intended to apply to major waste treatment facilities.

SEP policy W6 sets targets for recycling and composting within the South East region until 2025. It states that waste authorities should adopt proposals to assist delivery of these targets.

SEP policy W7 states that waste planning authorities should provide for an appropriate mix of development opportunities to support the waste management facilities required to achieve the targets set out in the SEP.

SEP policy W12 states that waste development documents should only include energy from waste as part of an integrated approach to management and that proposed waste facilities should operate to the required pollution control standards and include measures to ensure that appropriate materials are recycled, composted and recovered where this has not been carried out elsewhere. Proposed thermal facilities should, wherever possible, aim to incorporate combined generation and distribution of heat and power.

SEP policy W15 states that waste development documents should identify assess available landfill provision and where necessary encourage the creation of protective cells for stable hazardous waste.

### General Strategy for Development

SEP policy CO1 sets out the core strategy for Central Oxfordshire. This states that the region's economic strengths should be built on in ways which will: ensure the provision of infrastructure that is essential to the proper functioning and future development of the area, protect and enhance environment and quality of life, protect the setting and character of Oxford, make best use of urban previously developed land and concentrate development where the need to travel can be reduced. Development will be concentrated in Bicester, Didcot, Wantage and Grove and Oxford and limited development will be permitted elsewhere to support the local social and economic well being of communities.

## Impacts on the Local Environment

### **Pollution and Amenity**

PPG23 covers planning and pollution control. It states that, 'any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use'. It also states that 'where it will save time and money, consideration should be given to submitting applications for planning permission and pollution control permits in parallel and co-ordinating their consideration by the relevant authorities'. It states that, 'planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced' and advises that 'the controls under the planning and pollution control regimes should complement rather than duplicate each other'.

Other matters that PPG23 states may be material considerations in the determination of planning applications include the possible impact of potentially polluting development on land use, including effects on health, the natural environment or general amenity, the potential sensitivity of the area to adverse effects from pollution, the environmental benefits that the development might bring, the economic and wider social need for development, the existing, and likely future, air quality in an area, the need for compliance with any statutory environmental quality standards, the need to limit and where possible reduce greenhouse gas emissions and possible adverse impacts on water quality.

PPG24 provides Government Policy on noise. It outlines the considerations to be taken into account in determining applications for development which will generate noise and advises on the use of conditions to minimise the impact of noise.

SEP policy NRM9 states that local authorities should seek an improvement in air quality in their areas.

SEP policy E7 states that local authorities should work with the Environment Agency and others to play a positive part in pollution control and encourage measures to improve air quality. At the planning application stage local authorities should ensure that air quality is taken into account along with other material considerations.

SEP policy NRM8 states that measures will be developed to address and reduce noise pollution at regional and local level.

VLP policy DC9 states that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, gases or other emissions, pollution, contamination or the use or storage of hazardous substances or external lighting.

## Ecology

PPS9 on Biodiversity and Geological conservation sets out the Government's objectives for planning and biodiversity and geological diversity. The broad aim is that planning and development should have a minimal impact on biodiversity and enhance it wherever possible. The objectives set out to achieve this include the promotion of sustainable development by ensuring that biological and geological diversity are conserved and enhanced so that development decisions integrate biodiversity and geological diversity with other considerations and the conservation and enhancement of wildlife and geology by sustaining and improving the quality and extent of natural habitat, physical processes and species.

PPS9 also identifies key principles to follow in the determination of planning applications. These include that decisions should be made on the basis of up to date information about the environmental characteristics of areas, appropriate weight should be attached to designated sites and the aim of planning decisions should be to prevent harm to biodiversity. Where granting a planning permission would result in significant harm to that those interests, planning authorities should be satisfied that the development cannot reasonably be located on any alternative sites that would cause less harm. In the absence of such alternatives adequate mitigation should be put in place. Where harm cannot be prevented or mitigated against appropriate compensation measures should be sought. If significant harm cannot be prevented, mitigated against or compensated, permission should be refused.

SEP policy E1 states that priority should be given to protecting areas designated at an international or national level for their intrinsic nature conservation value.

SEP policy E2 states that the region's biodiversity should be maintained and enhanced with positive action to achieve the targets set in national and local biodiversity action plans through planning decisions and other measures.

SEP policy NRM5 states that local planning authorities shall avoid a net loss of biodiversity and actively pursued opportunities to achieve a net gain across the region. The highest level of protection shall be given to sites of international conservation importance. Where a likely significant effect cannot be excluded an appropriate assessment will be required. If this is unable to conclude that there would be no adverse effect on the integrity of the site the plan or project will not be approved. Damage to nationally important sites and county wildlife sites will be avoided. Plans shall require green infrastructure in conjunction with new development.

OMWLP PE14 states that sites of nature conservation importance should not be damaged.

VLP policy NE4 states that development likely to harm a site of nature conservation importance will not be permitted unless it can be clearly demonstrated that the reason for the development clearly outweighs the need to safeguard the nature conservation value of the site and adequate compensatory habitats will be provided.

## **Landscape**

SEP policy C4 states that outside nationally designated landscapes positive and high quality management of the region's open countryside should be supported.

VLP policy GS2 states that outside the built up area of existing settlements new building will not be permitted unless it is on land that has been permitted for development in the development plan or it is in accordance with other specific local plan policies. (The site is not allocated for development in the local plan.)

The application site is within an area marked as Lowland Vale on the Local Plan. Therefore policy NE9 applies. This states that development in the Lowland Vale would not be permitted if it would have an adverse effect on the landscape, particularly on the long open views within or across the area.

The part of the site in which the Energy from Waste plant is proposed is also identified as Important Open Land between Didcot and Appleford. Therefore policy NE10 applies, which states that in these areas development or changes of use that would harm the essentially open or rural character will not be permitted.

The site is also within an area marked as an Area for Landscape Enhancement. Therefore VLP policy NE11 applies. This states that proposals for development within these areas must provide a landscaping scheme which enhances the appearance of the area. Development which would further erode or damage the character of the area would not be permitted.

VLP policy DC6 states that all proposals for development will be required to include hard and soft landscaping measures designed to protect and enhance the visual amenities of the site and maximise the opportunities for nature conservation and wildlife habitat creation.

## **Rights of Way**

SEP C6 states that local authorities should encourage access to the countryside particularly by maintaining and enhancing existing rights of way, identifying opportunities and planning for routes within and between settlements and where possible making routes multi-functional to allow horses, pedestrians and cyclists to use them.

OMWLP policy PE11 states that the rights of way network should be maintained and individual rights of way retained in situ. Diversions should be temporary, safe and convenient and should be reinstated as soon as possible. Any proposal for permanent diversion should fulfil the functions of recreational and communications use of the right of way. Improvements to the rights of way network will be encouraged.

## **Design**

SEP policy CC6 states that decisions associated with the development of land will promote the creation of sustainable and distinctive communities. This will be achieved by developing a vision which respects and where possible enhances the character and distinctiveness of settlements and landscapes and creates a high quality built environment which promotes a sense of place.

VLP policy DC1 states that development will be permitted provided that it is of a high quality and inclusive design such that the layout, scale, mass, height, detailing, materials used and its relationship to adjoining buildings and open space do not adversely affect those attributes that make a positive contribution to the character of the locality and it takes into account local distinctiveness and character either in a modern or a traditional interpretation.

VLP policy DC3 states that the design and layout of new buildings and the spaces between them as well as access provisions, must be arranged to increase security and deter crime.

VLP policy DC6 states that all proposals for development will be required to include hard and soft landscaping measures designed to protect and enhance the visual amenities of the site and its surroundings and maximise the opportunities for nature conservation and wildlife habitat conservation.

SEP policy CC4 states that the design and construction of all new development will be expected to adopt and incorporate sustainable construction standards and techniques.

## **Impacts on Water Environment**

Government policy on flood risk is set out in PPS25. This aims to ensure that flood risk is considered at all stages of the planning process. It states that a risk-based approach and the sequential approach. Planning authorities should consult the Environment Agency and they should provide advice on flooding for all development on land exceeding 1 hectare. Site specific Flood Risk Assessments should be provided for development over 1 hectare in flood zone 1 and for all proposals in flood zone 2 and 3.

SEP policy NRM1 relates to the protection of the water environment. It states that development should not be permitted that presents a risk of pollution.

VLP policy DC14 states that development generating surface water run-off likely to result in adverse effects will not be permitted unless the development's surface water management system accords with sustainable drainage principles and has been designed as an integral part of the development layout; and the system will effectively control and adequately mitigate or attenuate any adverse effects from surface water run-off.

VLP policy DC13 states that where a risk of flooding is identified, new development will not be permitted unless an adequate assessment has been made of the risk

including whether the proposed development would increase the risk of flooding elsewhere, the flood risk is found to be acceptable and any proposed mitigation measures are acceptable.

VLP policy DC12 states that development will not be permitted if it would adversely affect the quality of water resources, including groundwater, rivers and lakes, as a result of abstraction, or the nature of related surface or waste water discharge, or the disturbance of contaminated land.

### **Hazardous Landfill**

SEP policy W14 states that high quality restoration and, where appropriate, aftercare should be secured on waste management sites.

OMWLP PE13 states that landfill sites should be restored within a reasonable timescale to an afteruse appropriate to the location and surroundings. Restoration proposals should be submitted at the same time as any planning application for mineral working.

OMWLP policy W7 states that proposals for landfill sites will be assessed against the following criteria:-

- (b) there is a definite need for the facilities which cannot be met by existing or permitted landfill sites;
- (c) no material damage or disturbance to the environment or to the amenities of residential and other sensitive uses;
- (d) no impedance of floodplains or risk of pollution;
- (e) no material damage within a Site of Special Scientific Interest or other site of nature conservation importance;
- (f) no material damage to an ancient monument or archaeologically important area;
- (g) no adverse effects on an Area of Outstanding Natural Beauty;
- (h) no injury to the visual amenities of the Green Belt or conflict with its purposes;
- (i) suitable access and transport routes;
- (j) progressive restoration and completion within an acceptable period;
- (k) meet with hydrological and geological requirements for safe disposal.

### **Traffic and transport**

PPG13 sets out the Government guidance in relation to transport. The key objective is to promote more sustainable transport choices.

SEP policy T1 states that management proposals and policies should favour sustainable modes of transport, encourage development which is located and designed to reduce average journey length, improve the maintenance of the existing transport system, include measures to minimise negative environmental impacts and where possible enhance the environment and communities.

SEP policy T5 states that development documents and transport plans must identify categories of major traffic generating development for which travel plans should be developed.

SEP policy CO5 states that there should be a co-ordinated approach to effective management and development of transport networks in Central Oxfordshire and access to Oxford from major towns will be a priority.

SEP policy T2 states that development plans should include policies that give priority to; the maintenance of the existing transport system, improvements to the overall levels of safety and access, reduction of the environmental impact of movement and ensuring that new transport infrastructure enhance the communities and environment affected.

OMWLP policy SC3 states that planning permission will not be granted unless a routeing agreement has been secured to: encourage heavy goods traffic to use the Didcot Northern Perimeter Road, prevent heavy goods traffic from entering the villages of Sutton Courtenay, Appleford and Long Wittenham, except for local access and limit the use of Culham Bridge to heavy goods vehicles serving local markets in the eastern parts of Abingdon and eastwards along the A415.

VLP policy DC5 states that proposals for development will only be permitted provided that safe and convenient access will be provided to and from the highway network for all users, the road network can accommodate the traffic arising from the development, adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning, adequate and safe provision will be made for parking vehicles and cycles , off-site improvements to highways infrastructure can be secured where these are not adequate to service the development and the scheme is designed to minimise the impact of vehicles and give priority to the needs of pedestrians, cyclists, users of public transport and those with impaired mobility.

## **Energy**

SEP policy NRM12 states that policies should encourage the integration of combined heat and power (CHP) in all developments.

## **Employment**

SEP policy RE3 states that local development documents should provide a range of sites for general employment purposes in locations which are accessible to the labour supply, make efficient use of underused sites, focus on urban areas and promote the use of public transport.

## **Historic Environment**

Government policy on planning and the historic environment is set out in PPG15 as amended by Circular 01/01 and 01/07. This urges planning authorities to ensure they have appropriate specialist advice on any application which, by its character or location, might have an adverse impact on any sites or structures of the historic environment. PPG15 states the Secretary of State's view that the desirability of preserving or enhancing conservation areas should be a material consideration in decisions regarding proposals outside the conservation area, but which would affect its setting or views into or out of the area.

VLP policy HE1 states that proposals for development which would affect the setting of a conservation area will not be permitted unless they can be shown to preserve or enhance the established character or appearance of the area.

**Other Issues**

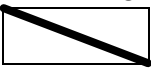
SEP policy E8 states that development plans should set out policies on the level of protection to be offered to the best and most versatile agricultural land and ensure that soils are protected.

Key for Sutton Courtenay Plan 2 – Site Plan

1. EFW Plant
2. Visitor Centre
3. IBA Processing and Stockpiling
4. APCR Landfill Area
5. CHP Infrastructure
6. Office Building
7. Car Park
8. Surface Lagoon
9. Railway Siding
10. Millennium Common
11. Didcot Power Station
12. Bridge Farm
13. Culham Bridge
14. Hill Farm
15. Hartwright House

