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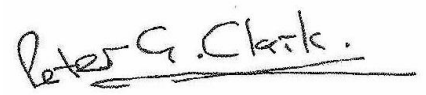
To: Members of the Planning & Regulation Committee

Notice of a Meeting of the Planning & Regulation Committee

Monday, 11 April 2011 at 2.00 pm

County Hall, New Road, Oxford



Peter G. Clark
County Solicitor

March 2011

Contact Officer: ***Graham Warrington***
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graham.warrington@oxfordshire.gov.uk

Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.

Membership

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

Councillors

Alan Armitage	Peter Jones	John Sanders
Tony Crabbe	Lorraine Lindsay-Gale	Don Seale
Anda Fitzgerald-O'Connor	David Nimmo-Smith	John Tanner
Jenny Hannaby	Neil Owen	
Ray Jelf	G.A. Reynolds	

Notes:

- ***Date of next meeting: 23 May 2011***

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 Part 9.1 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

To approve the minutes of the meeting held on 7 March 2011 and to receive for information any matters arising therefrom.

4. Petitions and Public Address

5. Finmere Quarry (Pages 1 - 26)

(1) Change of use of the materials recycling facility which is the subject of planning permission reference 10/00361/CM to add biodrying and gasification waste treatment technologies and associated power generation together with the extension of the operational life of the materials recycling facility – Application 11/00015/CM

(2) To continue development of non hazardous landfilling operations without complying with conditions of planning permission 00/01480/CM (as varied by appeal reference APP/U3100/A/09/2117987/NWF) relating to phasing of landfilling and restoration, life of the site, restoration and aftercare schemes and tipping levels – Application 11/00026/CM

Report by Assistant Director of Environment & Economy – Growth & Infrastructure (**PN5**)

These applications are to (1) add gasification plant to the MRF permission to process more waste and (2) continue with landfilling operations at Finmere quarry without complying with conditions related to an end date for filling, changes to phasing of tipping and restoration and assessment of pre-settlement levels. The gasification plant would process wastes that would otherwise be landfilled so reducing the amount of waste going to landfill by half. It is proposed to end both the MRF and landfill in 2035 rather than the currently permitted date of 2020 to cope with the reduction in landfill material. It is proposed to change the phasing so that the edge of the site closest to Finmere village will be landfilled and restored first in order to reduce the visual and other impacts of the remaining tipping so for most of the site's life the developments would not impact on the village unacceptably. The proposals are, therefore, acceptable.

The report outlines the consultation responses received, comments from third parties,

relevant Development Plan and other policies and key considerations for the Committee to take account in determining the application together with the views and recommendation of the Deputy Director for Environment & Economy – Growth & Infrastructure are also included.

It is RECOMMENDED that::

(a) subject to a legal agreement requiring restoration payments and operation of a hinterland that planning permission be granted for Application (1) (11/00015/CM (MRF)) subject to conditions to be determined by the Deputy Director for Environment Growth and Infrastructure the heads of which are set out in Annex 3 to the report PN5; and

(b) subject to a legal agreement requiring early application for diverting bridleway 4, restoration payments and operation of a hinterland that planning permission be granted for Application (2) (11/00026/CM (Landfill)) subject to the condition changes proposed in the application as set out in Annex 1 to the report PN5 (with the exception of condition 4), the modified condition 4 and any other conditions to be determined by the Deputy Director for Environment & Economy - Growth and Infrastructure but to include the heads of which are set out in Annex 3 to the report PN%.

6. Shellingford Quarry (Pages 27 - 48)

1) Continuation of the development permitted under permission STA/SHE/8554/8 (extension of areas of extraction of limestone and sand and restoration to agriculture at original ground levels using inert fill over total quarry area and retention of existing facilities) without complying with conditions relating to approved plans, bund details, access, depth for working dewatering and water discharge, removal of bagging and processing plant, the importation of aggregates, restoration details, and sand martin habitat and extension of the time period for operations at the site;

2) An extension of the existing quarry to the east for the extraction of limestone and sand with restoration to agriculture at original ground levels using inert fill

Report by Deputy director for Environment & Economy – Growth & Infrastructure (**PN6**)

This report describes 2 applications for developments at Shellingford Quarry, near Stanford in the Vale, in the south corner of the county. The first application seeks consent to vary a number of conditions on the existing permission for the quarry, principally dealing with changes to the phasing of sand and limestone extraction (with subsequent infill operations), the depth of working of the site and an extension of the

time period for completion of the development. Any new consent issued would be accompanied by a new set of conditions to control the development.

The second application seeks permission for an extension to the east of the existing quarry to extract further sand and limestone with subsequent restoration to agriculture using inert waste material. The application seeks permission for an 8 year development with restoration within a year.

The report describes both applications, sets out the policy context and outlines the objections (and consultation responses) received to the applications together with the comments and recommendation of the Deputy Director for Environment & Economy - Growth & Infrastructure.

It is RECOMMENDED that planning permission be granted for the developments described in Applications STA/SHE/8554/12-CM and STA/SHE/8554/11-CM subject to conditions to be determined by the Deputy Director for Environment & Economy -Growth & Infrastructure to include the matters set out in Annex 1 (with regard to Application 1) and Annex 2 (with regard to Application 2)to the report PN6..

7. Relevant Development Plan and other Policies (Pages 49 - 58)

This paper sets out policies referred to in items 5 and 6 above and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 11 April 2011** at **12.00 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 7 March 2011 commencing at 2.00 pm and finishing at 4.20 pm

Present:

Voting Members:	Councillor Steve Hayward – in the Chair
	Councillor Mrs Catherine Fulljames (Deputy Chairman) Councillor Tony Crabbe Councillor Mrs Anda Fitzgerald-O'Connor Councillor Jenny Hannaby Councillor Ray Jelf Councillor Peter Jones Councillor Lorraine Lindsay-Gale Councillor David Nimmo-Smith Councillor Anne Purse (In place of Councillor Alan Armitage) Councillor G.A. Reynolds Councillor John Sanders Councillor Don Seale Councillor John Tanner Councillor David Wilmshurst (In place of Councillor Neil Owen)
Other Members in Attendance:	Councillor Michael Gibbard (for Agenda Item 5)

Officers:

Whole of meeting	Graham Warrington and J. Crouch (Law & Governance); Rob Dance and David Groves (Environment & Economy)

Part of meeting

Agenda Item	**Officer Attending**
5.	J. Hamilton (Environment & Economy)
6.	M. Islam (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 as 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.

1/11 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apology from	*Temporary Appointment*
Councillor Alan Armitage	Councillor Anne Purse
Councillor Neil Owen	Councillor David Wilmshurst

2/11 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor	Item	Interest
Mrs C Fulljames	5. Construction and use of a digestate slurry lagoon, land at Worton Farm, Yarnton 6. Continuation of the winning and working of sand and gravel with restoration using suitable imported materials without complying with the requirements of condition 2 in order to extend the time period for extraction until December 2015 and the time period for restoration until December 2017 to allow sufficient time for the working of material from beneath the plant site at Cassington Quarry, Worton, Witney	Personal. Member of Cherwell District Council Planning Committee. She advised that she had not expressed an opinion on either application item in that capacity and therefore intended to participate in discussion and any voting on both items.
George Reynolds	5. Construction and use of a digestate slurry lagoon, land at Worton Farm, Yarnton 6. Continuation of the winning and working of sand and gravel with restoration using suitable imported	Personal. Member of Cherwell District Council Planning Committee. He advised that he had not expressed an opinion on either application in that capacity and therefore intended to participate in discussion and any voting on both items.

	materials without complying with the requirements of condition 2 in order to extend the time period for extraction until December 2015 and the time period for restoration until December 2017 to allow sufficient time for the working of material from beneath the plant site at Cassington Quarry, Worton, Witney	
Councillor John Tanner	5. Construction and use of a digestate slurry lagoon, land at Worton Farm, Yarnton	Personal. Member of the Oxford Waste Partnership. He advised that he had not expressed an opinion on this application in that capacity and therefore intended to participate in any discussion and voting thereon
Councillor Jenny Hannaby	5. Construction and use of a digestate slurry lagoon, land at Worton Farm, Yarnton	Personal. Member of the Oxford Waste Partnership and Vale of White Horse District Council Cabinet Member for Waste. She advised that she had not expressed an opinion on this application in either capacity and therefore intended to participate in any discussion and voting thereon.

3/11 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 6 December 2010 were approved and signed.

Minute 48/10(Minute 45/10) Update on application by Viridor - Ardley EfW

Mr Dance advised that on 17 February 2010 the Secretary of State had allowed the appeal against refusal of the application.

Minute 48/10 - Dix Pit, Sutton Courtenay

Mr Dance advised that no decision had yet been issued in the matter of an appeal by the applicants against refusal.

Manor Farm, Peppard

Mr Dance advised that an appeal into refusal of this application had been dismissed and the refusal upheld.

4/11 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

Speaker	*Item*
Simon Eaton Harry Waters Councillor Michael Gibbard	)) 5. Slurry Lagoon, Worton Farm)
Dr Fred Wright Clive Wilkinson Paul Williams	)) 6. Cassington Quarry)

5/11 CONSTRUCTION AND USE OF A DIGESTATE SLURRY LAGOON, LAND AT WORTON FARM, YARNTON

(Agenda No. 5)

The Committee considered (PN5) an application to construct a slurry lagoon to store digestate produced from an anaerobic digestion plant at Worton Farm.

Simon Eaton referred to local support for the original AD proposal which had recognised potential benefits to the environment and had contained adequate health, environmental and odour controls. However, the current proposal for an open lagoon, the largest of its type in the UK, presented considerable risks for health and the environment as well as being in the Green Belt. He referred to industry standard PAS110 regarding certification of the digestate stored within the lagoon and the need to store such material under cover in order to minimize risk of recontamination and gaseous emissions. An independent examination had suggested that the material had a rich nutrient value and while pasteurization was an effective treatment the digestate was prone to recontamination with an enhanced risk of medical infections from wind borne pathogens and bacterial spores. The current proposal allowed for a 200% increase in storage capacity to 60,000 tonnes in a very large open lagoon. He referred to a similar enterprise in Devon which had used bags to store digestate and if the Committee were minded to approve the application it should be modified to allow for temporary permission to enable the site to be restored to Green Belt with alternative farm storage found which the Company had so far failed to do. There were enormous risks and local residents should be afforded protection.

He responded to questions from:

Councillor Tanner – he was not aware of any odour problems emanating from the Devon operation.

Councillor Hannaby – the footpath running alongside the site was well used and approximately 20 metres from the boundary of the site.

Councillor Seale – there had been support for the original proposal even though it had been in the green belt as it had been proposed to store material in vessels but the subsequent proposal was bigger, would produce more material and would be stored in an open lagoon. Residents recognised the benefits of the process but wanted to find a solution which minimised the risks. They would be happy with a cover even though it would have a greater impact on the green belt.

Councillor Fitzgerald-O'Connor – the digestion process at Worton took longer than the process in Devon so the end product was less concentrated but could nevertheless present a health problem.

Harry Waters referred to three issues regarding this application and process. Firstly the process involved a longer digestion period which meant bugs would not survive and odour problems would be removed. He confirmed that there had been no reported problems concerning odour. Secondly regarding health concerns all relevant agencies had stated that there were no exceptional risks. Independent tests had been carried out and material would be clear of bugs at the end of the digestion process. It was proposed to monitor airborne bacteria but the risks of recontamination were no greater than those presented by existing areas of standing water. Thirdly regarding the green belt the lagoon would significantly reduce the need to transport material off site and it had been estimated that local storage would reduce HGV movements by up to 2,000 pa. Covering the lagoon would present significant operational difficulties and all professional bodies/agencies had stated that that would not be required. However, if there were significant problems then the Company had undertaken to review the process immediately.

He responded to questions from:

Councillor Hayward – the digestion process at Worton was considerably longer than at the Devon facility where material was stored in a semi digested state and therefore more smelly.

Councillor Seale – Agrivert were looking to reduce HGV movements and this proposal would do that. It would be feasible to cover the facility although there would be significant difficulties. Alternatives such as storage in bags also presented difficulties such as greater land take with bags prone to filling with sediment very quickly. A tank system would need 2 very large tanks severely reducing the environmental credentials of the operation.

Councillor Sanders – he could not guarantee that there would be no recontamination but a longer digestion period had been set in order to minimise that risk. He stressed that there was a risk of recontamination from local land.

Councillor Crabbe – material consisted of a black liquid with a 6% dry solid content. Rain water would not affect its basic state and the facility had been designed to take up maximum rainfall.

Councillor Reynolds – the end material was high in nitrogen with no heavy metal content which could be readily absorbed because of its liquid state. Agrivert were familiar with regulations relating to spreading such material.

Councillor Jones – statements regarding the size of the lagoon had been exaggerated and because of the long digestion period there was nothing in the final material to attract flies.