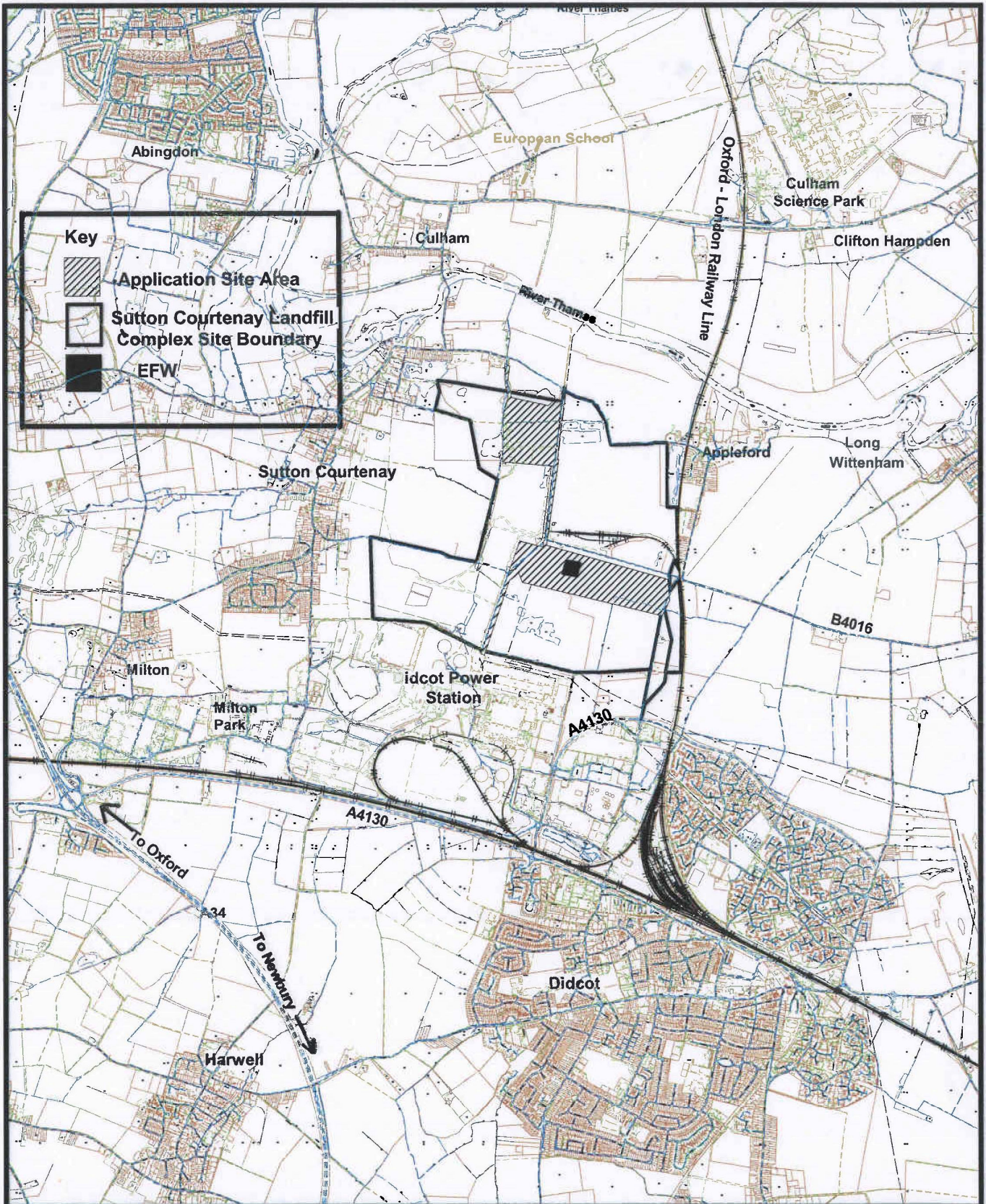


Vehicular Access Point



Resource Recovery Park

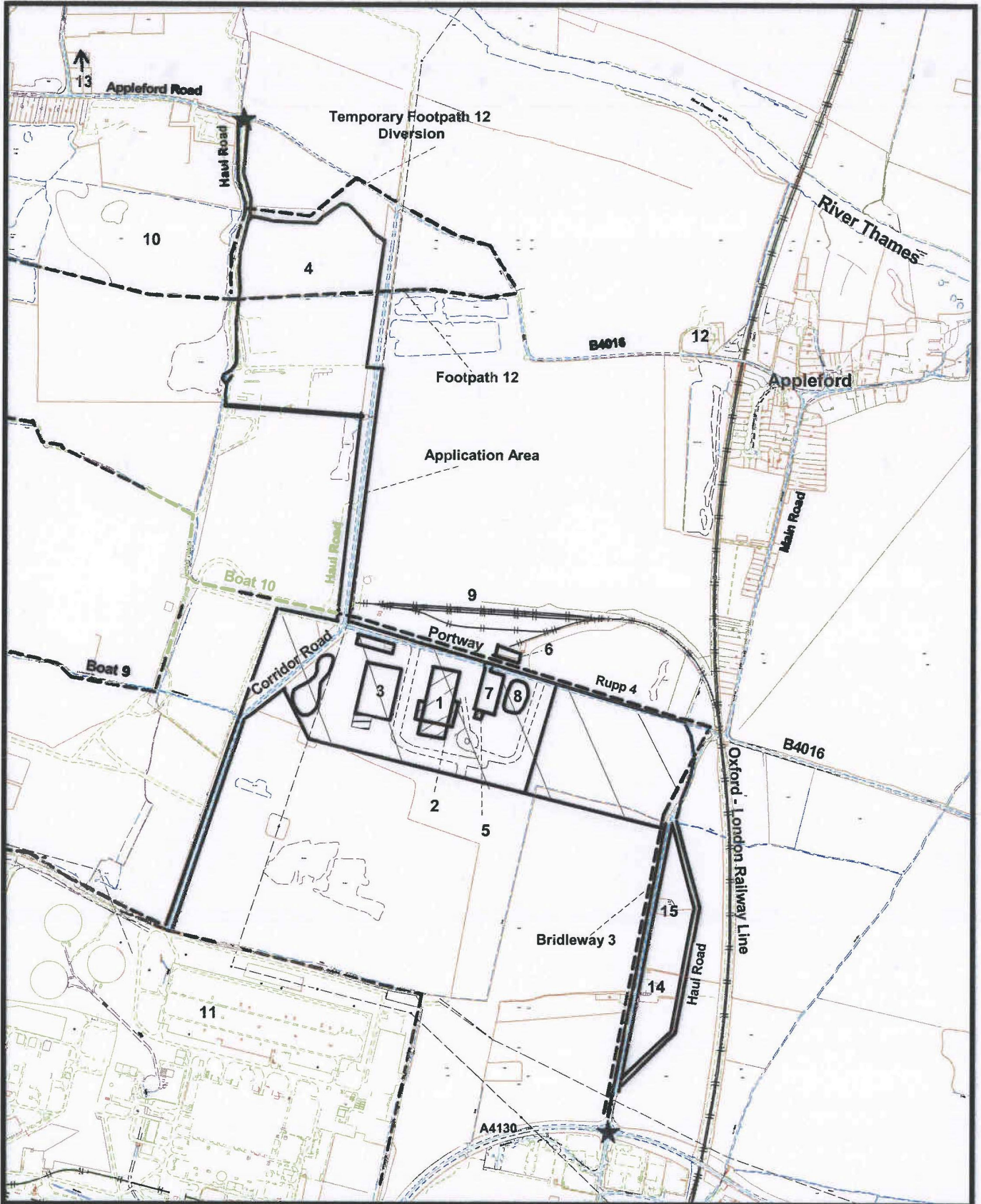
# Plan 1 - Location Plan



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Scale:1:34999.96  
Plot Date:7/10/2009  
By: T.Philp  
Dept:

# Plan 2- Site Plan



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Scale: 1:12499.99  
Plot Date: 7/10/2009  
By: T.Philp  
Dept:

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Contact Officer: Alan Divall Tel: Oxford 815886

Division(s): Charlbury

## **PLANNING & REGULATION COMMITTEE – 19 OCTOBER 2009**

### **EXTENSION OF TEMPORARY CONSENT FOR CONTINUED USE OF SITE AS A WASTE RECYCLING CENTRE UNTIL 30 SEPTEMBER 2014**

#### **Report by Head of Sustainable Development**

**Location:** Dean Pit Waste Recycling Centre, Grove Lane, Chadlington, Oxfordshire, OX7 3JY.

**Application No:** R3.0125/09      **District Council Area:** West Oxfordshire

#### **Introduction**

1. This application is made by Oxfordshire County Council (as the waste disposal authority) to retain an existing household Waste Recycling Centre (WRC) at Dean Pit, Chadlington for a further period of five years until 30 September 2014. The current planning permission (ref: W.06/05) expires on 30 September 2009.

#### **Location (see site plan)**

2. The WRC at Dean Pit lies to the south of Spelsbury, Chadlington and Dean in the Cotswolds Area of Outstanding Beauty (AONB). The largest settlement to the WRC is Chipping Norton which is some 7 miles (11 kilometres) to the north.

#### **Site and Setting (see site plan)**

3. The WRC occupies an area of approximately 0.7 hectares (1.7 acres) and is situated in a hollow. This is part of the operational area associated with the former quarrying and subsequent land-filling (now concluded) activities on the Dean Pit site. It is accessed via Grove Lane which is south of the Chadlington Road between Chadlington and Spelsbury. South of the WRC Grove Lane becomes an unmade track. The northern section of Grove Lane (where it joins Chadlington Road) is within a Conservation Area.
4. The site is narrow being approximately 150 metres long and between 30 and 40 metres wide. It is screened by established tree planting and the land adjoining to the west has been restored and is a designated County Wildlife Site. More generally the site is set in rolling countryside interspersed with hedgerows. However, the WRC is not particularly visible from the surrounding area because it is set down below the level of the adjoining land. Views into

the site are more prominent when viewed from the public rights of the way to the south.

5. The WRC is constructed on two levels. The upper level where vehicles park and unload and the lower level which contains recycling bins, skips and space for manoeuvring collection vehicles. A portakabin for use as an office and rest room for staff is also located on the southern edge of the public area on the upper level.
6. The nearest residential property to the site is Grove Farm, approximately 400 metres to the north on Grove Lane. Parts of Grove Lane lie on the route of both the Wychwood Way and the Oxfordshire Way long distance footpaths. In addition footpaths and bridleways pass the site immediately to the south.

### **Background and Details of the Development**

7. Dean Pit WRC forms part of the strategic network of 8 WRCs in Oxfordshire. These seek to ensure that a large majority of residents have a WRC facility within 5 miles of their homes and seek to meet recycling targets set by the Oxfordshire Waste Partnership. West Oxfordshire has two WRCs, Dean Pit and Dix Pit near Stanton Harcourt. Both cover large geographical catchment areas. In the last recorded year (2007/08) 3,614 tonnes of waste passed through Dean Pit. At the end of 2008 Dean Pit was the fourth highest recycling performer of all 8 WRC's for the total percentage of municipal waste that was recycled or composted during the year. It recycled or composted 57.85% of the waste that it received during this period.
8. Dean Pit has had a long history as a quarry and subsequent waste disposal site. Tipping finished in the early 1990's and the land to the east of the WRC was restored to pasture and the land to the west for nature conservation use. Temporary planning permission for a recycling centre was first granted in February 1983 and there have been subsequent temporary planning permissions on the site for use as a waste reception centre, recycling and transfer station. The most recent permission was granted in 2005 allowing permission for the retention and continued use of the land as a WRC until 30 September 2009.
9. This application now seeks permission for use of the site as a WRC for a further period of five years until 30 September 2014. As part of the current strategy for providing a waste recycling service to the public of Oxfordshire, the County Council is seeking the retention of use of this particular site for residents in this part of the County.
10. The WRC can accept a variety of waste according to its current licence. The licence establishes a maximum weight of 5,000 tonnes per annum of accepted wastes. Wastes that can be recycled at Dean Pit include – green, wood, aerosols, batteries, cans and plastic, cardboard, cartons, fluorescent tubes and light bulbs, fridges and freezers, glass, paper, scrap metal, textiles, TVs and monitors, tyres and WEEE (Waste Electrical and Electronic Equipment).

11. This application does not seek any changes to the existing hours of operation of the site. These are - 8am to 5pm everyday of the year except Christmas Day, Boxing Day and New Years Day. From the 1 April to 30 September there is late opening on Thursday evenings until 8pm.
12. No other changes are proposed to the site, including its current size. When the use of the site eventually ceases it will need to be restored, currently this is required to be agricultural use.
13. As a result of surveys carried out in 2008 Great Crested Newts (GCN's) have been found in the former wheel wash at the southern end of the site. The application gives details of a new wetland system within the adjoining amenity land to the south west of the application site that will be designed to be suitable for GCN's. The creation of additional habitat (that is on land owned by the applicant) is considered to be a better and longer term solution than managing the existing redundant wheel wash. This process of relocating the GCN's is one that is being carried out independently of this planning application.

## **Consultations**

14. The consultation period on this application ran from 29 May to 19 June 2009. The application has also been advertised in the Oxford Times (24 September 2009) and the Witney Gazette (23 September 2009) in accordance with statutory requirements.

West Oxfordshire District Council – No objection. Support for the continued provision of the WRC on a permanent basis.

Spelsbury Parish Council

Original consultation response - One Parish Councillor agrees in principle with the WRC in the Parish, the AONB and its operation. However, the Parish Councillor objects to Grove Lane as a means of access and considers it would be unsuitable for all traffic to be re-routed through Spelsbury.

Two Parish Councillors object for the following reasons:

- It is an abuse of temporary planning laws;
- The access road is unsuitable;
- No evidence has been submitted that other sites have been considered;
- Dean Pit should be on a main road and vehicular access should not be via small villages;
- Ideally it should not be in an AONB.

Further consultation response - Confirm that the Parish Council do not want the application granted and would urge the County Council to look at alternative sites that have better vehicular access and are located near to a major route.

Chadlington Parish Council – Support recycling facilities but due to shortcomings of the site object for the following reasons:

- Meaningful pre-application consultation has not taken place;

- A succession of temporary consents has sought to make the use of the site permanent;
- The site has poor access with insufficient connection to a suitable road network and draws high levels of traffic into the area;
- Alternative sites have not been considered since the last temporary planning consent;
- Lack of an assessment of the suitability of the site;
- The site should be located closer to urban areas;
- In conflict with local, national and regional policies and designations;
- The site is in conflict with the purposes and character of the Cotswolds AONB;
- At odds with the rural nature and character of the area and the restoration of the surrounding landfill site;
- Dangerous to surrounding bridleways and footpath users;
- The site is noisy in rural surroundings.

Charlbury Town Council – Make the following comments:

- The facility is very well used which encourages recycling beyond that which is provided by kerbside collections;
- Concerns of neighbouring Parishes with regards to traffic movements and deteriorating road infrastructure are noted;
- The renewal of permission should be for a limited period and should require the County Council to undertake a feasibility study to seek an alternative site, thus enabling Dean to be closed and restored;
- Alternative sites are available (including those in the Enstone area) that could be well located, reduce traffic and minimise disruption to adjoining settlements;
- If consent is granted then the above should be included as conditions and a definite date set for the closure of Dean Pit.

Chipping Norton Town Council – Actively support the application. The loss of this facility would seriously impact on the people of Chipping Norton and would lead to a substantial increase in fly tipping.

Cotswolds AONB Conservation Board

Original consultation response - No objection. The application appears to comply with relevant national, regional and local planning policy, the Cotswolds AONB Management Plan and the Board's position statement on minerals and waste planning. The board notes the suggestion in the accompanying transport statement that consideration should be given to routing HGV traffic to the site away from sensitive areas. The board would wish to see this matter further explored by conditions if necessary.

Further consultation response – The original response was based on the information provided by the applicant that there were no alternative sites available. On this basis the site located within the AONB was considered acceptable. The Board has subsequently received information relating to an alternative site which is - outside of the AONB; would provide reasonable access for local communities and is better located with respect to the road network. The Board would therefore urge the applicant to fully assess the

alternative site. Given the current temporary consent expires shortly it may be appropriate for a short extension of the temporary permission whilst an alternative location is properly investigated.

Campaign to Protect Rural England (West Oxfordshire)

Original consultation response - The location seems far from ideal drawing traffic down a narrow lane through neighbouring villages. It would seem difficult for this site to accommodate an increase in recycling to meet future increased targets. Would urge OCC and West Oxfordshire District Council to seek an alternative site better able to accommodate what is likely to be an increasing industry.

Further consultation response - Reaffirm original concerns with the planning application in that the traffic generated by the use of this site is a nuisance to local residents and likely to increase given the projected increase in households in the locality. Whilst the CPRE do not wish to make a detailed observation on the alternative site put forward by a local resident considers that it demonstrates that there is a suitable site outside of the AONB. Consider that the only real justification for extending the permission at Dean Pit is that no suitable alternative is available and that in the long term an alternative should have been found. Local residents will often accept a degree of nuisance and loss of amenity if they believe that it is not going to be in long term use. A further extension of this permission would be in contravention of the conditions under which it was first granted.

Environment Agency – No objection. The application is in accordance with the current waste management licence.

County Ecologist – At present there is a breeding population of Great Crested Newts in the former wheel wash at the site. Whether planning permission is granted or not, the long term viability of the newt population remains at risk. However OCC are employing qualified and experienced ecological consultants to resolve this issue. New wetland habitats have recently been created within Dean Common approximately 200m to south-west of the WRC and the wheel wash. The consultants are also in the process of applying for a Natural England development license to close the wheel wash at the appropriate time of year.