Councillor Purse – the accommodation for rainfall storage had been calculated on the basis of 1 in 1,000 year flood event and recommended by the Environment Agency in the flood risk assessment.

Councillor Hannaby – he was disappointed that Nicola Blackwood had not contacted him to discuss the application as he was confident he would have been able to allay some of her fears. He reiterated the lack of objection from various agencies and was confident that the integrity of the adjacent footpath could be preserved.

Councillor Lorraine Lindsay-Gale – the Company had tried unsuccessfully to negotiate contracts with local farmers. However, there was a market for this end product and the Company would continue to pursue that. In the meantime it was beneficial to have local storage next to a local outlet.

Councillor Michael Gibbard speaking as local member referred to concerns in 2008 regarding the original application when reassurances had been given that nothing would escape from the process and there would be a maximum of 20,000 tonnes, all of which would be disposed of on local farms. Those levels had now risen to 60,000 tonnes with no means of disposal and local residents were left with a state of the art AD facility but with an open lagoon. Permission was now being sought to meet special circumstances which had arisen from an unsuccessful marketing strategy by the applicant. The lagoon had already been constructed and if agreed posed a huge potential environmental risk. He was surprised there had been no request from the Environment Agency to cover the facility and referred to references which had been made to PAS110 controls. He considered any permission would be unsafe and that a temporary permission should be granted for one year to enable an alternative marketing strategy to be established and a sealed cover provided.

Mr Hamilton presented the report and suggested a possible additional condition requiring the operator to establish a satisfactory complaints procedure. He also confirmed that the Environment Agency would, through the permit process , monitor emissions and was satisfied that the proposed conditions should meet concerns expressed regarding amenity and health issues.

Responding to:

Councillor Sanders - he confirmed that the Environment Agency had not objected to the open lagoon which had been designed to take the proposed level of material and flood water based on a 1 in 1000 year event. No surrounding farms had agreed to take material other than Hall Farm but exportation of material off site to the A40 could be conditioned. It would also be possible to impose a maximum figure on the time allowed for processing material in the digestion period. If a temporary permission was granted then it would require a reasonable period of time to be set and the recommendation now before the Committee amended to remove the request to secure contributions towards provision for public access.

Councillor Hayward – if odour problems occurred then the process would stop until those problems had been satisfactorily dealt with.

Councillor Seale – the site already had a local liaison committee which met regularly and was attended by a planning officer and chaired by the Local Member. No wildlife issues had been raised during consultation.

Mr Dance confirmed that the AD plant had been considered carefully against green belt policy taking into account good transport links, close location to markets and other existing operations nearby.

Councillor Hannaby expressed some concerns regarding the potential effect on the adjacent footpath and the permanency of the operation. However, based on the promise of fewer hgv movements and proper enforcement she was willing to accept the opinion of experts regarding levels of risk.

RESOLVED: (on a motion by Councillor Hannaby, seconded by Councillor Tanner and carried 13 votes to 1) that subject to a legal agreement to secure a contribution of £17,746 to the public access/pedestrian/cycle routes that planning permission be granted for the development proposed in Application 10/01852/CM subject to conditions to be determined by the Deputy Director for environment & Economy (Growth & Infrastructure) but to include the matters set out below.

Conditions to include:

1. Compliance condition.
2. Commencement date.
3. Site used for digestate slurry from the AD plant only.
4. Floodlighting details, only intruder lighting out of hours.
5. Development to be carried out in accordance with submitted planting scheme.
6. Bund and fencing to be erected in accordance with agreed plan
7. Effective silencers.
8. Site signage on A40 to be kept to a minimum.
9. Sweeping on and adjacent to the site.
10. Odour Control scheme to be submitted and agreed (to include temporary cessation of pumping and temporary cover if required).
11. Sustainable surface water drainage scheme to be submitted.

12. To ensure that other than for access to immediate local farm(s) all traffic to use the haul route onto the A40 to avoid unnecessary traffic through local villages.

EIA Informative: for flood risk and water courses, environmental permit, contamination and hydrology.

Local liaison arrangements (which already existed encompassing all operations on the Cassington site) to be strengthened

To seek to set a minimum period of time which food waste spent in the digestion process.

6/11 CONTINUATION OF THE WINNING AND WORKING OF SAND AND GRAVEL WITH RESTORATION USING SUITABLE IMPORTED MATERIALS WITHOUT COMPLYING WITH THE REQUIREMENTS OF CONDITION 2 IN ORDER TO EXTEND THE TIME PERIOD FOR EXTRACTION UNTIL DECEMBER 2015 AND THE TIME PERIOD FOR RESTORATION UNTIL DECEMBER 2017 TO ALLOW SUFFICIENT TIME FOR THE WORKING OF MATERIAL FROM BENEATH THE PLANT SITE AT CASSINGTON QUARRY, WORTON, WITNEY
(Agenda No. 6)

The Committee considered (PN6) an application to continue existing sand and gravel operations at Cassington Quarry for another 5 years until December 2015 with restoration by 2017 to allow time to work material beneath the processing plant site and retain the processing plant for the same period.

Dr Wright highlighted a number of complaints and comments.

- Eynsham Parish Council had not been formally consulted on this application even though it affected Eynsham. The report itself had mentioned the outstanding Eynsham mineral application. The Parish Council had asked for the matter to be deferred.
- The original permissions from 1986 stated that all buildings, plant and machinery should have been removed once mineral extraction had ceased. That had occurred in March 2009. No excavations were to be undertaken after 31 December 2010.
- Illogicality of the application in that it sought to extract material from under the existing plant site yet retain that plant in situ in case permission was granted for the Eynsham application. It represented nothing more than a ruse to keep open the Eynsham application which should have been considered long ago. He referred to changes in land ownership for the Eynsham application and that the Eynsham area was outside the Local Plan until the new policy framework was in place in 2012.
- He reiterated the major concerns of West Oxfordshire District Council referring specifically to the knock on effect of the undetermined application at Eynsham and the location of the processing plant; use of the site should have already ceased; ongoing use of the site could adversely affect operations at the neighbouring recycling plant and the AD site; excessive time scale for this

operation and the delaying tactics of this application pending determination of the Eynsham application, which could set a precedent for further extraction elsewhere in the Evenlode valley.

He urged the Committee to defer a decision or refuse the application. If the Committee were minded to approve then a condition should be attached requiring that the plant be immediately dismantled.

Clive Wilkinson referred to the EIA which had met some of the Parish Council's concerns. However, he concurred with the view that the application was merely buying time for the Eynsham application and had little to do with winning the remaining reserves. Cassington had endured these operations in the green belt for years expecting it to cease in 2010. Approval of an extension now would add substantially to traffic levels, dust, noise etc and he catalogued a history of incidents reported to the Local Liaison Committee. The Parish Council considered the County Council should have started enforcement proceedings for the removal of the plant some time ago as working at the quarry had ceased 21 months ago. There was a lack of commerciality for the application and he asked where the plant would go when the land underneath had been worked. He asked the Committee to refuse the application.
Paul Williams stated that:

- Cassington Quarry was a good quarry incorporating a conveyor belt and haul route. It was 400 meters from the nearest dwelling, 800 from Cassington and well screened. The extension would not mean increased traffic or environmental intrusion.
- Cassington Quarry was an asset to the local community and economy paying a business rate of 40p per tonne of material. Working the remaining reserves would generate £150,000 in business rates and aggregate levy. Important nature habitats would also be conserved.
- The application would provide a valuable reserve and help to maintain the County's landbank which was currently at the required level but included material at Cassington. Failure to approve this application would sterilise the material and although there was currently a reduction in demand the industry had to adopt a more circumspect view with regard to future demand.
- The quarry was a fundamental part of the County strategy and if refused could undermine the strategy recently agreed by the Cabinet.

He urged the Committee to approve the application having due regard to the responses from statutory consultees none of whom had raised an objection.

He responded to questions from:

Councillor Crabbe – a months delay if deferred would not have a serious impact but he questioned if it was really necessary to do that.

Councillor Sanders - as an extension this application represented an important strategic site. The site had been maintained in order to process material won in this area. He didn't think the site would remain operational for 5 years with 2 years a more reasonable timescale.

Mr Dance referred to concerns regarding the consultation process which had been undertaken for this application. The decision not to consult Eynsham Parish Council had been taken because the processing plant area was about 3 km from Eynsham Parish boundary and 4 km from the village itself. Yarnton Parish Council had been consulted as the host parish with Cassington Parish as immediate neighbours. It was appreciated that there was an indirect consequence of this development for Eynsham parish which related to a current planning application for sand and gravel extraction south of Cassington Lane and to Oxfordshire's emerging minerals and waste development plan. However, these matters had been adequately covered in the main report. Officers had felt that the statutory obligations had been met and the Committee could therefore consider the application. He added that he would look to resolve the application for sand and gravel extraction south of Cassington Lane within the next 3 months.

RESOLVED: (on a motion by Councillor Hannaby, seconded by Councillor Sanders and carried 12 votes to 0) that planning permission be granted for Application 10/01929/CM subject to those heads of conditions set out in planning permission W2001/1729 and 02/00602/CM together with additional heads of conditions numbers 6 and 10 as set out in Annex 1 to the report PN6 except that condition 2 should now read 'Except with the express written consent of the Mineral Planning Authority: (a) No excavations shall be undertaken or continued after 31 December 2015; (b) all restoration shall be carried out and completed not later than 31 December 2017'.

..... in the Chair

Date of signing .....

Division(s): Ploughley

Contact Officer: John Duncalfe (john.duncalfe@oxfordshire.gov.uk)
Tel: 01865 815356

PLANNING & REGULATION COMMITTEE – 11 APRIL 2011

FINMERE QUARRY

APPLICATIONS FOR

(1) THE CHANGE OF USE OF THE MATERIALS RECYCLING FACILITY AT FINMERE QUARRY WHICH IS THE SUBJECT OF PLANNING PERMISSION REFERENCE 10/00361/CM TO ADD BIODRYING AND GASIFICATION WASTE TREATMENT TECHNOLOGIES AND ASSOCIATED POWER GENERATION TOGETHER WITH THE EXTENSION OF THE OPERATIONAL LIFE OF THE MATERIALS RECYCLING FACILITY;

(2) TO CONTINUE DEVELOPMENT OF NON HAZARDOUS LANDFILLING OPERATIONS WITHOUT COMPLYING WITH CONDITIONS OF PLANNING PERMISSION 00/01480/CM (AS VARIED BY APPEAL REF. APP/U3100/A/09/2117987/NWF) RELATING TO PHASING OF LANDFILLING AND RESTORATION, LIFE OF THE SITE, RESTORATION AND AFTERCARE SCHEMES, AND TIPPING LEVELS.

Report by the Deputy Director for Environment & Economy - Growth & Infrastructure)

Location: Finmere Quarry

Applicant: Premier Aggregates

Application Nos: (1) 11/00015/CM and (2) 11/00026/CM

District Council Area: Cherwell

Introduction

1. These planning applications have been made by Premier Aggregates, to (1) modify the permission for the Materials Recycling Facility (MRF) at Finmere Quarry to include plant for the biodrying and gasification of non-hazardous waste to produce energy and, (2) under Section 73 of the Town and County Planning Act 1990, to vary seven conditions of the existing planning permission for landfilling of non hazardous waste at the quarry. The changes

proposed to the landfill are deemed necessary to adapt to the proposed changes to the MRF and to improve restoration procedures

Location (See Plan 1)

2. Finmere Quarry is located in the north-east of Oxfordshire adjacent to the boundaries with Northamptonshire and Buckinghamshire. It is accessed off the A421 which runs north of the quarry site. Finmere village lies 450 metres to the north east from the edge of the landfill site and 7.4 miles (12km) north east of Bicester.

The Sites and their setting (See Plan 2)

3. Finmere Quarry comprises a non-hazardous landfill site within an area that has been worked for sand and gravel. It lies within a predominantly agricultural rural countryside. There is landfill gas utilisation plant on the southern flank of the landfill generating electricity. The site of the consented but not yet operational MRF is 200 metres south of the landfilled area where a disused sand and gravel processing plant is currently located.

4. Land immediately west of the landfill (marked 'western extension') has permission for sand and gravel working and inert landfill and land to the south east has permission for clay extraction and filling back with inert material from the existing quarry area. Neither has been implemented.

5. The nearest properties to the site are; Widmore Farm, approximately 250 metres to the west of the landfill, Foxley Field Farm Bungalow (currently owned by the applicants) that lies just within the landfill site boundary on its eastern edge and Boundary Farm that lies approximately 450 metres south of the landfill and 400 metres south east of the MRF site.

6. The landfill is flanked by two rights of way. Immediately to the east is bridleway 6 running from Finmere village southwards. Bridleway 7 is a southerly continuation of bridleway 6 which has been diverted away from the MRF site in 2008. Bridleway 4 runs from Widmore Farm to Finmere village and was diverted in 2009 away from the quarry to run on the north west edge of the Landfill site.

Background and History of the Site

7. Permission was originally granted for sand and gravel working and inert waste infilling on appeal in 1993. Permission for commercial and industrial landfill was granted in 1998. In 2005 permission was given to increase the height of the landfill based on advice from the Environment Agency that it was necessary to ensure run off from the landfill. The operator tipped to levels higher than those permitted in 2005 and an enforcement notice was served and upheld on appeal to remove the over-tipped waste.

8. In May 2008, in line with the enforcement notice, an application was made to remove the over-tipped waste to other waste cells within the site. The

Environment Agency objected as levels of hydrogen sulphide detected from the landfill were above those regarded as acceptable to the health of people on and off the site. As a result the application was refused. Permission was then given for retaining the over-tipped waste in 2009 (on advice from the Environment Agency).

9. Permissions for a MRF and for extraction of sand and gravel and clay and inert filling on adjacent land were granted on appeal in 2007 but have yet to be implemented. In 2010 permission was granted for delaying the implementation dates of these permissions. Permission was granted in 2009 to extend the life of the landfill and the MRF to 2020.

Details of the Development

The MRF Application

10. With the exception of the number and position of external doors it is not proposed to change the external appearance of the MRF or its position. The eastern half of the building would have the new plant and the western end the already permitted recycling activities. The plant will comprise a biodryer, gasifier and power generator. It is expected that two thirds of the waste input of 150,000 tonnes per annum would be directed to the biodryer and gasifier direct. The rest would be recycled traditionally.

11. Of the 50,000 tonnes p.a. of waste recycled traditionally half would be recovered, 6,000 tonnes sent to the gasifier and 21,000 tonnes sent to landfill. The gasifier would produce 10.000 tonnes p.a. giving a total of 31,000 tonnes p.a. of residues from the MRF going to the adjacent landfill.

12. Organic waste such as green waste, food waste and wood would be fed into one of two steel cylinders which comprise the biodryers and dried using waste heat from the gasifier. It would then be transferred to the gasifier where it would undergo a partial oxidation process producing a synthetic gas (syngas) which would be directed to the power plant. Ash and clinker from the process would be sent to the Finmere landfill.

13. The power generator would burn the gas to produce 6MW of power, 5MW of which would be exported to the nearby electricity grid by a connection authorised as permitted development. The remainder of the power would run the plant. Exhaust gases would be fed through an abatement system to the stack.

14. The effect of the plant would be to reduce the amount of residue from the recycling processes going to the landfill from 60;000 tpa to 31,000 tpa. As a result of this slow down in landfilling the applicant's estimate that the landfill would last until 2035 and so the life of the MRF is proposed to be extended from the current end date of 2020 to 2035 as well.

15. The Plant in the MRF is proposed to be operated continuously but the rest of the MRF, including traffic generation, would operate standard hours.

The Landfill Application

16. It is proposed to continue the landfill at Finmere quarry without complying with conditions 1, 3, 7, 21, 25, 29 and 33 of the non-hazardous landfill permission (ref. 08/02519/CM). The conditions and the proposed changes to them are set out in **annex 1.** The main effects of the proposed changes would be to extend the life of the landfill from 2020 to 2035 and to vary the phasing of the landfilling operations.

17. No change is proposed to traffic generation associated with imported waste, the type and volume of waste, the post settlement restoration levels, the restoration scheme or the size of the landfill.

18. If the application for changes at the MRF are approved the amount of waste going to landfill would half to 31,000 tpa and would have a volume of 31,000 cubic metres. With the exception of the cells currently being filled the remaining void to be landfilled has been calculated by the applicant as 723.000 cubic metres giving a remaining life of 23.5 years from 2012, the date when the MRF would start to operate.

19. The treated residues from the MRF would have less potential to settle compared with the current non-hazardous waste input so it is proposed to review the pre-settlement levels at 3 yearly intervals and adjust the pre-settlement profile, and hence the landfill life, in consultation with the County Council.

20. The phasing of filling and restoration is proposed to be changed so that once the current cells have been completed the remaining northern section, which is opposite Finmere village, would then be infilled and restored to minimise potential visual impacts for the village. Only the access to the site and reception area would be retained in this northern area. The phasing would then revert to filling cells to the south away from the village.

21. The applicants conclude that the design of the site would not increase risk to the water environment. Great crested newts are present on site and it is proposed to provide new habitats for them as part of the restoration. The newts are planned to be managed in accordance with a licence from Natural England.

22. It is argued that the controls in the current landfill permission and Environmental Permit are sufficient to protect the amenity of neighbours even with an extension of time.

Consultation Responses and Representations

Cherwell District Council

23. No objections subject to conditions covering environmental pollution and monitoring. All activities would be regulated by the EA through their environmental permit.

Finmere Parish Council

24. Have concerns. There is no clear definition of the equipment to be used in the MRF. The environmental impact cannot be assessed. There may be unexpected landuse consequences as a result. Conditions are needed to deal with the unclear specification.

25. Landfill is a low level technology that can be monitored to prevent serious outcomes for a village that is less than 1 km away. The plant is a higher technology presenting more risk. Higher temperatures means more safety measures needed with more potential points of failure not necessarily detectable in the early stages before a major incident occurs. Therefore, it is too close to the village and should be refused on safety grounds.

26. The end date for operations at the site has been put back twice since permission first given and a third is now proposed. OMWLP policy W7(i) states there should be progressive restoration of sites within an acceptable period. The County Council cited this policy when deciding on the proposal with the shortest life for the treatment of the over-tipped land in 2007. They should do so again and reject the proposals as contrary to that policy. The end date should not keep extending to suit the commercial aspirations of the developer.

27. On appeal the Inspector said that the MRF should not be operated until the over-tipped land had been excavated and relocated. The EA stopped the excavation but they require that no non-hazardous waste be imported until the over-tipped land has been capped. Therefore, there should be a condition to stop operation of the MRF before the over-tipped land is remedied.

28. No other sites have been found that use the proposed technology successfully. The viability of the operations is at risk. It is possible an end date of 2035 is granted and the technology does not work. Any planning permission could then be used as a lever to get replacement technology. There should be a condition to revoke any permission for the plant if the technology fails or is not fully implemented, which should be considered after 3 years and every 2 years afterwards.

Environment Agency

29. <u>Application 1 –MRF</u>
No objection. An environmental permit is needed to ensure compliance with the Waste Incineration Directive. This sets tight limits for emissions to air and requires continuous emissions monitoring. It would also have conditions relating to control of noise, odour and pests. The landfill permit would control dust emissions from the landfill. If there are breaches of emission limits the EA will take appropriate action under enforcement and prosecution policy. The operator would pay for the EA to regulate the site.

30. Application 2 -landfill

1. MRF and gasifier residues must fulfil the waste acceptance criteria for the Finmere landfill in order to be tipped. Partial pyrolysis by-products from some waste streams may exceed the criteria.
2. The long-term settlement assessment should not be prolonged such that capping of the waste is delayed.
3. The reduction in the rate of landfilling would lead to cells being open for longer, taking in more rainwater, which would mean more leachate in cells. As cell containment is in contact with groundwater and is underlain by a principal aquifer a build up of leachate puts pressure on that containment and presents a risk to groundwater quality. That should not be allowed to happen.
4. Therefore, cells should be subdivided. This subdivision would
   a) lead to earlier knowledge of the degree of settlement of residues,
   b) better control of waste deposit and leachate levels and
   c) earlier capping of the waste which would reduce potential nuisance from windblown dust.

Natural England

31. Application 1 –MRF
Unlikely to affect SSSIs. Consult your ecologist on protected species and effects on adjacent County Wildlife site.

32. Application 2 -landfill
Unlikely to affect SSSIs. No comments on soils and agriculture. Consult your ecologist on protected species.

Ecology

33. There is a great crested newt population on site. A licence is needed from Natural England to mitigate the effects of development on them before that development is permitted. OCC must consider whether a licence is likely to be given, the three tests for a licence should be met. They are 1. the development is of overriding public interest; 2. there is no satisfactory alternative and 3. the action authorised is not detrimental to the maintenance of the species.

Transport DC

34. No objection as levels of traffic proposed do not impact on highway. A SUDS (sustainable urban drainage system) system is needed for drainage works on site.

Rights of Way

35. Application 1 -MRF
The definitive line of bridleway 7 runs immediately east of the site. It is temporarily diverted to avoid permitted extraction but must go back on its

definitive line at the end of 2014. It should then be adequately screened to reduce the impact of the operations on users of the bridleway.

36. Application 2 -landfill
Bridleway 4 is temporarily diverted from the site until 2016 when it goes back on its definitive line through the quarry. The applicant should discuss extending the diversion with ROW officers now as diversion procedures are lengthy.

Third Party Representations (copies of the letters are available in the Members' Resource Centre)

37. Six letters of objection has been received to these planning applications which make the following points:

- National Energy Technology Laboratory (US) questions the reliability and commercial viability of gasification
- High tech operation requires constant operation, therefore more nuisance
- The operators cannot run a low tech landfill satisfactorily, how will they run a high tech operation
- Applicants are under funded so will not be able to manage the site properly
- The site has not been rigorously controlled, cannot expect it to be properly controlled in future, to the detriment of residents of Finmere
- There is no detail on the equipment to be used or how emissions or dust are to be controlled
- Risks from variable waste streams would create an unstable process
- Process is potentially hazardous; threats of explosions, gas leaks, air borne toxins and unknown hazards from untried technology
- Risks to health from excessive heat of process
- Need to assess air quality taking into account EfW developments at Ardley and Calvert
- There are breathing difficulties caused by the tip
- Cannot control feedstocks to gasifier to screen out unpleasant inputs
- Syngas contains hydrogen sulphide which caused smell problems at the landfill
- Threats of noise (24 hours a day), odour, heavy traffic
- Too near residences and a school
- The nearby HS2 raises risks of problems from vibration and air pressure fluctuations and danger of high speed collisions with trains
- Proposals are a ploy to extend the life of the landfill
- The Plant could be delayed leading to an even longer life for the site
- Gasification process doubles the time for restoration
- The site brings waste from London contrary to MWLP policyW2 There should not be any permissions until landscaping requirements are met.
- Overtipping indicates dishonesty or incompetence and it continues
- The County Council has a conflict of interest between determining the application and its responsibilities for the health and safety of residents

Relevant Planning Policies – (See Policy Annex attached to this Agenda)

38. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

39. The Development Plan for this area comprises the South East Plan, the saved policies of the Oxfordshire Structure Plan and Oxfordshire Mineral and Waste Local Plan (OMWLP); the adopted Cherwell Local Plan 1996 (CLP) & Non-Statutory Cherwell Local Plan 2011 (NSCLP).

40. Planning Policy Statement 10: Planning for Sustainable Waste Management and Planning Policy Statement 9: Biodiversity and Geological Conservation and Planning Policy Statement 23: Planning and Pollution Control all apply.

41. Whilst the South East Plan (SEP) forms part of the Development Plan the Government has made it clear that it intends to abolish regional strategies. This intention has been upheld as being a material consideration in determining planning applications.

42. All relevant policies are listed in the policy annex. The key policy considerations relate to moving waste up the waste hierarchy, the environmental and amenity effects of gasification and whether it is reasonable to allow extra time to restore the landfill. Other issues relate to the impact of the proposed developments on groundwater quality, protected species and rights of way.

43. Relevant policies are South East Plan (SEP) policies W5, W7, W12, W13, W17, NRM5 and NRM9; OMWLP policy W7, PE4 and PE11; For the protection of the environment and amenity, policies C2, C31 and ENV1 of CLP and policy EN3 of NSCLP.

Comments of the Deputy Director for Growth and Infrastructure

44. The two applications are intimately associated and, therefore, are dealt with together. Any introduction of gasification plant will reduce the amount of waste for landfilling and mean a longer landfill life to ensure that the landfill is completed and restored.

45. The main issues to be addressed in deciding these applications are the need to divert waste from landfill, the environmental and amenity effects of gasification and the increased time needed to carry out the developments.

46. Other matters to be considered relate to the protection of groundwater and protected species and the effects on rights of way.

Need to divert waste from landfill

47. Planning policy statements and the SEP encourage Planning Authorities to secure the diversion of waste from landfill to other forms of waste treatment thus moving the waste up the waste hierarchy. In this case, the introduction of gasification plant would mean that half the residual waste that would come from the MRF could be treated to produce energy instead of being landfilled. The proposals would allow landfill space to be husbanded and used only for wastes that could not be recycled or recovered.

The environmental and amenity effects of gasification

48. The introduction of gasification plant in the building does not alter the external appearance of the building except with respect to the number of doors to be provided. Additional doors do not have an effect environmentally or in terms of amenity. The building would continue to be hidden from views from properties and be sufficiently far away from these properties not to cause them noise nuisance.