Rights of Way – No objection to the continued operations at the site.

Transport Development Control – No objection but make the following comments:

- Consider that the traffic assessment submitted with the application is a fair and realistic assessment of the impact of the development on the highway network;
- During a recent site visit (May 2009) the local highway network appeared to be able to accommodate the existing level of traffic;
- Traffic counts indicate that the traffic level associated with the WRC had fallen slightly in recent years;
- Given that the scale and nature of the proposal would remain as existing, the increase in traffic generation would be minimal (if any) and it is very

unlikely that the proposals would result in a greater impact on the local highway network in the next five years than existing;

- The highway authority has expressed concerns with the road network in the surrounding area, which suffers from pot holes, edge deterioration and generally worse condition than other areas in West Oxfordshire;
- To alleviate potential harm from heavy vehicles associated with the WRC accessing these roads it is recommended that a condition be attached to secure the routing of heavy vehicles accessing the site to ensure that they use the most appropriate surrounding roads.

**Third Party Representations** (Copies of these representations are available in the Member's Resource Centre)

15. Three letters have been received from members of the public in support of the application, the main points that they raise are:

The WRC has been in use for a number of years and is well run and well used;

- It is one of few local services that people can use;
- If the WRC was to close fly-tipping might get worse;
- It is a well located resource for those living in Charlbury and the surrounding rural areas and villages, moving it to another location would mean greater distances to travel;
- Although the WRC's use has decreased it is still a valuable resource for waste that cannot be collected by kerbside facilities;

16. Three letters have been received from members of the public objecting to the application, these include the nearest resident to the WRC at Grove Farm. The main points they raise are:

- Grove Lane is a narrow bridleway and footpath and is dangerous to use with heavy vehicles and large amounts of traffic using it;
- Traffic to the site is increasing;
- Noise from activities at the WRC can be disruptive;
- There are alternative sites elsewhere that would be more suitable;
- Its location in a rural area is not appropriate;
- Consultation on the application has not been carried out properly.

17. A detailed report objecting to the application has also been received from one local resident:

- Support for recycling initiatives and recognise that there is, and will continue to be, a need for the provision of recycling throughout the county. However, Dean Pit is in the wrong place and should have been closed many years ago. A replacement site would be preferable outside of the AONB, closer to main settlements and in a location better related to the strategic road network;

- The original justification for the location of the WRC no longer applies following the completion of the landfill operations. Policy W4 of the MWLP implies that the facility should be removed and the site restored;
- The weaknesses of the site have been acknowledged for many years yet successive permissions have been granted pending a review of the MWLP. No evidence has been put forward that the Council is any further forward in finding a replacement site and whether it has any intention to do so;
- The development conflicts with national guidance and development plan policies, particularly those in the MWLP and those that seek to protect the open countryside and AONB's;
- The application relies upon the exceptional circumstances argument based on the claim that there are no alternative sites available. However, no evidence is submitted which substantiates this claim;
- A list of alternative sites has been published through the preparation of the Minerals and Waste LDF. None of these sites have been assessed as alternatives and no reasons why they were discounted. In the absence of this it is questionable whether an assessment has been undertaken;
- Unsatisfactory that a situation has emerged where successive temporary consents have been given (contrary to ODPM Circular 11/95);
- Given that the current permission will expire in September 2009 and the Council appear to have not assessed alternatives it is anticipated that it will grant its self consent;
- The site continues to cause demonstrable harm to the character, appearance and tranquillity of the AONB;
- If despite the clear conflicts with national guidance and development plan policies a further consent is issued, then it must be for the absolute minimum period that would reasonably be required to identify and deliver a replacement site for Dean Pit. It is considered that a temporary period of no more than 2 years should be sufficient.

18. In addition further information has been received from this resident setting out the suitability of an alternative site at Enstone Quarry for use as a WRC. This report states that a WRC at Enstone Quarry would be suitable for the following reasons:

- The site would be outside the AONB;
- The site has already been identified as a possible waste site;
- It is well related to the strategic road network;
- The site is relatively close to Dean Pit and as such would cover a similar catchment area;
- Other sites in the Enstone area are also available;
- The site would not affect the amenity of any neighbouring properties/areas;
- The site is well screened and is not affected by any landscape/ecological considerations;
- The site is not within or adjacent to any Conservation Areas or a floodplain;

- Moving the WRC to a location such as Enstone Quarry offers the opportunity to reduce travel times for residents of larger settlements.

## **Relevant Development Plan and other Policies**

### 19. The South East Plan Regional Spatial Strategy 2026 (RSS).

CC1 - The principal objective of the Plan is to achieve and to maintain sustainable development in the region.

CC6 – Development should i) respect, and where appropriate enhance the character and distinctiveness of settlements and landscapes; and ii) use innovative design process to create a high quality built environment which promotes a sense of place.

C3 – High priority will be given to conservation and enhancement of natural beauty in AONB's and planning decisions should have regard to their setting. Proposals for development should be considered in that context. In considering proposals for development, the emphasis should be on small-scale proposals that are sustainably located and designed. Proposals which support the economies and social well being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided that they do not conflict with the aim of conserving and enhancing natural beauty.

W17 - The suitability of existing sites should be assessed on the basis of the following characteristics - good accessibility from existing urban areas; good transport connections; compatible land uses; be capable of meeting a range of locally based environmental and amenity criteria. Small-scale waste management facilities for local needs should not be precluded from Areas of Outstanding Natural Beauty and National Parks where the development would not compromise the objectives of the designation.

### 20. Oxfordshire Minerals and Waste Local Plan 1996 (MWLP)

W3 – Proposals for re-use/recycling will normally be permitted provided that:

- (a) the site is close to the source of the waste and/or the market for the re-used/recycled material;
- (b) the site is well related to appropriate parts of the transport network, and located where the number and length of motorised journeys is likely to be minimised;
- (c) the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic;
- (d) the proposal will not pose an unacceptable risk to the water environment;
- (e) the proposal does not conflict with Structure and Local Plan policies.

W4 – Proposals for re-use/recycling and ancillary processes will not normally be permitted in the open countryside unless:

- (a) there is an established overriding need and there is no other suitable site available and/or;
- (b) the development is to form part of a mineral extraction/landfill site and will be removed on completion of extraction/landfill.

21. West Oxfordshire Local Plan 2011 (WOLP)

BE2 – New development should respect and, where possible improve the character and quality of its surroundings, and provide a safe, pleasant, convenient and interesting environment.

BE3 – Development should make provision for the safe movement of people and vehicles, whilst minimising the impact upon the environment.

T1 - Proposals which would generate significant levels of traffic will not be permitted in locations where travel by means other than the private car is not a realistic alternative.

NE4 - The conservation and enhancement of the natural beauty of the landscape and countryside of the Cotswolds Area of Outstanding Natural Beauty will be given great weight when determining development proposals within or impacting upon the AONB.

Regard will be had to the economic and social well-being of the area and its communities.

Major development will not be permitted in the AONB unless:

- (i) it is in the public interest in terms of any national considerations and the impact on the local economy; and
- (ii) the lack of alternative sites outside the AONB and of meeting the need in some other way justifies an exception being made.

22. Other relevant policy documents include: Planning Policy Statement 7 (PPS7) – Sustainable Development in Rural Areas; Planning Policy Statement 10 (PPS10) – Planning for Sustainable Waste Management; Cotswold AONB Management Plan – 2008-2013; Cotswolds Conservation Board Position Statement – Minerals and Waste Planning.

**Comments of the Head of Sustainable Development**

23. In my view the main issues to be considered in deciding this application relate to:

- (i) Need for the WRC in its current location and assessment of alternative sites;
- (ii) Impact on the amenity of local residents;
- (iii) Impact on the AONB;
- (iv) Impact on the local highway network.

(i) Need for the WRC in its current location and assessment of alternative sites

24. Policy W4 of the MWLP states that proposals for recycling facilities should not normally be permitted in the open countryside, unless – there is an established overriding need and there is no other alternative site available and/or the development is to form part of a mineral/landfill site and will be removed on completion of the extraction/landfill. Mineral and landfill operations have ceased at the site so the development cannot be linked to these operations. It has also not been demonstrated in the application as to whether alternative sites are available. The applicant (Waste Management) does however argue that there is an established overriding need for the WRC in this location to meet the policy requirements for a sustainable waste management strategy for the county.
25. A report prepared by Enviros (a copy of this is available in the Members' Resource Centre) and published in 2002 highlighted the location of and catchment areas of Dean Pit along with other WRC's in the County. Annex 1 of this report shows the catchment areas of the WRC's in the County. The report found that Dean Pit is well positioned strategically in terms of its household catchment area in West Oxfordshire.
26. There is a need for WRC's to achieve the required recycling targets for the County. This WRC performs well in relation to others in Oxfordshire in terms of recycling targets and is a well used local facility. Annex 1 also highlights how the site is well placed to serve this area of the County and ensure that a large number of residents have access to such a facility within five miles of their homes. The applicant has highlighted that without such a facility in this location residents would need to travel to other WRC's which could increase the amount of waste collected from kerbside collections.
27. Comments have been received that there are more suitable alternative sites to the one at Dean Pit available. The applicant has argued that Dean Pit is the most suitable location (in terms of its catchment area) for the WRC, and that there is an overriding and established need for the WRC to serve this area of the county to meet with and achieve relevant national, regional and local waste management and planning policies. They also suggest that it would be inappropriate to carry out a detailed assessment of an alternative permanent site in advance of work being undertaken as part of the review of the Oxfordshire Minerals and Waste Local Development Framework (LDF).
28. The Minerals and Waste LDF Core Strategy currently being produced would not make specific site allocations for new/relocated WRC's. It's possible that the Core Strategy might confirm those WRC's that are regarded as suitable for permanent facilities and those where an alternative site is needed together with broad areas where any new sites might be located. The Core Strategy is planned to be published early in 2010 with a draft Core Strategy document submitted to the Secretary of State at the end of 2010.

29. The applicant is in the early stages of developing a long-term strategy for the location of WRC's throughout the County. This will seek to 'dovetail' with the preparation of the Minerals and Waste LDF. It is anticipated that a draft of this strategy will be prepared by the end of 2009 with a more detailed strategy following in early 2010.
30. Reference has been made by objectors to a possible alternative site for a WRC at Enstone Quarry and work has been undertaken to support this alternative site. The Enstone Quarry site can be properly considered through the proposed Waste Management WRC strategy and the Minerals and Waste LDF. At this point the Committee need to decide the merits of the proposal at Dean Pit.
31. Objectors have argued that a shorter planning permission (i.e. 2-3 years) may be preferable and would allow sufficient time for alternative sites to be considered. The applicant considers that this would not be sufficient time to develop a strategy; carry out a land search; acquire a site; achieve planning permission; tender the project and construct a facility. They argue that a five year period is more realistic to achieve this.
32. Objectors have also argued that that a continued renewal of temporary permissions is unacceptable and has been contrary to the advice in Planning Circular 11/95 (Use of Conditions in Planning Permissions). It is accepted that this continued renewal of temporary planning permissions is not the preferred planning approach for sites such as this. However, this further application is for temporary planning consent only in order to provide a facility for a short term period. I consider that given that there is now work in progress to develop and implement a strategy for future site provision, one final five year period for consent would in principle be acceptable. Permitting this proposal would allow the site to continue to provide a valuable and well used facility on a temporary basis only.

(ii) Impact on the amenity of local residents

33. Comments have been received that the WRC impacts on the amenity of local residents, particularly those on Grove Lane. This includes the impact from traffic on Grove Lane and the surrounding Rights of Way network and the impact of noise and dust from the operations at the site.

In relation to the impact on the surrounding Rights of Way network, part of Grove Lane adjacent to and to the north of the WRC site forms part of both the Wychwood Way and the Oxfordshire Way long distance footpaths. Objectors argue that the use of it as such is reduced by vehicles accessing the site. Rights of Way have raised no objection to the application and as discussed in section (iii) (impact on the local highway network) the impact from traffic on Grove Lane is considered acceptable. Although there is some limited impact on the Rights of Way network along Grove Lane to the North of the WRC none of the other Rights of Way around the site are affected by its operations. In terms of the impact of traffic on nearby residents I consider this

is limited due to the small scale operations at the site and importantly traffic would not increase for the duration of a further temporary planning consent.

34. In terms of impact on the amenity of residents directly neighbouring the site I am not aware of any complaints relating to noise from the operations and due to the type of operations they do not generate significant dust or odours. The site is also controlled by Environment Agency licensing agreements.
35. The operations at Dean Pit are small scale and I consider that the impact of the site and its operation is limited on the amenity of the surrounding area and nearby properties. The hours of use of the site are also strictly controlled by current planning conditions.

(iii) Impact on the AONB

36. Some of the objectors argue that the WRC causes harm to the AONB due to its physical appearance and operations. National policy for the protection of the countryside and AONBs is contained within PPS7. Policy C3 of the South East Plan and Policy NE4 of the WOLP also seek to conserve and enhance AONBs. These policies emphasis that weight should be given to the purposes of the AONB when determining proposals within them.
37. The Cotswold AONB Management Plan 2008-2013 is also relevant. Although it does not form part of the Development Plan the County Council has endorsed its policies as supplementary guidance that should be considered when making planning decisions. This encourages small scale waste proposals in the AONB provided that they do not damage the landscape of the AONBs or cause other unacceptable impacts. The AONB Board has recommended that a short extension of the temporary permission may be more acceptable whilst alternative sites are considered. West Oxfordshire District Council has raised no objection to the application.
38. The physical nature of the site means that the WRC is set down below the levels of the immediately surrounding countryside. This results in the WRC not being a prominent feature in the landscape of the area. The site is well screened on three sides by existing planting which reduces the views into the site. Although visible from the south when walking along adjacent public rights of way the views into the site further south and east of these rights of way is limited. Therefore in my view the site is not visually intrusive due to its location and physical characteristics. A 10-15 metre section of the planting on the western boundary of the site, adjacent to the WRC entrance and between Grove lane and the site, has been removed recently in order to eradicate a problem with rats. It was considered important to remove these from the vicinity of a public area. The applicant is currently preparing a scheme for the replacement of this section of boundary screening. I consider that this section of screening has limited significance in terms of the overall screening of the site and there is still planting between Grove Lane and the site that protects views into it. However, it is important that this planting is replaced to ensure as much screening of the site is in place. Therefore, a condition should be

attached to any consent given requiring final details of this planting to be submitted, agreed and implemented.

39. National, regional and local planning policy does not preclude waste management facilities within the AONB provided that proposals are small scale and sustainable. Proposals that support the economic and social well being of AONBs should also be encouraged where it can be demonstrated that it does not cause conflict with the aim of conserving or enhancing the natural beauty of the AONB. This proposal provides a valuable and well used facility within the AONB and therefore I consider that the development can reasonably be accommodated in this area of the AONB at least in the short term given that there is an established need for the facility in this area. In addition and as discussed in the above paragraph I also consider that physical characteristics of the site mean its impact on the AONB will be limited for a further temporary period only.