49. The possible differences between the permitted MRF operation and its operation with a gasifier would be related to dust, air quality and odour. All these matters are for the Environment Agency (EA) to control through an Environmental Permit and the EA has not objected on these issues.

50. I am concerned that sufficient room is maintained in the building to carry out the already permitted non-hazardous recycling operation so if permission is granted there should be a condition restricting the footprint of the gasification equipment to the eastern half of the building only.

51. There are concerns that the applicant will not be able to manage the technology. To cover that matter, if that turned out to be the case and the plant ceased to function then any permission should have a condition requiring the unused plant to be removed so that the MRF had additional recycling space to compensate. If the plant were not managed properly but continued to operate the EA has indicated that it would enforce and prosecute.

52. The proposed variation of the phasing of the landfill would mean that cell 10 would be filled after cells 1-6 and 8 and 9 have been completed. The completion of these latter cells and their restoration would have a significant effect in terms of improving visual amenity for Finmere village as they are the closest part of the site to the village. The completion of cell 10 subsequently would give a complete visual barrier to Finmere behind which the remaining landfilling and operation of the MRF would not be seen from the village.

53. Concerns are expressed that 24 hour operation of the plant will be noisy. The gasifier would need to operate continuously but the rest of the MRF would not. A condition could be attached to any permission limiting the site operation to standard hours with the exception of operations related to gasification conducted entirely within the building.

54. The Parish Council states that the Inspector at the Appeal into the MRF required over-tipped waste to be removed and relocated in the landfill before the MRF commenced operation. Although that over-tipped waste is now permitted to remain they say that the principle of remedying the over-tipping, by condition, before the MRF operates should still apply.

55. However, a permission (10/00361/CM) was granted to modify the conditions of the MRF permission, including the commencement one, following the decision to retain the over-tipped waste. That permission removed the commencement condition. There does not seem to be any necessity to control the start date of the MRF now as it will be screened more than adequately from the village behind the soon to be restored over-tipped landfill.

Increased time to carry out developments

56. If the gasifier is permitted it would mean that the landfill would take longer to fill and that the MRF would be retained until the end of the landfill. That would ensure the landfill was properly husbanded for use only for non-recyclable or recoverable wastes as required by SEP policy. Equally OMWLP policy requires restoration of mineral and waste sites to take place within reasonable timescales. The gasifier process would mean that the site will take much longer to restore (unacceptably long in the view of Finmere Parish Council) and the question is whether or not the proposed time period, a doubling of the landfill life to a total of 24 years, is acceptable.

57. Policy W7 of the OMWLP does also say the site should be capable of progressive restoration and have regard to the particular circumstances of the case. In this instance, progressive restoration is still possible and proposals mean that for most of the life of the landfill the operation would be hidden from the village. The only noticeable effect would be a prolongation of traffic from the site but that would travel on the A421 which by-passes the village. I conclude, therefore, that the gain in the efficiency of the gasification process and the value of husbanding the landfill, in this case justify extending the period of disturbance and conclusion of final restoration.

58. The EA had concerns that residues from the gasifier would not meet the waste acceptance criteria to enable deposit into the non-hazardous Finmere Quarry landfill. The applicant has stated that only non-hazardous waste is permitted to be brought into the Quarry site and its gasification would only produce a non-hazardous residue, except on infrequent and exceptional circumstances. Therefore, very little, or none, of the residue would have to be taken offsite to a hazardous landfill site. It is reasonable to expect that the rate of proposed input of residues from the MRF would be sufficient to ensure the landfill is filled by the end date now proposed.

59. Objectors are concerned that if the plant fails to work or is not built then the landfill would last longer. In fact it is likely that the opposite is true. If there is no plant to process waste then more waste would be directed to landfill, filling it up sooner. The Parish Council want a condition to be imposed on any

permission requiring the plant to be removed if, on review, it is shown not to be working or not working effectively.

60. I agree that any non-functioning plant should be removed. A specific review is not needed as regular monitoring by the Council would reveal its operating status. A condition could be attached to any permission requiring removal of any unused plant after a period of time that it was not functioning. If this happened then the MRF building would remain and continue to fulfil recycling activities.

61. The applicant has proposed regular reviews of settlement of the deposited waste because residues from the gasifier would not settle as much as other non-hazardous wastes. It means that final pre-settlement levels would not have to be as high as currently approved to achieve the post-settlement final level and, therefore, less material would have to be deposited to achieve final levels, potentially meaning that the landfill could be finished earlier. The change to condition 4 to incorporate these reviews is to be welcomed.

Other matters

Groundwater

62. The Environment Agency have expressed concern about delayed reviews of settlement of the landfill and also reduction in waste deposition. They say cells would be open for longer allowing more rain to enter creating more leachate which could put pressure on the cell containment putting the aquifer below at risk of contamination.

63. With respect to reviews of settlement the applicant says that they can be completed in six weeks limiting the time that cells are open to rainfall.

64. With respect to cells being open for longer this seems to be a matter that the Environment Agency could control through its environmental permit. The planning permission can control the phasing of deposition of the waste and restoration to ensure the remainder of the site is adequately screened from the village but the protection of groundwater from pollution is a core function of the Agency.

Protected species

65. There are great crested newts on site. They are a protected species. The new Habitats Regulations 2010 require the Planning Authority to be satisfied that there is a likelihood that Natural England would grant a licence to mitigate the effects of development on them before granting permission for that development. The applicant submitted answers to the three tests which the Council's ecologist considers represents a likelihood that a licence would be granted (see Annex 2).

Rights of Way

66. If permission is given cell 10 will still be being filled when bridleway 4 should go back on its definitive line in 2016. The current diversion is reasonable and, if planning permission is resolved to be granted, the applicant should be asked to enter a legal agreement beforehand to apply for an extension to the diversion to cover the period of the development there. It should be made within sufficient time to secure the extension before 2016.

67. Bridleway 7 is due to revert to its definitive line at the end of 2014. It will then run alongside the MRF. If permission is granted for extending the life of the MRF then it will run alongside for 20 years. Therefore, if permission is given there should be a condition requiring screening vegetation between the path and the MRF site.

Other issues

68. There are two current planning obligations (dated 11th July 2005 and 1st May 2009) related to the landfill which controls the area from which waste can be brought into the site (the hinterland) and payments to secure restoration. A supplemental agreement is necessary to ensure that these provisions apply to any new permissions. The applicant is also willing to sign an agreement which would require him to apply for a diversion of bridleway 4.

69. A number of objections are raised about the gasification technology. It is possible that the technology may not work but that is a risk for the developer primarily as is the funding for the project. The Environment Agency can control the operation of the gasification plant to minimise pollution risks and a condition on any planning permission can require plant to be removed if not operating.

70. An objection has been raised that there is a conflict of interest within the County Council in terms of responsibilities for health and safety. I do not see any conflict.

71. The line of the proposed HS2 scheme (high speed rail) runs along the western boundary of the landfill permission. Objections have been raised about conflicts with this scheme. However, it is only a proposal and if it is to be implemented it will have to adapt to any developments approved on its boundaries. In any event I cannot see any conflict with the operation of the landfill and the MRF is 250 metres from the line, sufficient distance for there not to be any conflict.

Conclusions

72. The operation of the gasification plant is supported by policies for treatment of waste that move waste up the hierarchy. There are no significant adverse amenity and environmental effects that cannot be controlled by planning obligations, planning or permit conditions or a licence from Natural England. The plant would reduce the annual amount of waste going to landfill which

would allow the landfill space to be husbanded for wastes that could not be recycled or recovered without adverse environmental or amenity effects. The extra time it would take to complete the landfill would have no significant additional adverse effects on the village of Finmere particularly as the phasing of landfill and restoration would create a restored barrier to the village at an early stage.

73. The applicant is willing to sign agreements related to payments, hinterlands and bridleway diversions which I consider are necessary.

Recommendation

74. **It is RECOMMENDED that:**

(a) subject to a legal agreement requiring restoration payments and operation of a hinterland that planning permission be granted for Application (1) (11/00015/CM (MRF)) subject to conditions to be determined by the Deputy Director for Environment Growth and Infrastructure the heads of which are set out in Annex 3 to this report; and

(b) subject to a legal agreement requiring early application for diverting bridleway 4, restoration payments and operation of a hinterland that planning permission be granted for Application (2) (11/00026/CM (Landfill)) subject to the condition changes proposed in the application as set out in Annex 1 to this report (with the exception of condition 4), the modified condition 4 and any other conditions to be determined by the Deputy Director for Environment & Economy - Growth and Infrastructure but to include the heads of which are set out in Annex 3 to this report.

MARTIN TUGWELL
Deputy Director (Growth & Infrastructure)

Background papers: Planning application

March 2011

ANNEX 1

Condition 1

The condition currently states:

The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by the conditions of this permission. The approved plans and particulars comprise the application letter dated 31 October 2008, document PR/FI/GT/1500/01rev dated October 2008 and revised January 2009 (Supporting Statement with Environmental Statement) and drawings labelled PR/FI/11-08/14687 (Site Location), PR/FI/11-08/14688rev A (Site and Surrounding Area), PR/FI/11-08/14689revA (Landfill Phase Layout and the Landfill Cell Layout), PR/FI/11-08/14691revA (Proposed Pre-Settlement Restoration Contours), PR/FI/11-08/14692revA (Proposed Post-Settlement Restoration Contours), PR/FI/11-08/14690revA (Proposed Restoration Scheme).

The proposed wording is:

The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by the conditions of this permission. The approved plans and particulars comprise the application letter dated 31 October 2008, Section 9 of document PR/FI/GT/1500/01rev dated October 2008 and revised January 2009 (Supporting Statement with Environmental Statement), the application letter dated December 2010, document PR/FI/GT/1500/01/LFSS/FIN dated December 2010 (Supporting Statement) and drawings labelled PR/FI/09-10/15726 (The location of Finmere Quarry Complex and the non hazardous landfill), PR/FI/10-10/15806 (The site and the surrounding area), PR/FI/09-10/15768 (The consented pre settlement restoration contours), PR/FI/09-10/15769 (The consented post settlement restoration contours), PR/FI/09-10/15770 (The consented restoration scheme), PR/FI/09-10/15771 (The revised cell layout for the non hazardous landfill together with the proposed order of filling).

Condition 3

The condition currently states:

a. *No waste shall be deposited at the site after 31 December 2020.*

b. *Unless authorised to remain on the site by another subsisting planning permission, all buildings shall be dismantled and removed from the site by 31 March 2021. All plant and machinery shall be removed from the site by 31 March 2021 unless necessary for the purposes of site restoration in accordance with condition 17 and 18. Unless being used in final restoration in accordance with condition 18 all plant and machinery shall be removed from the site by 31 December 2021. Plant and machinery being used in the final restoration in accordance with condition 18 shall be removed from the site within 4 weeks of the completion of final restoration.*

c. Subject to condition 18, restoration shall be completed by 31 December 2021 in complete accordance with the approved restoration scheme specified in Section 9 of the document PR/FI/GT/1500/01rev (Supporting Statement with Environmental Statement) and approved drawing PR/FI/11-08/14960revA (Proposed Restoration Scheme).

The proposed wording is:

(a) No waste shall be deposited at the site after 31 December 2035.

(b) Unless authorised to remain on the site by another subsisting planning permission, all buildings shall be dismantled and removed from the site by 31 March 2036. All plant and machinery shall be removed from the site by 31 March 2036 unless necessary for the purposes of site restoration in accordance with condition 17 and 18. Unless being used in final restoration in accordance with condition 18 all plant and machinery shall be removed from the site by 31 December 2036. Plant and machinery being used in the final restoration in accordance with condition 18 shall be removed from the site within 4 weeks of the completion of final restoration.

(c) Subject to condition 18, restoration shall be completed by 31 December 2036 in complete accordance with the approved restoration scheme specified in Section 9 of the document PR/FI/GT/1500/01rev (Supporting Statement with Environmental Statement), as amended by document PR/FI/GT/1500/01/LFSS/FIN (Supporting Statement) and approved drawing PR/FI/09-10/15770 (The consented restoration scheme).

Condition 4

The condition currently states:

No waste shall be deposited above the pre-settlement contours shown on approved plan PRF/FI/11-08/14691revA (Proposed Pre-Settlement Restoration Contours).

The proposed wording is:

No waste shall be deposited above the pre-settlement contours shown on approved plan PR/FI/09-10/15768 (The consented pre settlement restoration contours). As landfilling progresses through cells 10, 7, 11A and 11B the operator shall reassess the allowance being made for settlement and submit their findings in writing to the Waste Planning Authority. The first assessment shall be carried out when the waste level in Cell 10 reaches the surrounding ground level and thereafter the reassessments shall be carried out at three yearly intervals. Where shown that the required surcharging is different from that assumed the pre settlement contours shall be adjusted and landfilling thereafter undertaken to accord with the approval revised calculations for settlement.

Condition 7

The condition currently states:

Landfilling operations shall not be carried out except in complete accordance with the approved plan PR/FI/11-08/14689revA (Landfill phase layout and the landfill cell layout) and paragraph 9.13 of the approved document PR/FI/GT/1500/01rev (Supporting Statement and Environmental Statement) as set out below:

i. no waste shall be deposited in Cells 3, 6 and 9 until the deposit of waste in Cells 4, 4 and 8 is complete. Cells 4, 5 and 8 shall be permanently capped whilst the deposit of waste in Cells 3, 6 and 9 is progressing
ii. no waste shall be deposited in Cell 7 until the deposit of waste in Cells 3, 6 and 9 is complete. Cells 3, 6 and 9 shall be permanently capped whilst the deposit of waste in Cell 7 is progressing
iii. no waste shall be deposited in Cell 10 unless the deposit of waste in Cell 7 is complete. Cell 7 shall be permanently capped whilst the deposit of waste in Cell 10 is progressing
iv. no waste shall be deposited in Cell 11 until the deposit of waste in Cell 10 is complete. Cell 10 shall be permanently capped while the deposit of waste in Cell 11 is progressing
v. no waste shall be deposited in the Cell 11 Extension until the deposit of waste in Cell 11 is complete. Cell 11 shall be permanently capped whilst the deposit of waste in the Cell 11 Extension is progressing
vi. the Cell 11 extension shall be permanently capped by 31 December 2020.

No deposit of waste shall take place in any cell until the sand and gravel has been completed extracted from that cell.

The proposed wording is:

Landfilling operations shall not be carried out except in complete accordance with the landfill phasing shown on approved plan PR/FI/09-10/15771 (The revised cell layout for the non hazardous landfill together with the proposed order of filling) and paragraphs 8.8 to 8.10 of the approved document PR/FI/GT/1500/01/LFSS/FIN (Supporting Statement) as set out below:

i) no waste shall be deposited in Cells 3, 6 and 9 until the deposit of waste in Cells 4, 5 and 8 is complete. Cells 4, 5 and 8 shall be permanently capped whilst the deposit of waste in Cells 3, 6 and 9 is progressing
ii) no waste shall be deposited in Cell 10 until the deposit of waste in Cells 3, 6 and 9 is complete. Cells 3, 6 and 9 shall be permanently capped whilst the deposit of waste in Cell 10 is progressing
iii) no waste shall be deposited in Cell 7 until the deposit of waste in Cell 10 is complete (with the exception of the access corridor). Cell 10 (with the exception of the access corridor) shall be permanently capped whilst the deposit of waste in Cell 7 is progressing
iv) no waste shall be deposited in Cell 11A until the deposit of waste in Cell 7 is complete. Cell 7 shall be permanently capped while the deposit of waste in Cell 11A is progressing

v) no waste shall be deposited in Cell 11B until the deposit of waste in Cell 11A is complete (with the exception of the access corridor). Cell 11A (with the exception of the access corridor) shall be permanently capped whilst the deposit of waste in Cell 11B is progressing
vi) Cell 11B and the access corridor shall be permanently capped by 31 December 2035.

No deposit of waste shall take place in any cell until the sand and gravel has been completely extracted from that cell.

Condition 16

The condition currently states:

Save for the deposit of inert waste required after capping cells so as to achieve the approved restoration shown on approved plan PR/FI/11-08/1490revA (Supporting Statement with Environmental Statement) or unless authorised on the site by another subsisting planning permission, no deposit of waste shall take place outside the cells shown on the approved plan PR/FI/11-08/1469revA (Proposed Pre-Settlement Restoration Contours).

The proposed wording is:

Save for the deposit of inert waste required after capping cells so as to achieve the approved restoration shown on approved plan PR/FI/09-10/15770 (The consented restoration scheme) or unless authorised on the site by another subsisting planning permission, no deposit of waste shall take place outside the cells shown on the approved plan PR/FI/09-10/15771 (The revised cell layout for the non hazardous landfill together with the proposed order of filling).

Condition 17

The condition currently states:

No development authorised by this permission shall take place except in accordance with the approved restoration scheme specified in section 9 of document PR/FI/GT/1500/01rev (Supporting Statement with Environmental Statement) and approved drawing PR/FI/11-08/14690revA (Proposed Restoration Scheme).

The proposed wording is:

No development authorised by this permission shall take place except in accordance with the approved restoration scheme specified in section 9 of document PR/FI/GT/1500/01rev (Supporting Statement with Environmental Statement) and approved drawing PR/FI/09-10/15770 (The consented restoration scheme).

Condition 18

The condition currently states:

Notwithstanding conditions 3 and 17 restoration should provide for partial restoration and delayed final restoration to allow for at least three years of subsidence to take place in any finished development cell to take account of the variation between the approved pre-settlement levels shown on plan PR/FI/11-08/1469revA and the approved post settlement levels shown on approved plan PR/FI/11-08/14692revA and approved restoration scheme PR/FI/11-08/14690revA.

The proposed wording is:

Notwithstanding conditions 3, 4 and 17 restoration should provide for partial restoration and delayed final restoration to allow for at least three years of subsidence to take place in any finished development cell to take account of the variation between the approved pre-settlement levels shown on plan PR/FI/09-10/15768 (and any subsequent plan as referred to in condition 4) and the approved post settlement levels shown on plan PR/FI/09-10/15769 and approved restoration scheme PR/FI/09-10/15770.

Condition 21

The condition currently states:

Within one year of the date of this permission details of a scheme of landscaping shall be submitted to the Waste Planning Authority; such details shall incorporate the general principles indicated in Section 9 of the approved document PR/FI/GT/1500/01rev (Environmental Statement) and particularly approved plan PR/FI/11-08/14690revA and shall include:

a. The layout, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations; and
b. The positions, species, density and initial sizes of all new trees and shrubs;

The proposed wording is:

Within one year of the date of this permission details of a scheme of landscaping shall be submitted to the Waste Planning Authority; such details shall incorporate the general principles indicated in Section 9 of the approved document PR/FI/GT/1500/01rev (Environmental Statement) as amended by document PR/FI/GT/1500/01/LFSS/FIN (Supporting Statement) and particularly approved plan PR/FI/09-10/15770 and shall include:

a. The layout, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations and
b. The positions, species, density and initial sizes of all new trees and shrubs;

Any scheme that is approved shall be implemented within the first available planting season following the spreading of topsoil on any cell as shown on plan the consented restoration scheme (drawing reference PR/FI/09-10/15770).

Condition 24

The condition currently states:

An aftercare programme shall be submitted for that part of the site not to be restored to agricultural use for the approval of the Waste Planning Authority within one year of the date of this permission and shall include woodland areas, the water areas, surrounding margins and grass heath shown on approved plan PR/FI/11-08/14690revA (Proposed Restoration Scheme) and shall address the monitoring and management of that land, water body, plant and animal community. Any programme that is approved shall be implemented.

The proposed wording is:

An aftercare programme shall be submitted for that part of the site not to be restored to agricultural use for the approval of the Waste Planning Authority within one year of the date of this permission and shall include woodland areas, the water areas, surrounding margins and grass heath shown on approved plan PR/FI/09-10/15770 (The consented restoration scheme) and shall address the monitoring and management of that land, water body, plant and animal community. Any programme that is approved shall be implemented.

Condition 26

The condition currently states:

Before the 31st January 2020 (for agricultural land) and 31st January 2021 (for other land) and every subsequent year during the aftercare period, the waste operator shall provide the Waste Planning Authority and the landowner/occupier with a detailed annual programme for the approval for the Waste Planning Authority including:

(ix) Proposals for managing the agricultural land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months;
(ii) Proposals for managing the non-agricultural land for the forthcoming 12 months;
(iii) A record of aftercare operations carried out on the land during the previous 12 months.

Any programme that is agreed shall be implemented.

The proposed wording is:

Before the 31st January 2035 (for agricultural land) and 31st January 2036 (for other land) and every subsequent year during the aftercare period, the waste operator shall provide the Waste Planning Authority and the landowner/occupier with a detailed annual programme for the approval for the Waste Planning Authority including:

(i) Proposals for managing the agricultural land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months;
(ii) Proposals for managing the non-agricultural land for the forthcoming 12 months;
(iii) A record of aftercare operations carried out on the land during the previous 12 months.

Any programme that is agreed shall be implemented.

Condition 33

The condition currently states:

Notwithstanding condition 7 landfilling operations shall not commence in Cell 7 until a scheme has been submitted to and approved by the Waste Planning Authority showing how the approved pre-settlement contours of Cells 7, 10 and 11 as shown on approved plan PR/FI/11-08/14691revA (Proposed Pre-Settlement Restoration Contours) will be achieved by 31 December 2020. Any scheme that is approved shall be implemented.

The proposed wording is:

Notwithstanding condition 4 and 7 landfilling operations shall not commence in Cell 10 until a scheme has been submitted to and approved by the Waste Planning Authority showing how the approved pre-settlement contours of Cells 7, 10 and 11A and 11B as shown on approved plan PR/FI/09-10/15768 (The consented pre settlement contours) will be achieved by 31 December 2035. Any scheme that is approved shall be implemented.

The informative is not necessary.

ANNEX 2

Habitat Regulations: Protected Species Tests

The applicant has submitted information for both applications on the three tests to be satisfied set by Natural England in order to get a European Protected Species Licence. The tests are

1. (The purpose test) which must demonstrate that the proposals are in the interests of preserving public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. (The "no satisfactory alternative test"); and
3. that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The applicant has said:

Test 1

The need for both applications has been demonstrated by the successive grants of planning permission for them both. The optimising of the performance of the MRF moves waste up the waste hierarchy but means a longer life for the landfill. There will be restoration to a mixture of countryside afteruses. Therefore, there is a purpose which is in the public interest of a social and economic nature and is of benefit to the environment.

Test 2

Permission has already been granted for both the landfill and MRF and possible alternatives were considered at the time they were being determined. The current applications do not show that the existing locations are adversely affected by the proposals.

Test 3

A site plan will be prepared for the Finmere quarry complex to prevent killing of or injury to great crested newts and to provide new habitat for them.

ANNEX 3

Heads of conditions for 11/00015/CM

1. carry out development in strict accordance with application
2. begin development within 5 years
3. waste recycling and recovery to cease by end of 2035
4. no waste recycling or recovery operations to take place outside the building and no outside storage except in storage bays
5. waste imported that cannot be recycled or recovered shall only be taken to Finmere landfill site provided it is suitable for disposal there.
6. olive green stack
7. maximum height of stack to be 16m above ground level
8. bays only constructed in accordance with approved details
9. recyclates, unprocessed wastes to be stored in the building or bays but not above height of bays.
10. gasification residues to be stored only in building before landfilling
11. skips stored only if used for recycling or recovery and as agreed
12. Access as per plan
13. sheeted lorries for dusty loads
14. no mud on road, clean lorry wheels
15. dust suppression
16. noise levels during day of 55Db(LAeq)(1 hour)
17. no operations on site except between 7:00 to 18:00 hours Mondays to Fridays and 7:00 to 13:00 hours on Saturdays except that gasification plant and its related activities can take place in the building continuously
18. the gasification plant shall not occupy more than half the building
19. vehicles use silencers
20. noise not to include unusual sounds
21. warnings of reversing vehicles
22. chemical or fuel storage to be bunded
23. vehicle maintenance only on impervious surface
24. agree location of lighting
25. no lights at night except for security
26. retain plantation to north and screen bridleway to east
27. implement landscaping measures
28. restoration scheme and completion by end 2036 and aftercare
29. throughput of waste not above 150,000 tpa
30. no further implementation of recycling permission at Foxley Field farm
31. sustainable drainage scheme