(iv) Impact on the local highway network

40. Concerns have been raised that the surrounding road network and Grove Lane is not suitable for access to the WRC. These concerns relate to the impact that traffic has on the surrounding villages and area and that Grove Lane is not suitable for the levels and type of traffic that use it. Objectors also argue that the transport assessment submitted with the application is not a realistic assessment of levels of traffic accessing the site.
41. Transport Development Control have no objection to the application and consider that the local highway network is able to accommodate the existing levels of traffic associated with the site. Transport Officers also consider it is unlikely that a further temporary permission will have a greater impact on the local highway network than at present as the application does not propose to increase the operations at the site. They also consider that the transport assessment submitted with the application is a fair and realistic assessment of activities at the site, including the assessment that traffic levels associated with the facility have fallen in recent years.
42. Although they have raised no objection to the proposal Transport Officers do consider that the highway network in the surrounding area is in a worse condition than other areas of West Oxfordshire. They have commented that it would be advisable to secure a routeing agreement for heavy goods vehicles (HGV's) accessing the site as currently there is not one in place. They consider that this will allow the most appropriate surrounding roads to be used by these vehicles accessing the site and would avoid further damage to the local highway network. The County Council cannot impose routeing agreements on itself. However, I do consider that an appropriate condition can be attached requiring details of the routes used by HGV's accessing the site to be submitted and approved to the satisfaction of Transport Development Control to avoid impacting further on those roads in a poor state of repair.

43. Although the nature of the operations at the WRC mean that it does give rise to traffic on the surrounding local highway network the operations at the site are relatively small scale and will not increase as a result of a further temporary planning permission. Transport Development Control has also raised no objection to the proposal and given this I consider that the continued operation of this site in this location is acceptable in highway terms.

## **Conclusion**

44. This is a well used, small scale facility that is well located to serve residents of West Oxfordshire and plays an important role in achieving recycling targets for the County. Although there have been concerns relating to the impact on the AONB I consider that there is a need to allow the facility to continue to operate and due to the site's characteristics and small scale nature I consider the impact on the AONB is limited. Concerns have also been raised regarding the impact on the amenity of neighbouring properties. Again I consider that this impact is limited due to the small scale nature of the operations at the site.
45. The development does give rise to traffic on the local highway network. However, the Highway Authority does not consider the application unacceptable in terms of the impact on the surrounding highway network and it is not expected that traffic movements will increase from current levels to and from the site within the next five years.
46. In the light of the circumstances outlined in this report, a further temporary planning consent is acceptable given that there is an established need for the site and the preparation of a long term strategy locating permanent facilities is now underway.

## **RECOMMENDATION**

47. **The Committee is RECOMMENDED to approve Application Number R3.0125/09 for the extension of temporary consent for continued use of site as a waste recycling centre until 30 September 2014, subject to conditions to be determined by the Head of Sustainable Development to include the following matters:**
- 1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.**
  - 2. Temporary permission – that at the expiration of a period ending on 30 September 2014 the use specified be discontinued. The site shall be restored to agricultural use by 30 September 2016.**
  - 3. Hours of use – the hours of use of the site shall be restricted to the following times:**
    - Operating hours to be between the hours of 7.30am to 8.30pm (1 April – 30 September)**
    - Public opening hours to be between the hours of 8.00am to 8.00pm (1 April – 30 September)**

- **Operating hours to be between the hours of 7.30am to 5.30pm (1 October – 31 March)**
- **Public opening hours to be between the hours of 8.00am to 5.00pm (1 October – 31 March)**

**No operations on Christmas Day, Boxing Day or New Year's Day.**

- 4. That the details of the routes used by Heavy Goods Vehicles accessing the site shall be submitted to and approved by the Head of Sustainable Development in consultation with Transport Development Control within one month of the date of this permission.**
- 5. Landscaping – that a scheme for replacement tree and shrub planting on the western boundary of the site shall be submitted to and approved by the Head of Sustainable Development within 1 month of the date of this permission.**
- 6. Landscaping implementation – that all planting comprised in the approved details of landscaping shall be carried out in the first planting season following the date of this permission.**

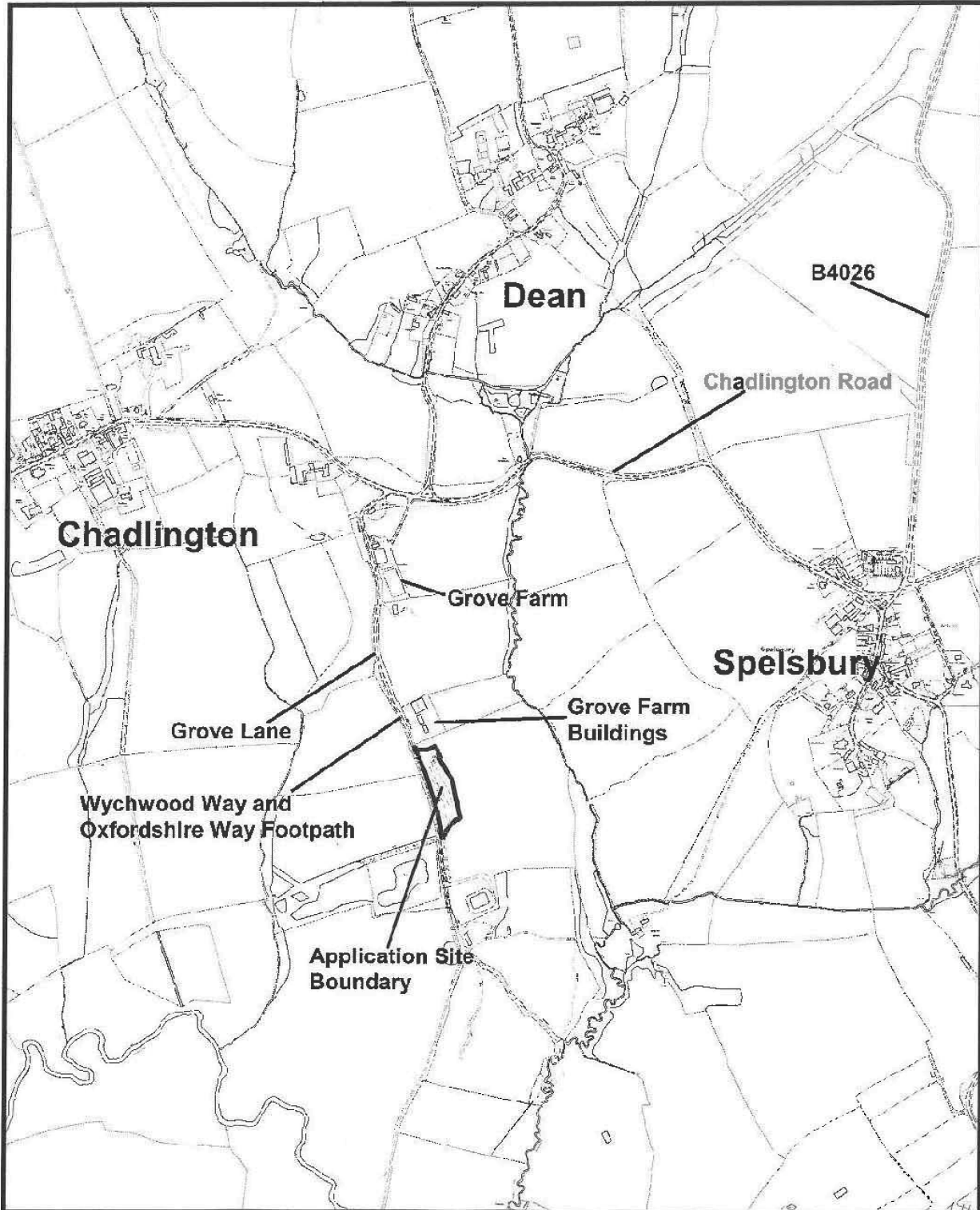
CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background Papers: File Ref: R3.0125/09 8.5/3421/2

October 2009

**Dean Pit Waste Recycling Centre**

**App. No. R3.0125/09**

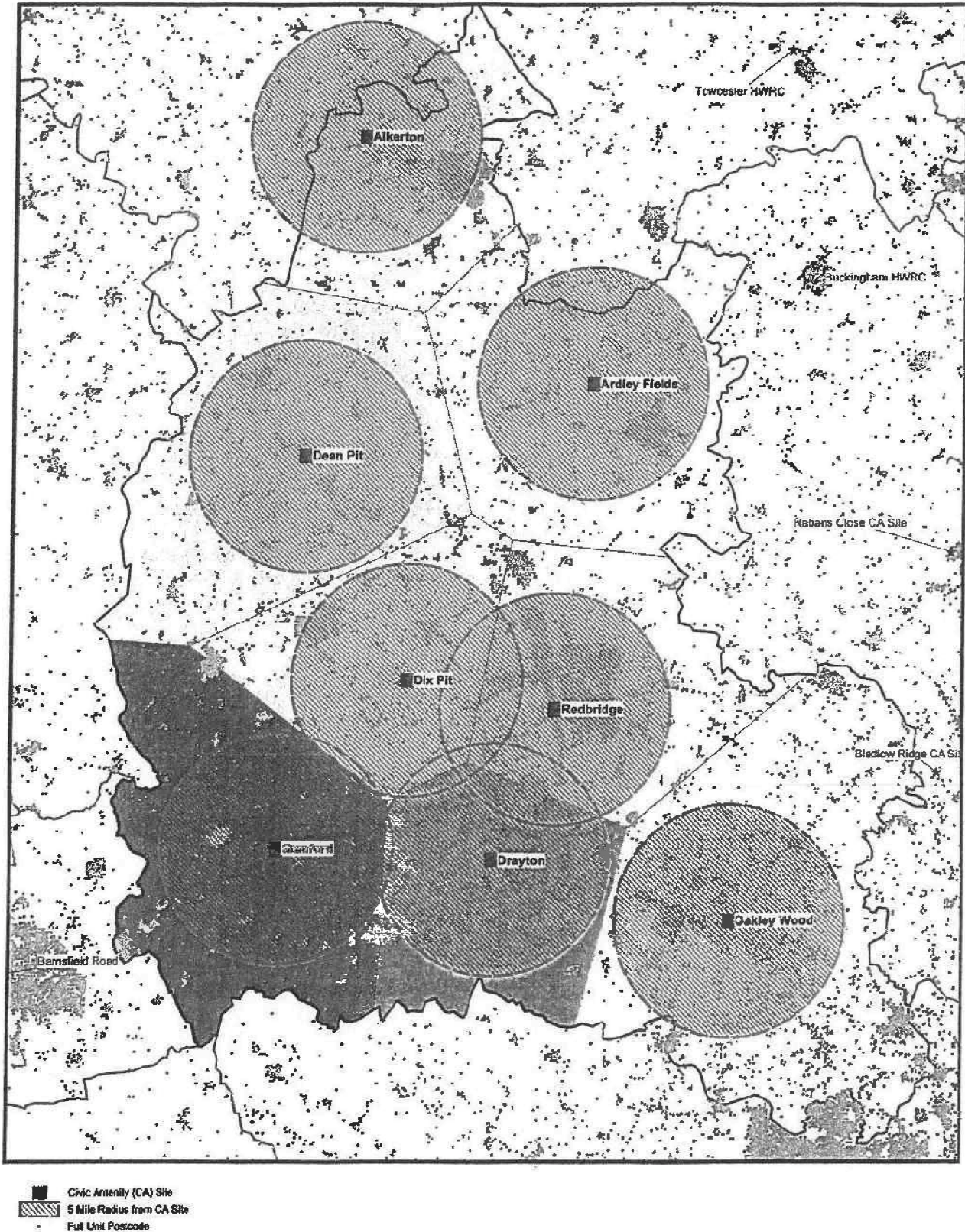


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Scale:1:10000  
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By: pf  
Dept:

This plan shows only an indication of the proposed development and should not be scaled from.

Annex 1 – Household Waste Recycling Centres Catchment Areas



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Contact Officer: Mary Thompson Tel: 01865 815901

Division(s): Deddington; Woodstock

## **PLANNING & REGULATION COMMITTEE - 19 OCTOBER 2009**

### **RETROSPECTIVE APPLICATION FOR BUILDING SUPPLIES COMPOUND AND IMPORTATION OF AGGREGATES FOR SALE FROM SITE AT EAST QUARRY, DUNS TEW**

#### **Report by the Head of Sustainable Development**

**Location:** Horsehay Quarry, Duns Tew

**Applicant:** Smith and Sons, Bletchingdon

**Application no:** 09/01105/CM (Cherwell)  
09/0996/P/CM (West Oxfordshire)

**Divisions:** Deddington  
Woodstock

**District:** West Oxfordshire and Cherwell District Councils

#### **Introduction**

1. This application is for a building supplies compound and the import of aggregate to Horsehay Quarry, Duns Tew. The operations have been taking place at the quarry for some time. However, recent monitoring visits have identified that these activities are not covered by the existing quarrying permission. The proposals include a storage yard for building materials and equipment to service the applicant's local construction and groundworks operations and the importation of up to 20,000 tonnes per year of aggregate primarily from Banbury railhead and Gill Mill Quarry.

#### **Location**

2. The quarry is located 0.8 km (½ mile) south of Duns Tew which is a small village just west of the A4260 about midway between Kidlington and Banbury. The quarry is split into the West Quarry and East Quarry, separated by the Duns Tew road. This application relates to the East Quarry, the northern part of which is in Cherwell District and the southern part of which is in West Oxfordshire District.

#### **The Site and its Setting**

3. The two quarries are surrounded by countryside. Apart from the boundary with the Duns Tew road the site is bounded on all sides by agricultural land. A

geological SSSI is located on the southern part of the site. The total application site area is just over one hectare.

4. The building supplies compound is situated within the worked out area of the western part of the East Quarry and is 0.17 hectare in area. The quarry floor is between 5 to 12 metres below adjacent original ground levels. The rest of the quarry floor is used for the stockpiling of sand and other aggregates and for processing.

### **Details of the Development**

5. The East Quarry has permission until the end of 2018 for storage, processing and sale of sand. Sand is imported from the West Quarry via a crossing of the Duns Tew Road and the haul road on a campaign basis in the summer months. This development now proposed is to be temporary for the life of the quarrying operations. This will enable the quarry to be restored in full accordance with the approved plans of the existing permission.
6. The building supplies yard contains building materials and equipment typically including blocks, pipework, signage, tools and small plant. There is a shipping container on site providing secure storage for tools and a trailer. The site is visited once or twice a day.
7. This application seeks retrospective permission for both the building supplies compound and for aggregate import. This would allow the site to act as a one stop shop for aggregate products. Approximately 20,000 tonnes are imported to the site each year; 5,000 tpa of this total is used for blending with soft sand worked from the quarry and 15,000 tpa is sold unprocessed.
8. Most vehicle movements at the site relate to the import of aggregate to the site and the export of soft sand. A traffic flow survey was undertaken by the company in September 2006 in relation to a previous planning application at the quarry. The activities, the subject of this application, were taking place at that time and the Transport Assessment concluded that there were no issues of highway safety or road capacity.
9. This application is not proposing any change to the site access, operation practices or restoration proposals. It would not affect the legal and routeing agreements that apply to the quarry. These would remain in force.

### **Consultation Responses (21 day consultation period ran to 4 September)**

10. Cherwell District Council – Object. Not considered reasonably necessary for the activities to be carried out by the quarry and results in a new employment generating site in an unsuitable location, contrary to PPG4, PPG13, South East Plan M3 and SP3, Adopted Cherwell Local Plan policies C7, C13 and EMP4 and Non-Statutory Cherwell Local Plan policies EN34, TR16 and EMP4.