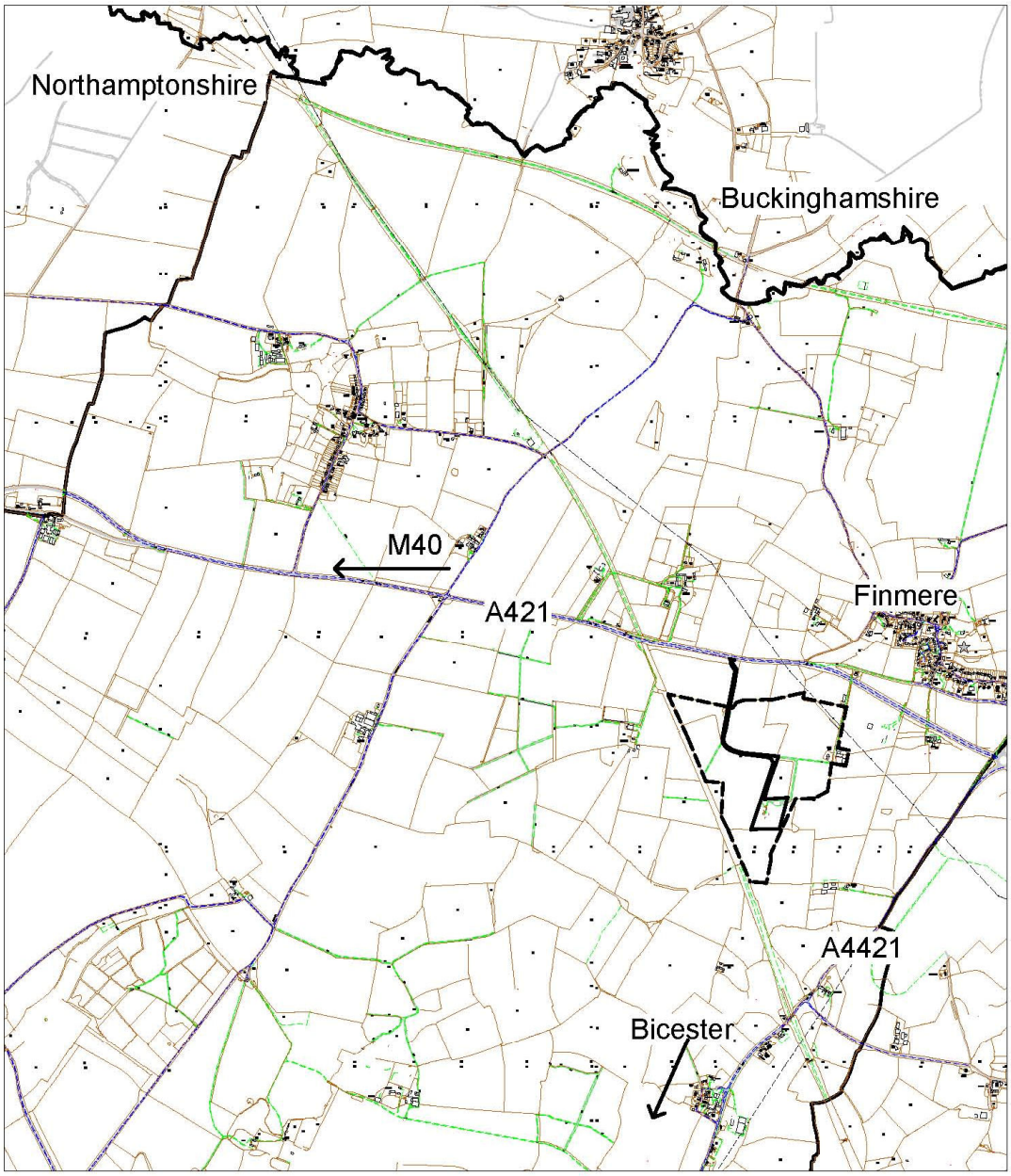
Heads of condition for 11/00026/CM

Modified condition 4. as proposed except that the height of the surrounding land level should be specified and the first assessment should take only six weeks from the time waste deposition reaches the surrounding land level. Subsequent assessments should only take six weeks.

1. no mud on road, clean lorry wheels
2. metalled access road
3. no bunds or heaps unless authorised

4. no plant etc for controlling gas or leachate without approved scheme
5. hours of operation as for MRF except for management of gas
6. noise levels as for MRF
7. vehicles use silencers
8. noise not to include unusual sounds
9. dust suppression
10. no soil stripping in windy weather
11. no deposit of waste outside cells except inert waste to achieve restoration levels
12. handling of soils only in accordance with a scheme
13. no removal of soils off site
14. site weed free
15. scope of agricultural aftercare scheme
16. scope of woodland aftercare scheme
17. aftercare meetings
18. no recycling or storage of recyclate or waste on site except in MRF area
19. no screening or crushing of aggregate materials on site
20. 3 monthly ground level surveys
21. scheme for ground level monitoring
22. sustainable drainage scheme
23. waste disposal to end at end of 2035

Plan 1

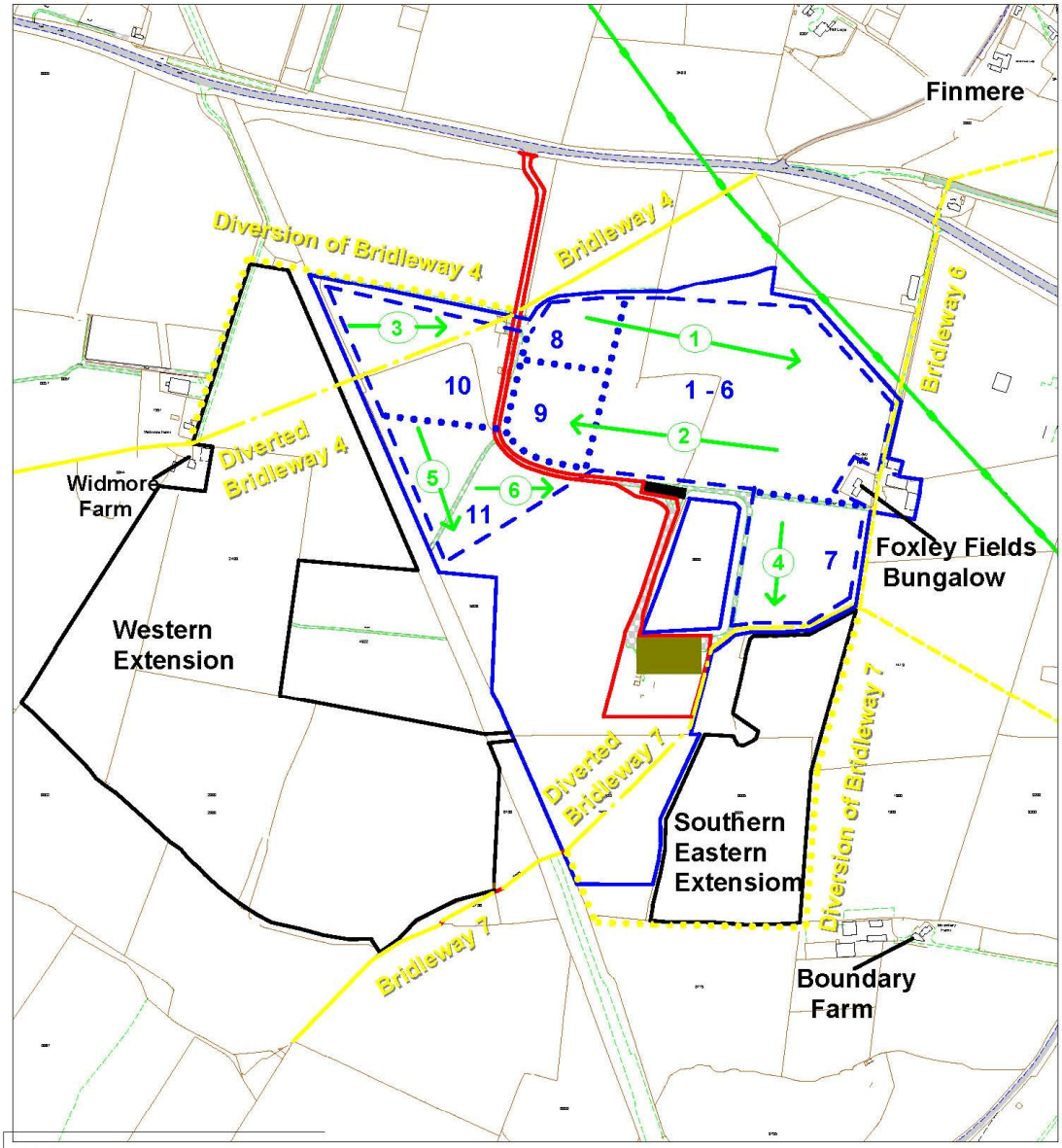


Application Site 1

Application Site 2

T.Philp
28/3/11

Plan 2



Key:

- Proposed Sequence of Filling
- Overhead Electricity Line
- Site of Application 1 (MRF)
- Site of Application 2 (Landfill)
- Area Subject to Landfill
- Landfill Cells
- Landfill Gas Plant
- MRF Building

28/3/11

T.Philp

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Tel: 01865 815884

PLANNING & REGULATION COMMITTEE – 11 APRIL 2011

SHELLINGFORD QUARRY

1) CONTINUATION OF THE DEVELOPMENT PERMITTED UNDER PERMISSION STA/SHE/8554/8 (EXTENSION OF AREAS OF EXTRACTION OF LIMESTONE AND SAND AND RESTORATION TO AGRICULTURE AT ORIGINAL GROUND LEVELS USING INERT FILL OVER TOTAL QUARRY AREA AND RETENTION OF EXISTING FACILITIES) WITHOUT COMPLYING WITH CONDITIONS RELATING TO APPROVED PLANS, BUND DETAILS, ACCESS, DEPTH FO WORKING DEWATERING AND WATER DISCHARGE, REMOVAL OF BAGGING AND PROCESSING PLANT, THE IMPORTATION OF AGGREGATES, RESTORATION DETAILS, AND SAND MARTIN HABITAT AND EXTENSION OF THE TIME PERIOD FOR OPERATIONS AT THE SITE;

2) AN EXTENSION OF THE EXISTING QUARRY TO THE EAST FOR THE EXTRACTION OF LIMESTONE AND SAND WITH RESTORATION TO AGRICULTURE AT ORIGINAL GROUND LEVELS USING INERT FILL

Report by Deputy Director for Environment & Economy - Growth & Infrastructure

Location: Shellingford Quarry, Stanford Road, Stanford in the Vale, Faringdon

Applicant: Multi-Agg Limited

Application Nos: (1) STA/SHE/8554/12-CM and (2) STA/SHE/8554/11-CM

District Council Area: Vale of White Horse

Introduction

1. These planning applications have been made by Multi-Agg Limited to: (1) vary various conditions of the existing planning permission for the extraction of sand and limestone at Shellingford Quarry. The applicant seeks planning permission to change, amongst other things – the phasing of soft sand and limestone extraction and the subsequent infill operations, and the depth of working of the existing site and time period for the operation of the site. At the

same time a number of minor amendments have been requested to the approved bund details, water discharge, access improvements, removal of bagging and processing plant, importation of aggregates, site restoration and relocation of the biodiversity improvement area. Any new consent can be accompanied by a new set of conditions to control the development; and (2) extract further sand and limestone by extending the present quarry to the east. Subsequent restoration would be to agriculture following infilling with inert waste (similar to the existing quarry).

Location (see Plan 1)

2. Shellingford Quarry is located on the south side of the A417 (Faringdon Road) between the villages of Shellingford to the west and Stanford in the Vale to the east in the south east corner of the county.

3. The quarry is located south of the A420 (Swindon to Oxford Road) in an area that supports a number of soft sand quarries.

The site and its setting (See Plan 1)

4. The nearest dwelling in Shellingford Village is about 550 metres to the west of the existing quarry with the nearest dwelling in Stanford in the Vale about 200 metres to the east of the proposed extension area. The White Horse Business Park lies about 150 metres to the south.

5. Immediately opposite the quarry, on the north side of the A417 is a former quarry in which is currently located the Stanford in the Vale waste recycling centre.

6. An SSSI known as Shellingford Crossroads Quarry is located about 300 metres north of the application site.

Background Information and History

7. Permission was first granted for the extraction of sand and limestone at Shellingford Quarry in 1986. A further permission for an extension of the site was granted in November 1993 (reference STA/SHE/8554/7). In 2009, the applicant secured consent for the modification of various conditions attached to the 1993 consent.

8. Last year planning permission (ref STA/SHE/8554/10) for the erection of a new screen bund was granted along the north western perimeter of the quarry.

Details of the Development

1) <u>The existing quarry and variation of conditions</u>

9. This application seeks a number of modifications to current working practices at the quarry. The principal features of this application are:

- the rephrasing of mineral extraction and infill operations
- a modification to the depth of working of the existing site
- an extension of the time period for the existing permission.

10. A number of conditions are also proposed to be modified since they are consequential to the amendments to the phasing plans, or provide an update on minor matters such as the location of the bunds, and some are to be deleted (e.g. Conditions 10 (working sequence), 14 and 15 (soil storage bunds) as they either have been superseded by other plans or have been complied with and are therefore now redundant regarding any new permission.

11. It is not proposed to change the current site layout, restoration details, landscaping or access arrangements. The quarry would continue to work at its existing permitted rate of extraction (sand – 70,000 tonnes per year and limestone – 80,000 tonnes per year).

12. The applicant operates a plant for the recycling of construction and demolition waste (under a separate planning permission) within the quarry. This operation would not be affected by this current proposal.

i) Re-phasing of mineral extraction and infill operations

13. The applicant has submitted a revised scheme for the phasing of mineral extraction and the subsequent infill with inert material. This followed on from a site monitoring visit (by council officers) which identified that the approved plans do not reflect the current extraction operations on site. The applicant explained that a re-assessment of the mineral reserves at Shellingford Quarry has been carried out to identify the location of any remaining workable sand and limestone. This survey has found that there are still reserves of sand and underlying limestone (known as part of the Highworth Limestone Formation) in some parts of the site which have been previously worked. To extract these reserves efficiently, the applicant proposes to revisit the parts of the site that have previously been worked out (but not restored) and remove this material. Removal of the material would create a total void space of up to 1,350,000m^3 within the quarry. The applicant proposes to infill at a rate of at least 100,000m^3 per year.

ii) Modification to the Depth of Working

14. The applicant has submitted a plan showing modifications to the depth of working of the site. The average *existing* depth of working is about 14 metres below ground surface level. The depth of working of the existing permission has changed as the extraction of the Highworth Limestone from the site has meant digging deeper. A revised drawing has been submitted showing a revised average depth of the working of 16 metres below ground surface level.

iii) Extension of time

15. The existing permission for the site requires extraction to finish by December 2020 and restoration by December 2021. This application proposes an extension of the end date for mineral working by 8 years, up to 2028 and restoration by 2029. This however would only be needed if the proposed eastern extension is permitted (subject to separate application). Otherwise, it would be the intention for the reserves of sand and limestone within the existing quarry area to be worked out by the end of 2020 as originally permitted.

iv) Access and Traffic

16. The access to the quarry is from the A417 and improvements are proposed to be carried out to provide extensive kerbing, drainage and edge strengthening works extending along the highway either side of the quarry access.

17. The applicant says that the level of traffic movements allowed to and from the site would remain the same as now i.e. average 140 movements per day (70 in, 70 out) rising to a maximum of 200 movements per day (100 in, 100 out).

2) Eastern extension to existing quarry

18. This application seeks permission to extend the existing quarry boundary to the east. The proposed area of extraction is 5.97 hectares.

19. The proposal would involve the extraction of 935,000 tonnes of soft sand and limestone. The maximum annual output would be 200,000 tonnes, though average production would be lower. The anticipated duration of extraction is 8 years (up to 2020) and restoration is proposed to be fully completed within 12 months of extraction being completed. The applicant proposes to restore the site progressively to agriculture at original ground levels (as for the existing quarry).

20. If planning permission is granted, sand and limestone extraction would move into the eastern extension area immediately following completion of the current phase within the existing quarry (the current operation is taking place in the eastern area of existing quarry). Once the extension area has been worked out operations would return to the existing quarry to work out the remaining mineral reserves. A consequence of working in this way is that an extension of time for the existing quarry would be needed (this is one of the variations of conditions applied for in the other application described above).

Extraction and Processing

21. Sand and limestone would be extracted in two phases in the extension area working from south to north. The maximum depth of the working would be 16 metres. Prior to any extraction, perimeter screen bunds would be formed.

22. Topsoil and subsoil would initially be stripped from the first phases (the southern part) and sorted in the northern (roadside) bund for screening

(maximum height would be 3m). These materials would subsequently be used in restoring the extension area at a later date. The eastern perimeter bund would be constructed using suitable materials from the existing screen bund supplemented if necessary with quarry waste. The bund would be between 3m to 6m high.

23. The existing site infrastructure (such as the minerals processing plant, site offices and mess facilities, workshops and wheelwash) within the existing quarry would continue to be used for the quarry extension. The method of extraction, processing and filling would be the same as currently in place for the existing quarry.

Access and Traffic

24. Access to the extension area would be via the existing quarry access onto the A417. Again, improvement works outlined in para 16 would be carried out.

25. The rate of working proposed would be similar to that currently generated at the existing quarry. The applicant says that traffic movements therefore to and from the site would remain about the same i.e. average 140 movements per day (70 in, 70 out) with maximum 200 movements (100 in, 100 out).

Restoration

26. Restoration to agriculture would be carried out in a phased manner. It is proposed to restore as close as practicable to existing ground levels with an allowance made for settlement. To achieve the required restoration it would be necessary to fill the void with inert materials. The void space created by the extraction operation would be about 520,000 m^3.

27. As part of the restoration scheme tree planting would be carried out which would include a tree belt on the eastern boundary, strengthening of the existing planting on the southern boundary, the planting of a hedgerow with hedgerow trees on the western boundary and individual tree planting along the northern boundary.

Consultation Responses and Third Party Representations (to both applications)

Shellingford Parish Council

28. Make the same comments on both applications:

The Parish Council supports the applications subject to the following comments:

- As agreed by the operator kerbing should be installed on the A417 from Shellingford crossroads to the junction with Cottage Road. The 140 metres of kerbing proposed in the planning application is totally inadequate.

- There is at present a dangerous gulley between the edge of the existing road surface and the grass verge, which should be remedied without delay.
- As agreed by the operator the Parish Council member should be included in the annual monitoring of the site.
- Any screening and bunding should be in place before extraction is started.

Stanford in the Vale Parish Council

29. No comments have been received on either application.

Vale of White Horse District Council

30. No planning or environmental health objections to the application to vary conditions.

31. No objections to the proposed extension providing the site is adequately screened from the surrounding area with bunds and landscaping and that the County Council is satisfied that the site is far enough from residential properties so as not to harm residential amenity.

Environment Agency

32. No objection to either application subject to conditions being imposed (on both applications) relating to submission of a scheme for the monitoring of the ground water quality of the site, a scheme for surface water drainage, a scheme for the biodiversity gain area and depth of mineral extraction.

33. The proposed changes to the operation of the site are likely to require variation of the existing Environmental Permit to cover water features in the quarry.

Natural England

34. No objection to both applications. They comment that in view of the possibility of land settlement following infill, they advise that the installation of any land drains should be delayed until the end of year 4 to allow the land to fully stabilise.

Thames Water

35. No objections in relation to waste and water issues to both applications.

BBOWT

36. Have only commented on the application for the extension to the quarry. They suggest that restoration should be reviewed to seek further biodiversity enhancements and long term management of the restored areas should be secured.

County Ecologist Planner

37. No objection to the application to vary conditions subject to conditions to protect any protected species and to ensure satisfactory restoration of the site.

38. No objections to the extension application subject to conditions to cover badger presence on the site, restriction of ground clearance works to outside the bird breeding season, protection of reptile habitats and restoration to agriculture. The restoration to agriculture along with a nature conservation after-use would include a pond, wetland and species-rich grassland. These features would be in the south of the existing quarry and would be in addition to the nature conservation area previously agreed in the northern triangle of the quarry (which would contain a sand face for sand martins).

Transport Development Control

39. No objection to either application providing the existing highway conditions are carried over to any new permissions. Make the following comments:
- These developments require improvements to the existing access arrangements from the adjacent A417, including kerbing, drainage improvements and Routeing Agreement. Access improvement works should be carried out prior to any quarrying to the east and through a S.278 Agreement.
- A Code of Practice and management plan should be submitted.

Third Party Representations (copies of the letters are available in the Members' Resource Centre)

40. Fifteen local residents have raised objections to these planning applications. The following points are made and relate to both proposals:

- The applicant requests permission to increase the current level of traffic (up to 200 movements) which is unacceptable.
- Increase in traffic would increase the risk to the nearby residents.
- Extra lorries would increase the danger for children and elderly persons.
- Increased risk of road traffic collisions and injury to pedestrians.
- Detrimental impact on the local environment.
- Debris on the road dropped from the lorries.
- Would have a negative impact on the character of Stanford village transforming it from relatively rural safe area to busy dirty industrial neighbourhood.
- The lorry speed along the stretch of the A417 is not acceptable.
- Significant increase in noise generation from road traffic.
- Wheelwash facilities are inadequate.
- Lack of sheeting on any lorries.

- Poor housekeeping by the applicant and arrogant behaviour of lorry drivers.
- A routeing agreement to be put in place where lorries could only use the A417 to access the A420 and not drive (through Sanford) towards Wantage.
- The adjacent quarry road does not have a suitable surface which can accommodate the existing level of traffic.
- When lorries go to Wantage they drive through many residential areas including past a school.
- Mud/sand on the roads for miles giving very slippery road surface.
- The A417 past Stanford in the Vale is not designed for the amount of traffic from the quarry.
- Heavy lorry load passing the nearby houses makes the houses vibrate.
- The applicant yet to implement improvement to the quarry entrance.
- Want to know from County Council what penalties are they putting in place to ensure that the applicant would not breach conditions in future.

Relevant Planning Policies for both applications (see policy annex attached to this Agenda)

41. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

42. The Development Plan for this area comprises the South East Plan, the saved policies of the Oxfordshire Structure Plan and the Oxfordshire Minerals and Waste Local Plan (OMWLP) and the Vale of White Horse Local Plan (WOWHLP) 2011.

43. Minerals Policy Statement 1 (MPS 1) Planning and Minerals is also relevant.

44. Whist the South East Plan (SEP) forms part of the Development Plan, the Government has made it clear that it intends to abolish regional strategies. This intention has been upheld as being a material consideration in determining planning applications.

Comments of the Deputy Director for Growth and Infrastructure

1) Application to vary conditions on the existing quarry consent

45. The main issues to be addressed in deciding this application are;

- the need for sand and limestone and potential loss of permitted reserves if the proposal were to be refused;
- whether the extra time to work at the sand a limestone is acceptable.
- whether the restoration of the site can be implemented in a timely manner (which would include modifications to the phasing and depth of working).
- whether traffic, environmental and amenity impacts can be dealt with satisfactorily.

Need for the mineral

46. Government Policy in MPS1 requires a landbank for sand and gravel of at least 7 years and for crushed rock of at least 10 years. The soft sand and limestone remaining with the existing Shellingford Quarry site form part of Oxfordshire's existing permitted reserves and therefore part of the existing sand and crushed rock landbank.

47. The landbank position for these respective minerals is emerging. Using the apportionment figures from the South East Plan (which still form part of the Development Plan for the area) the permitted reserves are about 6 years (for soft sand) and about 12 years (for crushed rock). However, the Cabinet decision in February this year, which agreed the locally derived figures for sand and gravel and crushed rock for the County's emerging minerals strategy (for consultation this summer) proposes a soft sand apportionment of 0.25 mt and limestone apportionment of 0.63 mt which results in current landbanks of 9 years for soft sand and up to 20 years for crushed rock. The Cabinet also endorsed these on the emerging policy figures when consideration is given to any planning application.

48. Regardless of the landbank position, it is sensible that the remaining reserves of soft sand and limestone in the existing quarry remain accessible for working, to fully exploit the mineral within the landtake and reduce the need to permit reserves elsewhere to replace them. MPS1 recommends the maximisation of reserves from existing mineral workings to assist in reducing environmental disturbance rather than opening up new sites. In this case the proposed removal of the sand and then working to the base of the Highworth Limestone beneath it would be good planning as it would maximise the recovery of both minerals from within the already permitted area and would be a prudent use of resources in line with the national objectives for minerals planning outlined in MPS1. If these minerals are not worked now, whilst the quarry is open they would be sterilised by landfill.

49. The remaining reserves at Shellingford Quarry have been reassessed and if worked to the base of the Highworth Limestone as proposed, the remaining reserves total 490,000 tonnes of sand and 850,000 tonnes of limestone. As these are within the existing quarry, no increase in either sand or crushed rock production capacity of the county would result. Capacity would be retained at the existing levels.

Extension of time

50. The applicant seeks permission to extend the time period for the extraction of mineral for further period of 8 years up to 2028 with restoration by 2029. This extended time period would only be required if the proposed eastern extension is permitted (subject to a separate application and described later in this report). Whilst the applicant intends to work out the revised reserves of sand and limestone within the exiting quarry area by 2020, it would be difficult for him to infill and restore the site appropriately with this time frame. Further

discussion with the applicant confirms that in the event that the extension is not permitted, the current infilling rate would need to increase (even more than the proposed rate) to complete infilling and restoration of the site by 2021 (the existing permitted time period for restoration).

51. It is likely that should that scenario occur, vehicle movements in the order of the maximum number of movement described in Para 17 (i.e. 200 movements per day) would be the norm for the operational life of the site. It is my view that the extension of time (for a further 8 years) is justifiable (to allow mineral reserves to be worked efficiently and subsequent restoration of the whole site to be properly implemented), **but this is only justified if the eastern extension application is granted planning permission.**

Restoration

52. Restoration of the quarry will require the import of inert waste to infill the void. This would take longer than originally envisaged with the amendments to the phasing scheme and depth of working to extract the further reserve of mineral from the quarry. If the entire workable mineral to the base of the Highworth Limestone is extracted, the total void to be filled would be 1,350,000m^3/year, which at the current rate of infilling could take up to 17 years to fill. The application proposes to increase the rate of infill to 100,000m^3/year, which would reduce the infill period to 14 years and then final restoration would take place. The proposals provide the opportunity to achieve good quality restoration whilst still allowing valuable mineral reserves to be worked.