11. West Oxfordshire District Council – No response received.
12. Duns Tew Parish Council – No objections
13. Steeple Barton Parish Council – No response received
14. Westcote Barton Parish Meeting – No objection. Observe that the traffic movement data is from 2006 and it is not clear how it is relevant, or which movements relate directly to the quarry. Would not support an increase in the number of HGV movements along the B4030 due to its winding nature. Import of aggregates should be limited to 20,000 tonnes per year to limit vehicle movements, the applicant should actively encourage road safety by ensuring that drivers are fully aware of route and speed requirements. They should provide a telephone number through which the public can register complaints. Request that Oxfordshire County Council provide a more frequent level of inspection to ensure that there are no further breaches of conditions.
15. Environment Agency – First response – Object as no flood risk assessment has been submitted. The application lies within an area with a low probability of flooding. However, the scale of the development may create risks of flooding if surface water run off is not effectively managed. Second response – Withdraw objection. The proposal does not include any new development such as buildings, structures or the creation of impermeable surfaces. Suggest an informative regarding secondary imported aggregate.
16. Natural England – No objection. There will be no significant adverse impact on the nearby SSSI. Require condition for a 15 metre stand-off between the storage and processing activities and the geological features of interest.
17. Highway Authority – No objection, taking into account that the traffic information submitted includes the building supply element of the site and its associated trips i.e. importation and sales from the site and the fact that there is an existing routeing agreement.
18. Rights of Way – No objection
19. County Archaeologist – This is in an area that has been subject to ground disturbance and it is highly unlikely that below ground archeological features are surviving intact.
20. County Ecologist – No objection

### **Representations**

21. No letters of representation have been received in relation to this application.

### **Relevant Planning Policies**

22. The main policy matters concerning this proposal relate to development in the countryside, development in quarries and traffic and employment generation.

*Development in the Countryside*

23. Cherwell Adopted Local Plan (CLP) policy C7 states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.
24. CLP policy C13 designates the Ironstone Downs, the Cherwell Valley, the Thames Valley, North Ploughley, Muswell Hill and Otmoor as areas of high landscape value within which the council will seek to conserve and enhance the environment.
25. The non Statutory Cherwell Local Plan (NSCLP) policy EN34 states that proposals will not be permitted if they would cause undue visual intrusion in the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, harm the setting of landmark features or harm the historic value of the landscape.
26. West Oxfordshire Local Plan (WOLP) policy BE2 states that development in the open countryside will only be permitted if it will be easily assimilated into the landscape.
27. WOLP policy NE1 states that proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake.
28. Planning Policy Statement (PPS7) provides guidance on sustainable development in rural areas, including the protection of open rural areas and sustainable economic growth and diversification.
29. South East Plan (SEP) policy SP3 encourages planning authorities to formulate policies to encourage development within or adjacent to urban areas and on previously developed land.

*Development in Quarries*

30. Oxfordshire Minerals and Waste Local Plan (OMWLP) policy PB1 states that necessary buildings and industries associated with mineral working should be sited, designed, landscaped and maintained so as to minimise environmental disturbance. Any permission will be limited to the life of the mineral working.

*Traffic*

31. SEP policy T1 states that management policies and proposals should encourage development which is located and designed to reduce average journey lengths and include measures to minimise negative environmental impacts of transport and, where possible, to enhance the environment and communities through such interventions.

32. NSCLP policy TR16 states that development that would generate frequent heavy-goods-vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted.
33. Regional Planning Guidance (RPG)13 provides general guidance on transport planning and its objectives are to promote sustainable transport choices and accessibility by public transport and reduce the need to travel, especially by car. In order to reduce the need for commuting to jobs in urban areas it is important to promote adequate employment opportunities in rural areas. It also states that when considering development in rural areas planning authorities should not reject proposals where the expansion of small scale business would give rise to only modest additional daily vehicle movements in comparison to other uses which are permitted at the site and the impact on minor roads would not be significant.

### *Employment*

34. NSCLP policy EMP4 states that proposals for employment generating development will be permitted within an existing acceptable employment site providing that the proposal can be carried out without any undue detriment to residential amenity, the highway network, village character, landscape and environment and that the development would not give rise to excessive or in appropriate traffic.
35. CLP policy EMP4 states that employment generating development will be permitted within acceptable existing sites provided that the proposal and any associated employment activities can be carried on without undue detriment to the appearance and character of the rural landscape and without harming the amenities of settlements or the special character and interest of a building of architectural or historic significance.
36. WOLP policy E7 states that proposals for the expansion of existing established businesses either within, adjoining or adjacent to the existing premises that are commensurate with the scale and character of the locality will be permitted.
37. Planning Policy Guidance (PPG)4 provides guidance on industrial, commercial development and small firms. Its main message is that economic growth and a high-quality environment have to be pursued together. It states that the locational needs of business should be considered.

### **Comments of the Head of Sustainable Development**

38. The key issues to consider regarding this application relate to development in the countryside, development in existing quarries, the impact of traffic on the surrounding highway network and employment.

### *Development in the Countryside*

39. The development would be situated within the existing quarry and it would not be possible to see the development from outside the site. The stockpiles do not exceed the height of the adjacent quarry sides. This can also be controlled by condition on any permission given. The proposed development on the quarry floor would not, in my view cause any significant harm to the character of this area of countryside. The activities are therefore considered to comply with local plan landscape policies, in this case CLP policies C7 and C13, NSCLP policy EN34 and WOLP policies BE2 and NE1.

### *Development in Quarries*

40. It is the intention of this development to limit the life of the activities now applied for to fit with the timescales for the cessation of quarrying at the site. This would accord with OMWLP policy PB1. In addition, the location of the activities within the worked out part of the quarry would ensure minimal disturbance to the surrounding area in terms of visual impact and noise.

### *Traffic*

41. This development would be covered by the existing routeing agreement which currently applies to the quarrying operations at the site. This would ensure that HGVs do not use roads which are considered by the Highway Authority to be unsuitable. This proposal does not involve any increase to existing vehicle movements and as such the Highway Authority have no objection to the development nor do they see any reason to limit the amount of material to be imported to the site. Therefore, the development is considered to accord with NSCLP policy TR16 and SEP policy T1.
42. RPG13 recognises that locating some types of development in the countryside can have sustainability benefits in terms of reduced journey lengths. The provision of a site providing both soft sand and imported aggregates for the local area has the potential to minimise the number and length of journeys for customers in North Oxfordshire in line with regional planning guidance.

### *Employment*

43. This development would not give rise to any additional employment as it is a retrospective application covering activities which are already taking place at the quarry. They are closely associated with the sand extraction operations and would not remain beyond the life of the quarry. The proposal would not therefore be a new employment generating site as suggested by Cherwell District Council. As it presently exists, the site does not cause detriment to amenity, highways, local character or environment and the activities would be limited to the life of the quarry. The development broadly accords with employment policies in the NSCLP (policy EMP4) and CLP (policy EMP4 and WOLP E7).

44. In addition, given the situation of the proposed development within the bounds of an existing quarry, there would be no conflict between this economic activity and the surrounding countryside. There are also clear advantages in the location of these activities in the quarry. As such, in my view the proposal accords with the aims of PPG4 as described in paragraph 36.

### *Other Issues*

45. Cherwell District Council have objected to the proposal on the basis that the development is not reasonably necessary for the activities carried out at the quarry and it would be a new employment generating site in an unsustainable location. The District Council also refer to SEP policy M3 in their objection. This policy provides the sub regional (countywide) apportionments for sand and gravel. However, this policy is not directly relevant to this application as it does not relate to extraction of sand. This is already permitted. The applicant does also state that the additional activities for which permission is now sought are important to the viability of the quarry. Without the aggregate import and building compound there is the distinct possibility that the site could close.
46. Westcote Barton Parish Meeting have requested that the County Council provides a more frequent level of inspection to this site. All minerals sites are regularly monitored by County Council staff and operators are often asked to submit planning applications to regularise any unauthorised activity. This is exactly what has happened in this case. The frequency of visits depends on previous compliance and this is taken into account in setting the frequency of future visits. The applicant has agreed to supply a company contact number, as requested by the Parish Meeting. The applicant has also confirmed his willingness to extend an invitation to the Parish Meeting to attend the existing liaison meeting already established with the other Parish Councils in the area.

### **RECOMMENDATION**

47. **It is RECOMMENDED subject to compliance with the existing routing arrangement that planning permission for application 09/01105/CM 09/0996/P/CM be granted subject to conditions to be determined by the Head of Sustainable Development but to include those matters set out below:**
- 1. Detailed compliance is in complete accordance with plans and particulars**
  - 2. Detailed duration - development to commence within 3 years**
  - 3. Development to end at the same time as the quarry operations – 2018**
  - 4. A 15 metre stand-off area between the storage and processing activities and the geological features of interest to be agreed and implemented.**
  - 5. Stockpiles of imported aggregate not to exceed the height of the adjacent quarry sides.**
  - 6. Standard hours of operation**

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background papers: Planning file held electronically in Speedwell House.  
Contact case officer Mary Thompson on 01865 815 901  
or [mary.thompson@oxfordshire.gov.uk](mailto:mary.thompson@oxfordshire.gov.uk)

October 2009

**Relevant Development Plan and other Policies**

South East Plan

T1, SP3

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996

PB1

Adopted Cherwell Local Plan

C7, C13, EMP4

Cherwell Non Statutory Local Plan

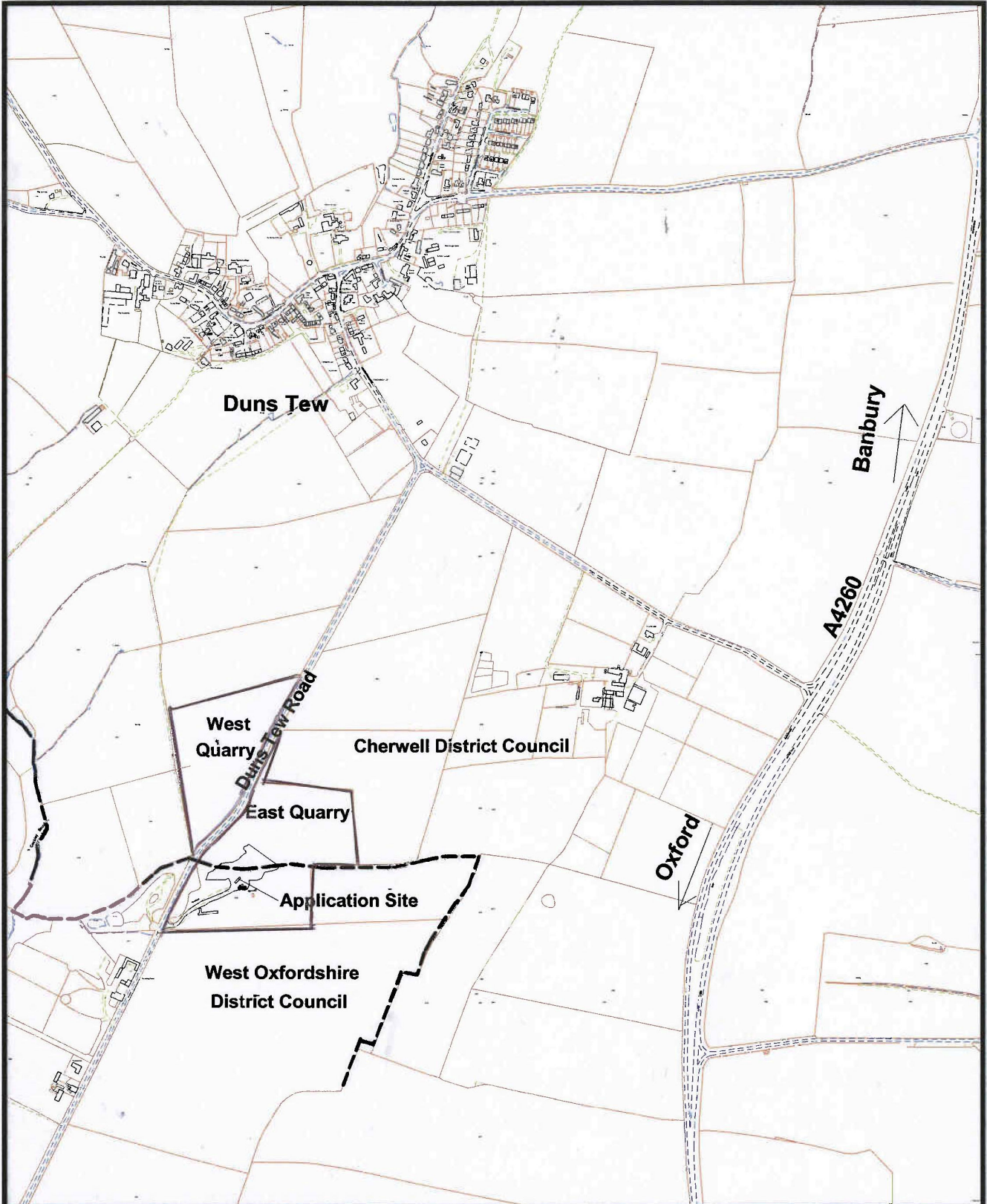
EN34, TR16, EMP4

PPS7 – Sustainable Development in Rural Areas

PPG13 – Transport

PPG4 - Industrial, Commercial Development and Small Firms

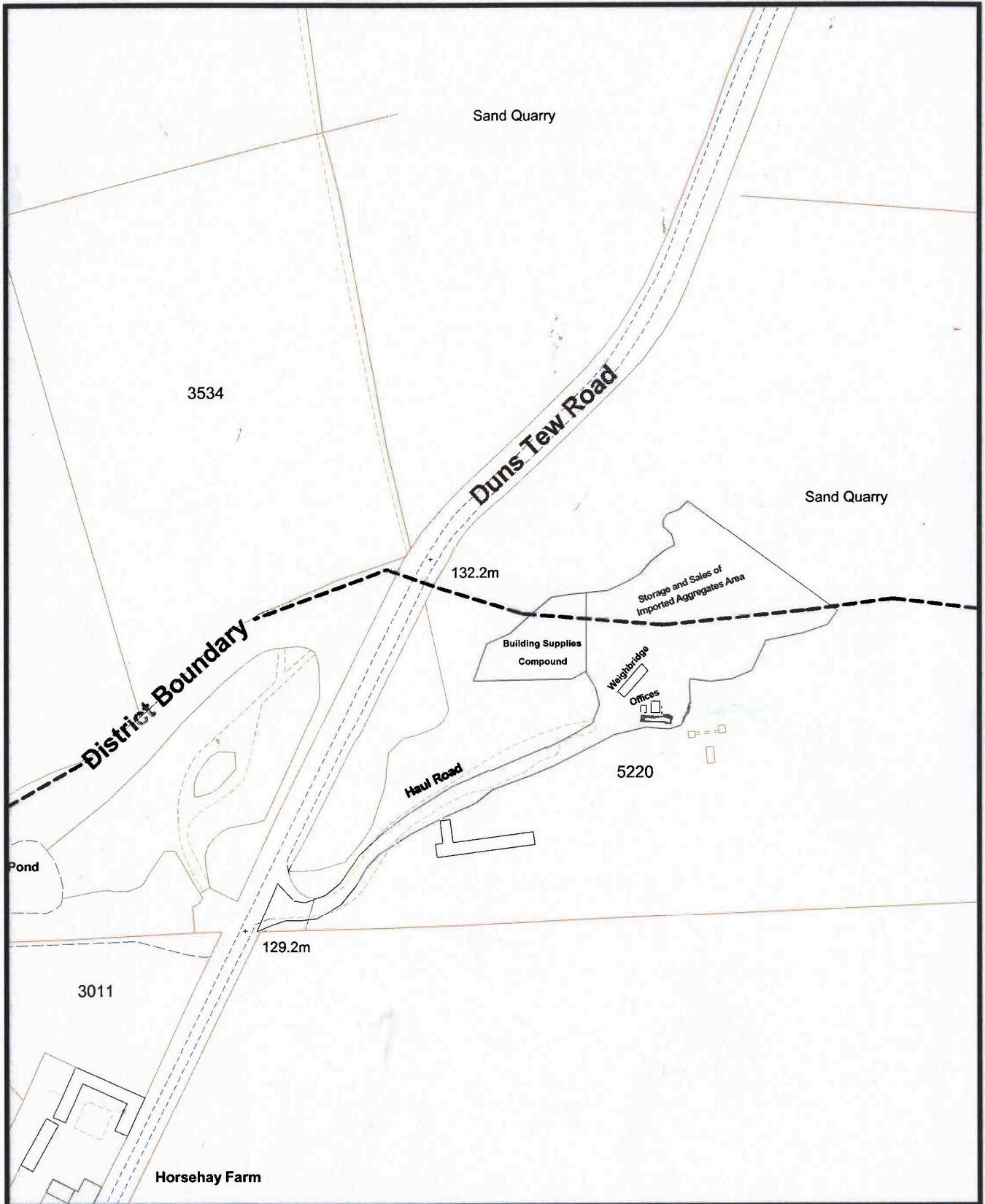
# Plan 1



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# Plan 2



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Contact Officer: Alan Divall Tel: Oxford 815886

Division(s): Bampton

## **PLANNING & REGULATION COMMITTEE – 19 OCTOBER 2009**

### **ERECTION OF A SINGLE STOREY PRE-SCHOOL AND FOUNDATION STAGE BUILDING TO PROVIDE: 2 CLASSROOMS; STORAGE; WC; QUIET ROOM; KITCHENETTE AND LOBBY ACCOMMODATION. CREATION OF NEW HARDPLAY AREA AND FOOTPATH AND FORMALISATION OF EXISTING PARKING AREAS TO PROVIDE 13 DEDICATED (INCLUDING ONE DISABLED) PARKING SPACES**

#### **Report by Head of Sustainable Development**

**Location:** Clanfield CE Primary School, Main Street, Clanfield, Bampton, Oxfordshire, OX18 2SP.

**Application No:** R3.0109/09

**District Council Area:** West Oxfordshire

#### **Introduction**

1. This application is for the erection of a new single storey Pre-school and Foundation Stage building at Clanfield CE Primary School. The new building would provide two classrooms, a quiet room, storage and ancillary WC and kitchen accommodation. The proposal also involves the creation of a hard play area associated with the new building and the formalisation of the existing school parking area to provide thirteen dedicated parking spaces, including one disabled space.

#### **Location (see site plan)**

2. The village of Clanfield is located in West Oxfordshire, some 4 miles (6.8 kilometres) to the north of Faringdon and 4 miles to the south of Carterton. The school is located off a small access road set back from Main Street (A4095), which is the main road north to south through the village.

#### **Site and Setting (see site plan)**

3. The existing school site comprises of - the original Victorian main school building, a temporary modular classroom, a car parking area at the front of the site, a hard play area, the school's playing field and other informal play areas. The original school building is located at the western end of the site. The temporary classroom building is located in the south western corner of the schools hard play area. The hard play area itself is located in a central position on the site and adjoins the school playing field which occupies a large

area of the site to the east. Beyond the playing field are open agricultural fields.

4. Immediately adjoining the main school building is the school house which is now a private residential property. The other nearest residential properties are those along the northern boundary of the site located on Bakery Lane. There is also a residential property to the south of the school site. The boundary treatments around the school site vary between hedge rows, fencing, trees (both mature and young) and other planting.
5. The main vehicular and pedestrian access is from the main school entrance at the western end of the site via a narrow road which leads to Main Street. This narrow road leads to Main Street over two bridges at either end of the road. One of these bridges is restricted for use by vehicles accessing the school site; pedestrian access across it is permitted.

### **Background and Details of the Development**

6. This application proposes the erection of a single storey and two classroom building within the grounds of Clanfield CE Primary School. The building would provide accommodation for the school's Foundation Stage children and Clanfield Pre-School.
7. Clanfield Pre-School is currently located on a separate site in the village, in the school room of the Methodist Chapel. The Chapel is located on the western side of Main Street approximately 40 metres to the north of the school site. The pre-school currently provides wrap-around care for children, 8.45am to 2pm weekdays. The pre-school have been informed that due to dwindling numbers of attendees the Methodist Chapel will need to close and be sold at the end of 2009. Therefore, in order to continue to operate the pre-school require alternative accommodation and the aspiration is therefore to provide pre-school accommodation on the school site. The applicant considers that this will be beneficial in terms of providing integrated links with the primary school on one site and by making use of the extra space available at the school.
8. The primary school consider that an additional classroom is required in order to provide improvements to the teaching curriculum accommodation. A new classroom would allow the school to have a dedicated space (indoor and outdoor) for their Early Years Foundation Stage children. This would subsequently free up space within the existing school building as classes currently contain more than one year group. An additional classroom is also considered necessary in order to increase the intake of Foundation Stage children from the current number of 10 to 15. This is to address problems in previous years when children have been denied places at the school. The other accommodation in the building (e.g. a quiet room) is considered necessary in order to address existing deficiencies in accommodation in the main school building.

9. The building is proposed to be located in the north west corner of the school's existing playing field. This area is currently grassed playing field and partly an area of wildflower meadow planted by the school. It is proposed that the building would be a single storey, pitched roof structure with covered play areas on its east and west elevations. It would be constructed of a stone plinth with render and timber board elevations. The roof would have a low profile, standing seam metal covering. Doors and windows would be constructed of timber and aluminium frames. A surfaced play area is proposed around the exterior of the building. This area would be linked to the school's existing hard play area by a new footpath. The new building would have a BREEAM rating of very good.
10. Currently parking at the front (western end) of the site occurs on an ad-hoc basis. The application proposes to formalise this to provide thirteen dedicated spaces, including one disabled space. This would provide a net increase of three spaces for extra staff on the site. Pedestrian access to the new building would be via the existing access at the front of the site. The contractors access is proposed via Marsh Lane which is located to the east of the schools playing field.

### **Consultations**

11. The consultation period on this application ran from 5 to 28 May 2009.
12. West Oxfordshire District Council – comment as follows:
  - Are the County Council satisfied that the proposed development will not result in undue noise and disturbance to the occupants of neighbouring dwellings.
  - Are the County Council satisfied that the proposed development will not result in unacceptable flood risk for the site or the surrounding area.
  - The impact on the character of the site and the adjacent open countryside should be limited through conditions securing the use of appropriate materials, landscaping and measures to protect and retain existing mature trees around the site.

Clanfield Parish Council – Object for the following reasons:

- Flood risk on land that was flooded during July 2007.
- The proposal will affect mature trees in close proximity.
- The proposed building materials are not in keeping with the surrounding properties or the existing school buildings.
- The size of the building and its proximity to other properties.
- The building is beyond the existing building line.
- Increased school traffic due to an increased number of staff and pupils.
- Increased use of the weak bridge between Main Road and the school.
- The numbers of children crossing the road to go to/from the school will increase which will result in a safety risk.
- Noise pollution from rain/sleet falling on the proposed metal roof.

Environment Agency – No objection. The development is covered by the Environment Agencies Flood Risk Standing Advice. This requires the submission of a Flood Risk Assessment for developments in Flood Zone 1 if the development site is greater than 1 hectare in size; the building is greater than 250sqm or has been identified as having a critical drainage problem by the Environment Agency. None of these apply in this case. However, the Standing Advice requires that drainage must be designed to ensure no increased flood risk to neighbouring properties through run off and should include a Sustainable Drainage System (SUDS). All hard surfaces should be designed to be permeable.

Oxfordshire Playing Fields Association – No objection.

Sport England – No objection subject to a condition requiring the contractors access road and compound to be removed from the playing field and the field be restored to its current condition. Although the new building will be located on the school playing field none of the existing pitch markings will be affected by the proposal. Use of the playing field by the school will therefore continue as existing.

County Forester – No objection. Pre-application advice has been followed by the applicant and has been referred to in the Design and Access Statement. This advice required that a 3 metre gap be provided between the new building and the nearest boundary in order to protect mature trees in the adjacent property. This gap should be protected during construction works and any surfacing of this area should involve no excavation techniques.

County Ecologist – No objection. Pre-application advice has been taken into account in the application. This required that part of the 'wilderness area' on the school playing field be provided elsewhere and that the removal of part of a stone wall and any vegetation should be done only after checks for protected species.

County Archaeologist – Application does not appear to directly affect any known archaeological sites. Request an informative advising of appropriate action to be taken in the event of archaeological finds.

Transport Development Control – No objection but make the following comments:

- The vehicle access serving the site via Main Street is narrow, and sub-standard in terms of geometry and crosses a stream/culvert. However, the information submitted states that no one other than staff, visitors and deliveries will use this access. All children will arrive via the pedestrian access;
- The proposal is of concern as it is likely to generate an increase in vehicular traffic to the site, although as the pre-school is relocating from the village chapel a number of linked trips may already exist. There may also be a benefit to have all the children of the village based in one place to encourage walking to the site;

- The pre-school relocation could encourage on-street parking along Main Street which only has yellow school zig zags;
- The school Travel Plan should be updated and further consideration should be given to deterring on-street parking along Main Street during school pick up times.

**Third Party Representations** (Copies of these representations are available in the Member's Resource Centre)

13. 16 letters have been received from members of the public in support of the application, the main points that they raise are:
- The proposal will benefit the school and the local community.
  - Impact on the school and the village during construction will be limited.
  - Pre-school will benefit from better and increased accommodation and premises.
  - There will be benefits of the pre-school and primary school integrated on one site.
  - Children and parents will need to travel further if the pre-school has to close.
  - The buildings location is the most suitable and its height is acceptable.
  - The development will not increase traffic.
14. 4 letters have been received from members of the public objecting to the application, the main points they raise are:
- The development is outside the existing building line of Clanfield, this will set a precedent for future development.
  - Will impact on the character and setting of the village and the surrounding area.
  - Scale, type, height and design of the building is not appropriate to the village and has not been justified.
  - The covered outside areas on the building unreasonably increase its height and size.
  - True height of the building has not been made clear in the application.
  - Materials proposed for the building are out of keeping and should be traditional (such as Cotswold stone and slate).
  - The amenity of neighbouring properties will be affected and the building is proposed in an unreasonable and unacceptable proximity to these properties.
  - The building and the associated surfaced play areas around it will damage adjacent and nearby trees.
  - The building and surrounding surfaced play areas will increase flood risk from surface water run off. The building itself will reduce the capacity of the ground to absorb, hold and discharge water without causing flooding.
  - Details in the application are incorrect in saying that the site hasn't flooded and the existing drainage at the site performs well.
  - The soakaways proposed are not sufficient.

- The accommodation proposed in the building is not justified and is far bigger than the demand for it.
- No evidence has been put forward that there will be an increase in pupil numbers at the school.
- Increase in traffic and congestion on Main Road as a result of increased uses at the site.
- Concerns over pedestrian access to the site and how this may change in the future.
- The development will impact on surrounding biodiversity.

### **Relevant Development Plan and other Policies**

15. The South East Plan Regional Spatial Strategy 2026 (SEP).

CC6 – Development should i) respect, and where appropriate enhance the character and distinctiveness of settlements and landscapes; and ii) use innovative design process to create a high quality built environment which promotes a sense of place.

NRM4 – In considering planning applications local authorities in conjunction with the Environment Agency should require incorporation and management of Sustainable Drainage Systems and other measures to minimise direct surface water run-off.

NRM5 – Local planning authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.

16. West Oxfordshire Local Plan 2011 (WOLP)

BE2 – New development should respect and, where possible improve the character and quality of its surroundings, and provide a safe, pleasant, convenient and interesting environment.

BE3 – Development should make provision for the safe movement of people and vehicles, whilst minimising the impact upon the environment.

BE4 – Proposals for development within or adjoining the built-up area should not result in - the loss or erosion of an open area which makes an important contribution to the distinctiveness of a settlement and/or the visual amenity or character of the locality or an area of nature conservation value.

BE19 - Planning permission will not be granted for noise sensitive development if the occupants would experience significant noise disturbance from existing or proposed development.

NE1 - Proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake: its beauty, its local character and distinctiveness, the diversity of its natural resources, and its ecological and outdoor recreational values.

NE3 - Development will not be permitted if it would harm the local landscape character of the District.

NE8 - New development or intensification of existing development will not be permitted within areas at risk from flooding.

NE9 - New development or intensification of existing development will not be permitted where the additional surface water run-off would result in adverse impacts such as an increased risk of flooding.

NE15 - Development that would have an adverse effect on a site supporting a specially protected species will not be permitted.

T1 - Proposals which would generate significant levels of traffic will not be permitted in locations where travel by means other than the private car is not a realistic alternative.

TLC1 - Permission will be granted for community facilities to meet local needs where they would not have an adverse impact on the character or environment of the countryside or on towns and villages within the District or would generate unacceptable levels of traffic on the local highway network.

TLC5 – Development proposals should not result in the loss of existing recreational open space (including school playing fields) unless alternative provision of at least equivalent suitability and accessibility, particularly by foot is made.

17. Other relevant policy documents include: Planning Policy Statement 25 (PPS25) – Development and Flood Risk.

#### **Comments of the Head of Sustainable Development**

18. In my view the main issues to be considered in deciding this application relate to:

- (i) Size of the building proposed;
- (ii) Location, design and materials of the proposed building;
- (iii) Impact on amenity of neighbouring residents;
- (iv) Impact on trees;
- (v) Flood risk;
- (vi) Increase in traffic and highway safety.

- (i) Size of the building proposed

19. A number of comments have been received stating that the buildings size is not justified in terms of current and future demand. Policy TLC1 of the WOLP encourages community facilities to meet local needs.

20. The current pre-school in the village provides accommodation for up to 18 children at any one time, either during morning or afternoon sessions. Currently around 13 children attend the pre-school but this number can fluctuate. The pre-school classroom in the proposed building would again provide for a maximum of 18 children at any one time.
21. There are 10 Foundation Stage children on the school roll. This year group is currently accommodated in classrooms in the main school building with other year groups. The classroom in the new building would provide a dedicated classroom for this year group. The new Foundation Stage classroom would also allow the yearly intake of children in this year group to be increased from its current number of 10 to 15. This is intended to enable all local children to attend the village school. The additional classroom would also free up space in the main school building for other year groups. The schools current maximum role is 90, on completion of the new building the school role (excluding pre-school children) could increase to a maximum of 105. This increase would occur over a number of years. If the school and pre-school were both at maximum capacity there would be an additional 33 children (18 pre-school and 15 primary school children) over the present number.
22. The Children, Young People and Families Directorate consider that the size of the classrooms proposed are appropriate for the number of children they would accommodate. I consider that the need for a building of this size has been established.

(ii) Location, design and materials of the proposed building

23. Objectors argue that the location of the building is unacceptable in terms of its position outside of the perceived building line of the existing village. The building would be located in the north west corner of the school's existing playing field, approximately 50 metres to the east of the existing school buildings. Although located on the existing school site the building would be separated from the existing school buildings by the hard play area.
24. Policy BE4 of the WOLP requires that development proposals that are on open spaces adjoining settlements do not result in the loss or erosion of an open space that makes an important contribution to the distinctiveness of a settlement and/or the visual amenity or character of the locality.
25. The building would be located on an area of playing field that would only be visible from a small number of surrounding properties. As the building is situated some distance to the rear of the existing school buildings it would not be visible at any point from the Main Street in Clanfield. The building would be most visible on the landscape from the countryside to the east where it would be seen against the backdrop of the existing school and village. I consider that an extensive and a high quality landscaping scheme should be required to ensure that the eastern and south eastern side of the building can be well screened. This should ensure that the building is not highly visible on the edge of the settlement from the surrounding open countryside and would ensure that the requirements of policy BE4 are met.

26. The building would be located on part of the school's grassed playing field. Sport England have raised no objection to the application. They consider that should the building be developed the school would still have sufficient playing field space to meet the statutory requirements for laying out sports pitches. Given the views of Sport England I do not consider that the proposal will result in the loss of important open space.
27. Concerns have been raised about the design and materials of the new building. The building would sit on a stone plinth with light coloured render and timber walls. The roof would be constructed with a low profile metal finish. The buildings design and choice of materials have been selected in order to reduce the impact of its scale and mass. The applicant has argued that a traditional stone building would create a far larger building with a much higher roof pitch.
28. Policy BE2 of the WOLP requires that new buildings respect external materials or colours of adjoining buildings and the character of an area. The majority of the buildings in Clanfield (including the existing main school buildings) are constructed of Cotswold Stone. The proposed building seeks to achieve this by the use of stone elements and light coloured render. I consider this will ensure that the new building will achieve visual connection with the surrounding properties. The metal roof should also have a dull 'pre-weathered' finish to ensure that it is not visually intrusive (i.e. bright or shiny). I consider the design and materials proposed are therefore acceptable.
29. Comments have also been received that the height of the new building shown in the application is incorrect. The height of the proposed building is 4.55m from the existing ground level. The ground level of the site will also be raised by about 70mm at the highest point so that the site would slope away from the neighbouring properties to the north. This is in order to carry any surface water away from those properties. The application includes reference that the ridge height of the new building may change by a notional 10% to that shown depending on the final chosen supplier of the roof. If the height of the roof is to significantly change then this will need further planning permission.

(iii) Impact on amenity of neighbouring residents

30. Objectors also argue that the proximity of the new building to their properties will impact on their amenity through increased noise and disturbance. West Oxfordshire District Council have also raised this as an issue.
31. The nearest houses are those to the west and north west. Lime Tree House would be approximately 14 metres from the nearest point of the new building whilst Underhills Garden is approximately 30 metres. There is an area of mature planting and landscaping between Lime Tree House which would be retained. There is a hedge and some limited landscaping between Underhills Garden and the new building. Again this would be retained. The nearest point of the garden of Underhills Garden would be approximately 4 metres from the proposed building.

32. The rear elevation of the building which looks onto the garden of Underhills Garden will not have any windows in order to maintain privacy. Although the western elevation of the building will have some windows these will be obscured from Lime Tree House by the existing landscaping.
33. The application proposes the use of the building during school hours (Monday to Friday) with no weekend or evening use. The building would be used during the school holidays by the pre-school, again during school hours Monday to Friday only. No external lights are proposed other than security lights. These would be low energy bulk head fittings on the south, east and west elevations of the buildings underneath the eaves of the overhanging roof. In terms of the issue of noise from rain hitting the metal roof as mentioned by some objectors the roof materials proposed would be a composite insulated metal which is designed to be quieter than traditional metal coverings.
34. I consider that the impact on the amenity of neighbouring residents would be limited, particularly given the distance between the new building and neighbouring properties. Although there is not a building in this location at present, other noise is generated from the site during school hours. Therefore, provided that use of the building is restricted to school hours only (or equivalent during holidays) the impact from noise on neighbouring residents should be minimal. To ensure that this is so a condition could be imposed to restrict the hours of use of the building during school hours only. No windows from the proposed building will overlook neighbouring properties and as discussed later in this report it is recommended that the area immediately behind the new building is not used for outdoor play. I also consider that modest landscaping should also be provided to the rear of the building along the neighbouring properties boundary. This will ensure that effective screening is provided between the school and these properties. This would ensure that the area to the rear of the building is free from disturbance. A condition could be attached to require a scheme for the location, type and number of any security lights on the building.

(iv) Impact on trees

35. Concerns have also been raised about the potential impact of the new building on mature trees in a neighbouring resident's garden. The County Forester has been involved in pre-application discussions with the applicant to ensure that the footprint of the building does not impact on these trees. He considers that in order to avoid the Tree Root Protection Zones (TRPZs) the footprint of the new building should be at least 8 metres from the trees. The new building is proposed to be 9 metres away. The County Forester advises that the strip of land behind the building and the boundary nearest these trees should not be compacted or contaminated during construction works. He advises that the surfacing of part of this area (to provide a play area) should be done using a low excavation construction technique. Although the applicant has confirmed that the surface materials for this area would be constructed using a low excavation material I consider that this area should be undisturbed in order to avoid any impact on trees and to avoid impacting

on the amenity of neighbouring residents. Therefore a condition should be attached requiring a final scheme for a surfaced play area around the building; this scheme should avoid providing a play area to the rear of the building.

(v) Flood risk

36. The site of the new building is within Flood Zone 1. Flood Zone 1 is identified in PPS25 as having a very low risk of fluvial flooding, less than 1 in 1000 annual probability of river flooding in any year. Although assessed as having a low probability of flooding, developments in Flood Zone 1 should still avoid increased flood risk elsewhere from surface water run off. Parts of the school site and neighbouring properties were flooded by surface water during July 2007.
37. Concerns have been raised by local residents that the proposed development will increase the risk of flooding to nearby properties. The concerns are that this will occur as a result of an increase in surface water run off from the new building and its associated play areas.
38. The application proposes soakaways to the south of the new building which would be designed to take water away through gulleys to ensure that run off from the building is taken away from any surrounding properties. The play surfaces around the building are proposed to be an imitation grass material (NottsSward) which is hard wearing and porous material. Tiger Mulch (a smooth and porous bark chipping material) is also proposed to be used on parts of the play area.
39. The Environment Agency (EA) have raised no objection to the application and do not consider that a Flood Risk Assessment is required for a development of this size. They consider that the proposal should be designed so as to not increase flooding to neighbouring properties. This should be achieved through the use of Sustainable Drainage Systems (SUDS), including the use of permeable surfaces.
40. The application includes the use of permeable surfaces and soakaways to deal with surface water run off. However, given the concerns raised by objectors, the advice of the EA and the requirements of PPS25 a comprehensive sustainable drainage scheme (including the use of SUDS) for the new building and surfaced areas must be prepared and submitted to the EA for approval before any works can commence. This scheme would need to be to the satisfaction of the EA before the development could be implemented.

(vi) Increase in traffic and highway safety

41. Concerns have been raised that the new development will generate an increase in traffic to and from the site and that this will lead to issues of highway safety. The applicant considers that as the existing pre-school is currently located very near to the school the amount of additional traffic generated by the development will be minimal. They also consider that

although pedestrian trips to the site will increase these can be satisfactorily accommodated by the existing arrangements for pupils. Two new members of staff will be working on site, for whom car parking is to be provided.

42. Transport Development Control consider that due to the close proximity of the existing pre-school a number of linked trips between the two sites may exist. They also consider that there would be benefits to have all children on one site in order to encourage walking to the site. They have recommended that the school should update their Travel Plan to take account of the development and that an assessment should be carried out by the relevant highways office to consider whether further parking restrictions are required along Main Street.
43. Like many schools within rural locations the issue of traffic associated with the school raises local concern. However, I consider that the integration of the pre-school onto the primary school site will encourage more sustainable methods of travel through a single Travel Plan. This can be required by condition. To deter further on-street parking I consider that an assessment of current parking restrictions should be carried out before the completion of the development to consider if further restrictions are required.

## **Conclusion**

44. This proposal would provide permanent replacement accommodation for the pre-school in the village. It will also allow the integration of the pre-school onto the primary school site. I believe that the need for the building as a whole has been justified and is supported by policy TLC1 of the WOLP which encourages community facilities to meet local needs. In planning terms I believe this proposal is acceptable in that, subject to conditions, it would not result in significant detriment to the character or appearance of the existing site, the surrounding area or the amenity of neighbouring residents. Although concerns have been raised about increased flood risk I consider that the proposed development can be acceptable provided conditions are imposed. Importantly the Environment Agency will need to be satisfied with any proposed drainage scheme.

## **RECOMMENDATION**

45. **The Committee is RECOMMENDED to approve Application Number R3.0109/09 for the erection of a single storey pre-school and foundation stage building to provide: 2 classrooms; storage; WC; quiet room; kitchenette and lobby accommodation, creation of new hard play area and footpath and formalisation of existing parking areas to provide 13 dedicated (including one disabled) parking spaces subject to conditions to be determined by the Head of Sustainable Development to include the following matters:**
1. **That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.**

2. Detailed duration – 3 years – that the development shall commence within 3 years of the date of the permission.
3. Hours of use - The building shall be used only for school and pre school purposes and only between the hours of 8 a.m. to 6 p.m. Monday to Friday.
4. Approval of sample external materials – that samples of the external materials proposed to be used shall be submitted and agreed prior to the commencement of development.
5. Contractors access – that the hours of access (including for deliveries) for construction traffic shall be agreed in consultation with the school before the start of works on the site.
6. Contractors compound - the location of any contractors compound shall be submitted and agreed (and appropriately fenced off) prior to the commencement of development.
7. Reinstatement of playing field - on completion of the development the temporary contractor's access road and ancillary construction works shall be removed and the playing field land shall be reinstated to a playing field to a quality at least equivalent (or better) than the current quality.
8. Tree protection during construction works – that no development shall take place until the trees on the site which are to be retained and which are adjacent to or within the development area, have been protected during building operations by means of a protective fence around the edge of the canopy of the trees.
9. Tree protection during construction works – no development shall take place in the 3 metre strip of land between the school boundary and the proposed building.
10. Details of surfaced play areas – that the final details of the surfaced play area (including its location and details of permeable surface materials) shall be submitted and agreed prior to the commencement of development. No surfaced play areas shall be provided to the rear of the proposed building.
11. Sustainable drainage scheme – prior to the commencement of the development a comprehensive Sustainable Drainage Scheme (incorporating the use of SUDS) shall be submitted and agreed in consultation with the Environment Agency,
12. Landscaping – the perimeter of the proposed building shall be landscaped and planted with trees and shrubs in accordance with a comprehensive planting and landscaping scheme.
13. Landscaping implementation – that all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner.
14. Wilderness area – that the final details and location of the replacement wilderness area shall be submitted and agreed prior to the commencement of development.
15. Wilderness area - that no development shall take place until the retained wilderness area on the site has been protected during

building operations by means of a protective fence around the edge of the area.

16. **Dry stone wall removal** – that the section of dry stone wall to be removed shall be removed by hand during March to September only, and shall be checked over by an ecological consultant immediately prior to removal to ensure that no protected species are present.
17. **Vegetation removal** should not take place during the bird breeding season, which is March-August inclusive. If any trees and/or bushes need to be removed during this time, they will need to be checked over by an ecological consultant immediately prior to removal to ensure there are no nesting birds present. If nesting birds are present, the vegetation cannot be removed until the birds have fledged.
18. **Parking restrictions** – before the first occupation of the building an assessment should be carried out to establish if further parking restrictions are required along the frontage of the site upon Main Street.
19. **Update School Travel Plan** – before the first occupation of the new building the schools existing Travel Plan shall be updated to take account of the proposed increase in uses on the site.
20. **Security lights** – That the final details of the number and location of any security lights on the new building are submitted and agreed.

**Informatives:**

**Archaeological Informative** – If archaeological finds do occur during development, the County Archaeologist shall be notified in order that he may visit the site and advise as necessary.

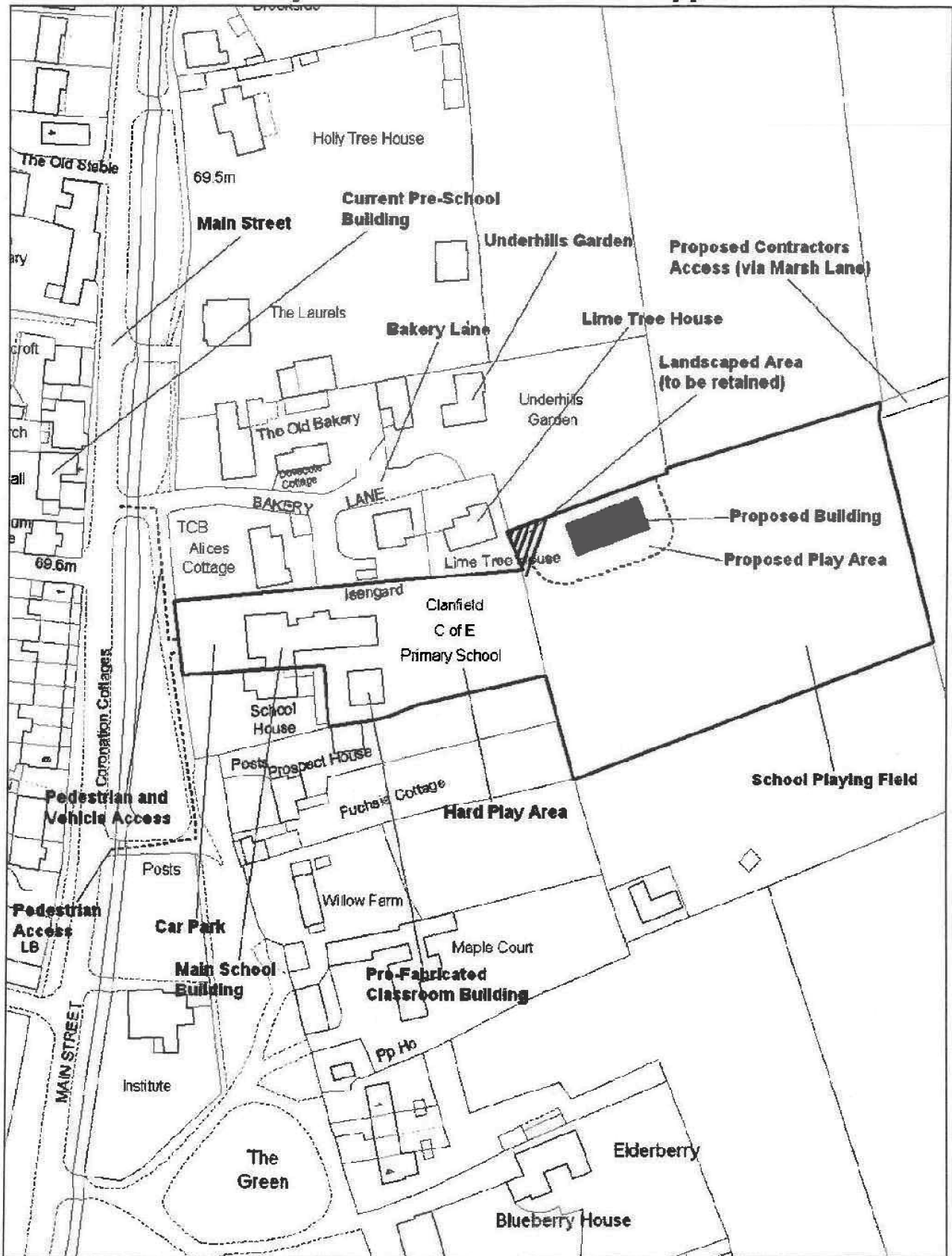
**Ecology** - If any protected species not initially survey for are found at any point, all work should cease immediately. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

CHRIS COUSINS  
Head of Sustainable Development  
Environment & Economy

Background Papers:           File Ref: R3.0109/09 8.1/2801/1

**Clanfield CE Primary School**

**App No. R3.0109/09**



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Scale 1:1250  
Plot Date: 30/9/2009  
By: PF

This plan shows only an indication of the proposed development and should not be scaled from.

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Contact Officer: John Hamilton Tel. No. 01865-815584

Division(s): Bampton

## **PLANNING & REGULATION COMMITTEE – 19 OCTOBER 2009**

### **ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE A CHILDREN'S CENTRE AND ERECTION OF A 2.5M HIGH FREE STANDING CANOPY; ASSOCIATED EXTERNAL WORKS INCLUDING ALTERATIONS TO THE EXISTING MAIN SCHOOL ENTRANCE, CREATION OF 4 PARKING SPACES, AN OUTDOOR PLAY AREA, LANDSCAPING AND FENCING**

#### **Report by Head of Sustainable Development**

**Location:** Bampton Church of England Primary School, Bowling Green Close, Bampton

**Application No:** R3.0179/09

**District Council Area:** West Oxfordshire

#### **Introduction**

1. This is an application to erect a single storey building in the south east corner of Bampton C of E School to provide a children's centre. As part of the proposal, the existing school entrance from Bowling Green Close is to be widened and four additional car parking spaces (one a disabled space) provided. A free standing canopy is to be provided alongside the existing hard play area behind the existing school building.
2. Children's Centres are 'service hubs' where children under 5 years old and their families can access childcare services and information. The provision of these Children's Centres is part of the national government strategy to ensure that all families with children have access to affordable, flexible, high quality childcare places and, as part of this strategy, local authorities have been tasked with the strategic responsibility of delivering these Children's Centres to cater for the needs of local communities.

#### **Location (see plan)**

3. Bampton C of E School is a rural primary school located on the northern edge of the small market town of Bampton in West Oxfordshire. The town sits astride the A4095, approximately half way between Witney (5 miles (8 km) to the north) and Faringdon (5 miles to the south).

#### **Site and setting (see plan)**

4. The school is situated on the northern edge of the built up area of Bampton. Open fields abut the school to the north and the school playing field is located

immediately to the west. Residential properties wrap around the site to the east and south. A public footpath separates the houses to the east from the school site.

5. The main school building on the tarmac parking area to the front sits close to the site entrance off Bowling Green Close. There is a small enclosed open air swimming pool immediately to the west of the front parking area. The east and south east boundary of the school site is marked by a substantial hedgerow and there are a group of willow trees in the south east corner.

### **Details of the Development**

6. This application for a Children's Centre is one of a number of similar current proposals identified on primary school sites across the county. The services to be provided in the centres will vary according to each individual centre but may include, amongst other things:
  - integrated early education and childcare;
  - support for parents (including advice on parenting, local childcare options and access to specialist services for families);
  - child and family health services;
  - helping parents into work.
7. The building proposed for the Children's Centre is to be located in the south east corner of the school site. There are a number of willow trees in this part of the site and this proposal will involve the removal of two of those trees. The existing boundary hedge would be retained.
8. The new building would be single storey with a shallow pitched roof, having a floorspace of 190m<sup>2</sup>. The walls of the building would be built in facing brick with concrete tiles to the roof. A two metre wide canopy would be provided at eaves level along the northern elevation to provide an area of shade.
9. The Children's Centre would share the existing entrance to the school off Bowling Green Close. It is proposed to widen the entrance by about a metre, lower the boundary wall and provide new bow top fencing and palisade fencing to improve the appearance of the entrance and visibility. The existing separate pedestrian access onto Colville Close is to be retained.
10. Other works proposed include the provision of four additional parking spaces (including one disabled space) and the relocation of the existing cycle storage shed to the front of the new Children's Centre.
11. A freestanding canopy measuring 50m<sup>2</sup> and 2.5m high, is proposed to the rear of the existing school buildings. The canopy would have a polycarbonate sheet roof with four metal supports at each corner.

## Consultations

12. West Oxfordshire District Council – No objections.

Bampton Parish Council – No objections but some concern as the land in question is prone to holding water and would like to see evidence of a flood risk report. Also concerned about level of traffic on Bowling Green Close.

Environment Agency – Application has a low environmental risk. Unable to make a fuller response due to workload prioritisation.

County Archaeologist – Proposal does not affect any known archaeological sites. Informal archaeological informative only required.

Transport Development Control – No objections. Visibility at the existing access is acceptable. An updated Travel Plan will be required. There should be no reduction in provision for cycle parking.

County Ecologist – No objections, subject to the following conditions:

- (i) any vegetation removal should not take place during bird breeding season (March-August);
- (ii) the felling of the two willow trees should be soft felled and undertaken under the supervision of OCC's Protected Species Officer;
- (iii) existing trees to be protected during construction works;
- (iv) if any protected species are found on site during construction works, all works must stop and a mitigation strategy submitted and agreed with Natural England.

## Third Party Representations

13. Three letters have been received from local residents objecting to the proposed development. The main objection from the correspondents relates to the traffic implications of the proposal and their concern that the development would:

- (a) increase the level of congestion along Colvile Close during term time with parents already causing problems dropping off or collecting children (which causes difficulties for residents parking and gaining access to their properties);
- (b) involve alterations to the school entrance immediately opposite their property making parking for residents difficult;
- (c) increase noise and disturbance as the proposed development is close to existing properties.

14. A fourth letter has been received from a local resident commenting that whilst not fundamentally against the proposal, they have concerns about additional traffic the proposal might generate. The letter also includes a petition from residents of Chandler Close and Colvile Close (17 signatures) supporting this view.

## **Relevant Development Plan Policies**

15. The relevant Development Plan policies are:

South East Plan (adopted May 2009)

Policy CC6 - Development decisions should actively promote the creation of sustainable and distinctive communities.

Policy T1 - Development proposals should amongst other things, include measures to minimise negative environmental impacts of transport and improve overall levels of accessibility.

Policy T5 - Major travel generating developments should develop Travel Plans.

West Oxfordshire Local Plan (adopted June 2006)

Policy BE2 - New development should respect, and where possible, improve the character and quality of its surroundings. New buildings should relate to their site and surroundings and incorporate a landscape scheme.

Policy EN3 - Development should make provision for the safe movement of people and vehicles, whilst minimising impact upon the environment. Proposals should include for the safe movement of vehicular traffic both within the site and surrounding area and should allow for parking of vehicles and bicycles.

Policy NE9 - New developments should not involve additional surface water run-off which would result in an increased risk of flooding.

Policy T7 - Developments attracting large numbers of traffic movements will be required to have a Travel Plan.

## **Comments of the Head of Sustainable Development**

16. The main issues to be considered in the determination of this application are:

- the design of the proposed development and its impact on the street scene in general and on neighbouring properties in particular;
- the impact of the proposal on trees within the site;
- the impact of additional vehicle movements to the development on the existing traffic and parking situation in the surrounding residential area.

17. The existing school buildings comprise single storey structures with primarily flat roofs. The school hall, also flat roofed, projects above the rest of the school. It is built principally in reconstituted stone. The new building, set apart from the existing school in the south east corner of the school grounds,

is also single storey but will have brick walls with a pitched tiled roof. In my view, the design and materials proposed would complement very well the existing buildings on site and would be in keeping with the appearance of the dwellings (a mix of houses and bungalows) around the school.

18. The nearest properties to the new building are 20 metres away on the south side of Colville Close with the rear of the properties on Chandler Close, 17 metres away. The east and southern elevations of the new building facing these properties will be seen behind the high boundary hedge. The only windows in these elevations will be narrow high level windows. Given the single storey nature of the development, the distance from neighbouring properties and its location behind the boundary hedge, there should be no adverse impact on privacy or loss of light to these properties.
19. Siting of the Children's Centre in the location proposed will require the removal of two willow trees. However, a number of willow and cypress trees will be retained along the southern frontage of the site, and the existing thick boundary hedge around the south east corner of the site will also be retained. Provided the retained trees and boundary hedge are protected during building works, the new building will be well screened and should not have any adverse impact on the street scene. The County Forester has been involved in pre-application discussions on this proposal, particularly over the loss of two of the willow trees. His view was that whilst the group of willow trees as a whole forms an important visual feature in the street scene, none of the trees is, of itself, a particularly fine specimen. He concluded that the loss of the two trees may be justified if the proposed development is deemed necessary. However, replacement trees for those lost should be provided elsewhere on site and it would be important to ensure that the remaining trees are protected. This can be secured by the imposition of an appropriate condition on any permission given.
20. The main concern of local residents to this proposal is the traffic that visitors to the Children's Centre will generate and how this will add to existing traffic and parking problems in the surrounding streets (a problem that exists at many schools across the county). This proposal will not involve any additional movements to the school itself. The Children's Centre would be open all day so visitors to the centre should be spread throughout the day rather than being concentrated at the beginning and end of the school day. In addition, four extra parking spaces are proposed within the site and the site entrance is to be widened to improve access and parking arrangements. The Transport Development Control team have not raised any objections to the proposal though they have recommended that the existing School Travel Plan should be updated to take account of this new development and that the existing cycle storage facilities should be retained on site. These latter issues can be covered by the attachment of conditions on any permission that might be granted.
21. One other issue that has been raised relates to possible flooding and poor drainage around the site – a point raised by the Parish Council. The site lies in an area known as Flood Zone 1 as identified by the Environment Agency.

This is an area where flooding is least likely to occur. The Agency have confirmed that they have no further comments to make on the application in this regard. Similarly, the District Council were consulted at the pre-application stage regarding flood risk and foul and surface water drainage. As a result of those discussions this proposal incorporates the provision of a new drain running along the northern elevation of the new building, designed to take run off from the hard play area and direct it to existing surface water drains. The District Council have also confirmed that they have no objections to this proposal.

## **RECOMMENDATION**

22. It is **RECOMMENDED** that planning permission for Application No. R3.0179/09 (for the erection of a single storey Children's Centre and free standing canopy along with associated works including alterations to the existing school entrance, four new parking spaces, and outdoor play area, landscaping and fencing) at Bampton CE Primary School be approved subject to conditions to be determined by the Head of Sustainable Development dealing with matters including those set out below:
1. Detailed compliance condition – development to be in accordance with approved plans and particulars.
  2. Detailed duration – development to commence within 3 years.
  3. Schedule of external materials to be used to be agreed.
  4. Landscaping scheme (to include replacement trees) to be submitted and agreed.
  5. Approved landscaping scheme to be implemented.
  6. Measures to protect trees and hedgerow to be retained during construction works to be submitted, agreed and implemented.
  7. Update existing School Travel Plan.
  8. Existing cycle provision to be retained.
  9. No vegetation to be removed during bird breeding season.
  10. Trees to be removed to be soft felled and under supervision of Oxfordshire County Council's Protected Species Officer.
  11. Construction work to cease if any protected species are found on site, and a mitigation strategy submitted and agreed with Natural England.

**Archaeological Informative – If archaeological finds do occur during development, the County Archaeologist shall be notified in order that he may visit the site and advise as necessary.**

CHRIS COUSINS

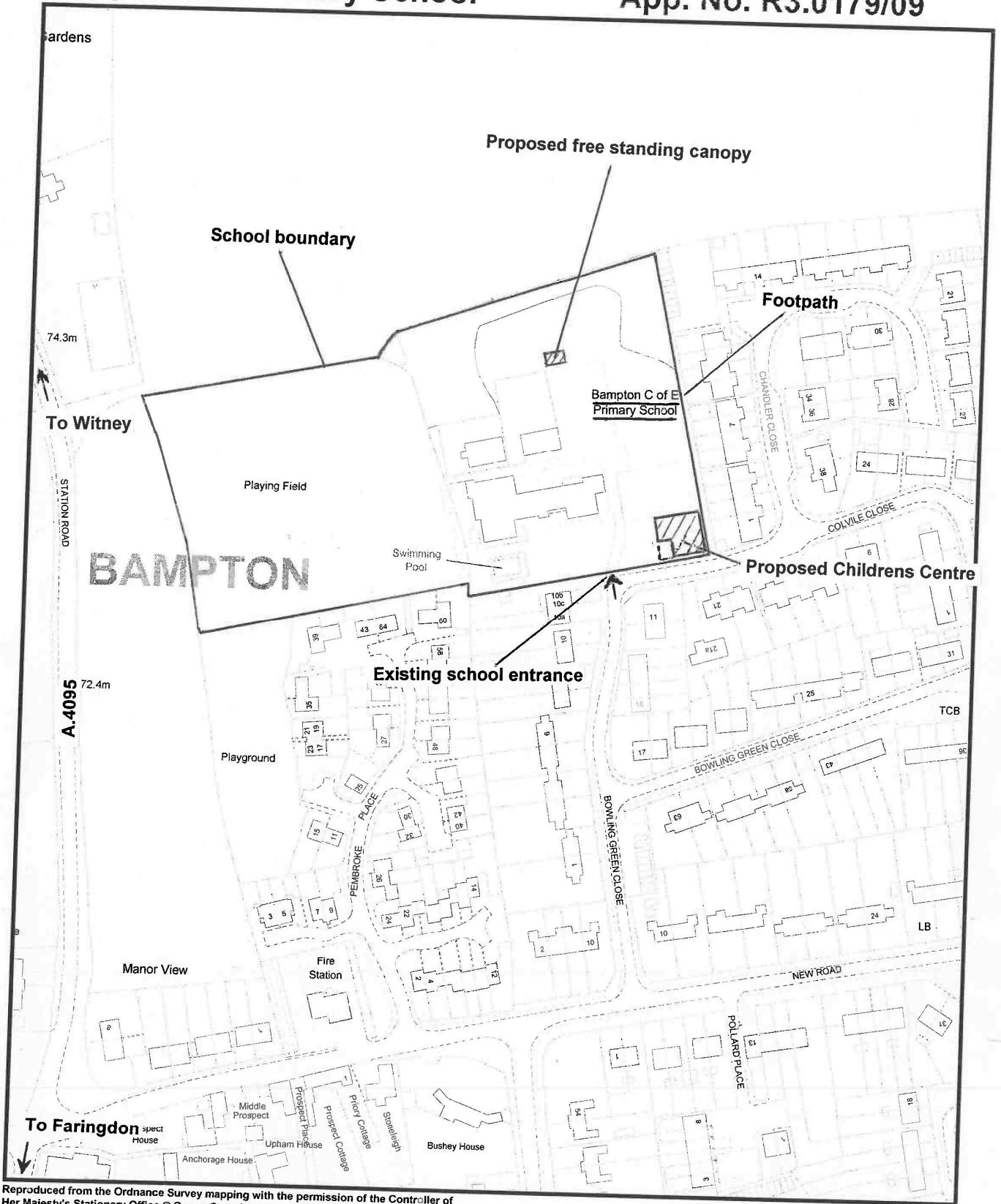
Head of Sustainable Development  
Environment & Economy

Background papers: File No. R3.0179/09 held electronically in Speedwell House, Oxford. For access please contact John Hamilton – 01865 815584.

October 2009

# Bampton CE Primary School

App. No. R3.0179/09



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Scale: 1:2000  
 Plot Date: 23/9/2009  
 By: jh  
 Dept: ee

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