Environmental Impacts (including traffic)

53. The principle objections to this application (as with the eastern extension) relates to the impact on the local area from lorry traffic, particularly excessive speed, additional lorry movements, materials falling onto the highway from lorries and increased risk of accidents. Shellingford Parish Council and some of the objectors have also raised concerns over access improvements to the site and maintenance /repair of the A417 near the site entrance.

54. The site has a good access onto the A417. The applicant advises that the quarry would continue to operate at the current level of activity and therefore the level of traffic should remain the same. However, if import of inert waste is increased to achieve restoration in the timescales currently permitted, it is possible that there will be some increase in lorry movements. However, the applicant has agreed to carry out access improvement works which would include extensive kerbing, drainage and edge strengthening extending either side of the quarry access onto the A417. The concern about the materials falling onto the road and the problems of detritus on the public highway could be successfully mitigated by following good working practices and conditions could be attached to any permission granted to ensure loads are properly covered (sheeted). The applicant's lorries do now have electronically operated covers. Traffic speed enforcement is the responsibility of Thames Valley Police. The concern of residents over speeding vehicles needs to be raised with the operator and if necessary with the police. Transport

Development Control is aware of the objections raised by local people; they have nevertheless confirmed that they have no objections to the proposal subject to the conditions requiring access entrance improvements to be undertaken.

55. Some of the local residents have requested a routeing agreement to be put in place where lorries could only use the A417 to access the A420 and not drive through Stanford in the Vale towards Wantage. Transport Development Control have considered this request but consider that it would be unreasonable to ask for a routeing agreement based on the level of traffic proposed from the quarry. The applicant has also indicated in his planning submission that the greater proportion of movements are from the A420 to the west. Minor roads, including the B4508 through Hatford are not used except for local deliveries. All company lorries now have tracking devices which allows close monitoring of lorry movements. The impacts of lorry traffic appear in my view to be the matters of greatest concern to local people. The applicant asserts that there will be no overall increase in lorry traffic generation. I think that HGV movements should be capped at 200 (100 in, 100 out) and that this needs to be controlled through an independent monitoring programme paid for by the applicant.

56. There has been some concern about the increase of pollution levels and the risk of accidents on the assumption that this proposal would involve an increase in the level of traffic. The applicant has confirmed that the amount of traffic would remain the same i.e. an average of 140 movements per day with an estimated maximum of 200 per day but I consider that an increase in average movements would be generated if importation was increased to achieve restoration of the quarry in the currently approved timescale. These movements however in my view, should not significantly increase the level of pollution in the surrounding area nor should there be any significant additional risk of accident from the quarry activities. The development would therefore comply with VoWHLP policy DC5 and SEP policy T1.

57. Local residents have raised concerns that there will be an increase in noise and dust generation from the site. However, this proposal involves a continuation of the existing operations of the site, it does not involve any increase to the permitted activities which could generate more noise and dust.

58. In terms of any visual impact the quarry is well screened by bunds alongside the A417, the eastern perimeter, and the access. The extraction areas and other activities are well hidden within the quarry. The Environmental Health Officer and the County Ecologist have not raised any concern about these matters. In my view, subject to appropriate conditions which are already in place, the proposal is in line with VoWHLP policy DC9.

59. As a result of the responses received to this application, the applicant has confirmed that they are happy to set up a local liaison meeting to meet at least twice a year, where issues of local concerns relating to quarry activities and its operation can be raised and addressed.

Conclusion

60. There is a need to maintain a landbank of permitted sand and limestone reserves supply materials for the construction industry. Indeed it is sensible if possible to enable reserves that are available within an existing quarry to continue to be worked to reduce the planned need for new sites.

61. The proposed modifications to the planning conditions attached to the original consent would enable the phasing of working, depth of working and subsequent restoration to be achieved to allow the remaining minerals resources with the quarry to be properly worked. An extension of time for extraction and subsequent infilling and restoration would be acceptable only if planning permission is granted for an eastern extension to the quarry.

62. Conditions and agreements from the existing planning permission can be applied to any new consent to protect local people and the environment, and ensure that the site is properly restored in due course.

2) Application for an extension to the east of the existing quarry

63. This is an application to work a new reserve of sand and limestone (albeit an extension to an existing quarry). The main issues to be considered in determining the application therefore are:

- the need for further sand and limestone
- the acceptability of any traffic and highway impacts
- the impact on local people and business
- the acceptability of the proposals on the landscape, water environment and biodiversity
- restoration of the site using inert fill.

Need for minerals

64. As has already been discussed in relation to the application for varying conditions on the existing quarry operation. Government policy in the form of MPS1 requires that provision be made for a landbank of sand and gravel of at least 7 years and for crushed rock of at least 10 years.

65. Under South East Plan policy M3 the Oxfordshire landbank should be based on apportionments of 1.82 million tonnes a year for sand and gravel and 1.0 million tonnes a year for crushed rock. The sand and gravel figure is subdivided as 0.36 million tonnes soft sand (20%) and 1.46 million tonnes sharp sand and gravel (80%), based on the split of production over the last 3 years. In July 2010 the government advised that the apportionment for Oxfordshire should be increased (as part of the Proposed Changes to the South East Plan) to 2.1 million tonnes a year for sand and gravel and 0.66 million tonnes year for crushed rock. The forthcoming Localism Bill however

proposes the abolition of regional plans, and in July 2010 the government issued advice that planning authorities can use alternative apportionment figures if based on robust local evidence.

66. On 16 February the Council's Cabinet agreed locally derived figures of 1.26 million tonnes a year for sand and gravel and 0.63 million tonnes a year for crushed rock which should be used as the basis for the County Council's preferred minerals strategy for consultation in the summer. The figure of 1.26 million tonnes a year is subdivided into 0.25 m tonnes per year soft sand and 1.01 m tonnes a year for sharp sand and gravel. At the same time the Cabinet also endorsed these figures for development control purposes when considering planning applications.

67. For soft sand therefore based on the South East Plan policy figure, the current landbank of permitted reserves is about 6 years (below the government policy level of at least seven years). If the alternative Cabinet figure is used however the landbank is about 9 years. For crushed rock, based on the South East Plan policy figure, the current landbank of permitted reserves is about 12 years (above the government policy level of at least 10 years). If the alternative Cabinet figure is used, the landbank is about 20 years.

68. Based on the Cabinet endorsed apportionment figure there is no current urgent need for further reserves of soft sand to be permitted. Nevertheless, the Council's emerging strategy for minerals identifies the area south east of Faringdon for future working.

69. Based on the apportionment in the South East Plan (Policy M3) there is a need for further reserves of soft sand to be permitted, in order to maintain a landbank of at least 7 years. There is no current need for any further reserves of limestone to be permitted.

70. This extension would provide an additional 560,000 tonnes of soft sand, equivalent to an increase in the landbank of about 1.5 years. This would increase the landbank to about 7.5 years. It is important to note that the 7 year landbank is regarded by Government as a *minimum* target. Using the Cabinet endorsed figures, permitting this proposal would result in a landbank of 10.5+ years.

71. The proposed extension would also provide an additional 375,000 tonnes of limestone (located beneath the sand deposit). There is no current need for additional reserves of crushed rock to be permitted whichever apportionment figure (South East Plan or Cabinet) is used. Nevertheless, the Strategy approved by Cabinet identifies this area (south east of Faringdon) as the area where any future reserves should come from. Although the landbank target would be exceeded by allowing this proposal it would be in an area identified for future extraction and it would involve an extension to an existing quarry operation. If the sand deposit is worked in this extension area it would be good planning for the deposits of limestone to be worked at the same time as the sand. This would maximise recovery of minerals from one permitted area and would be a prudent use of resources in line with national objectives for

minerals planning in MSP1. If the limestone was not worked at the same time as the sand, it would be sterilised by landfill.

72. The proposal would not increase the production capacity of the county for either soft sand or limestone. Given that the existing quarry has a current permitted life to 2020; it could be argued that there is no need for an extension to be permitted at this time. But, if the proposed extension is in other respects acceptable, it would be good planning for it to be permitted now. It could then be incorporated into the working, infilling and restoration scheme for the quarry as a whole, making for a more efficient quarrying operation with a lower overall environmental impact. If the eastern part of the existing quarry is worked and restored first, it would make it more difficult to then work the eastern extension area (as an isolated working area) and would increase the overall impact of mineral working on the locality. Working this proposed extension area in conjunction with the existing quarry (and its existing processing facilities) would therefore be a wise use of resources in line with the national objectives for minerals planning in MPS1.

Traffic and highway impacts

73. The traffic and highway implications of both these proposals have been a significant concern for local people. Individual responses from local residents have raised concerns to the application on highway and traffic grounds, particularly materials falling onto the highway, the increased risk of accidents and access improvements and the maintenance and repair of the A417. Shellingford Parish Council has also raised concerns over access improvement to the site.

74. As an extension to the existing quarry, the existing good access onto the A417 is to be used. The new extension area should continue to operate at the current rate of extraction and therefore it should not increase the level of mineral traffic.

75. The matters raised by local residents, and the means of mitigation and management have been addressed under my comments on application 1 above. Subject to conditions I believe that the proposal is acceptable in transport terms.

Impacts on local people and businesses

76. OMWLP policy PE3 requires that an 'appropriate' buffer zone is provided between areas of extraction and nearby residents and other sensitive uses in order to protect them from unacceptable noise, dust, visual intrusion and other nuisances. The Plan suggests that 100 metres should be the minimum buffer between mineral working and individual dwellings or small groups of dwellings and says that regard should be had to the historic 350 metres standard between mineral workings and towns, villages and hamlets.

77. There have been concerns raised from the local residents regarding the impacts from noise and dust generation. In my view, a significant number of

these concerns are related to traffic generation from the site rather than internal activities from the proposed extension area. The issue of noise and dust generation from the traffic has already been discussed elsewhere in this report.

78. In this case, a buffer zone of approximately 200 metres would be provided to the nearest houses in Stanford in the Vale. The White Horse Business Park lies about 150 metres to the south of the site. Its activities are such that it is not as sensitive as residential uses. There would be no processing plant on the extension area as the extracted minerals would be processed in the existing processing plant area within the existing quarry site. Although properties in Stanford would be 200 metres from the site (less than 350 metres referred to in the OMWLP), a combination of screening bunds, existing trees/ hedgerows, new planting, and the distance between dwellings – and the extraction area and processing area – should mitigate the impact of any noise, dust and visual intrusion upon local residents.

79. The proposed extension area is visible from the A417 and cottages in Stanford in the Vale. However, the proposal includes the provision of screening bunds and planting alongside the A417 and the eastern boundary to reduce visual impact of the development. The outer banks of the bunds would be grass seeded to ensure they blend in with the surroundings. In my view, subject to appropriate conditions, the proposal is in line with VoWHLP policy DC9.

Landscape, water environment and biodiversity

80. The landscape character of this area is characterised by wooded estates, arable farming and small villages with a strong vernacular character (from the Oxfordshire Wildlife and Landscape Study (OWLS)).

81. The proposal is to work the sand and limestone across the site from south to north and restore the site back to agriculture whilst strengthening tree and hedgerow planting. Overall, upon conclusion of mineral working this site can be restored to achieve an acceptable final landscape together with some benefit in biodiversity interest. The County Planning Ecologist has indicated her desire to see biodiversity enhancements on the restored quarry site but these are more likely to be on the wider site rather than the extension area. The proposal is therefore in line with the aim of policy C4 of SEP.

82. There is a badger sett in the eastern part of the site. Both the County Ecologist and BBOWT prefer not to remove the badger sett from the site and there should not therefore be any mineral working within 20m of the sett. The applicant has agreed with this proposal and any badger sett would be protected by planning conditions if any consent is to be granted. The proposal, therefore, accords with policy NRM5 of SEP and policy NE5 of VoWHLP.

83. The site is not in the flood plain and therefore there should be no risk of any flooding. The Environment Agency has indicated in their consultation

response that there may be a pollution issue in the local area (to do with historic landfill site on the northern side of the A417). The Environment Agency therefore suggests a condition to protect groundwater quality in underlying and surrounding aquifers and in local surface water features. It is my view that subject to conditions the proposal would not affect the water environment and in accordance with policy PE4 of OMWLP.

Restoration of the site

84. OMWLP policy PE13 requires restoration of mineral workings within a reasonable timescale. This proposal involves the restoration of the site to agriculture (similar to the surrounding land use). The restoration proposals incorporate significant tree planting on the site boundaries that would improve the landscape structure of the area. It is agreed that there would be some ecological enhancement features in the final restoration scheme in addition to agricultural restoration. However, that benefit needs to be over wider site rather than this extension area.

85. The proposed mineral working would create a void of 520,000 m^3, which would be filled with inert waste. For the first 3 years of the development it is unlikely that any waste would be imported (whilst extraction operation gets underway). Although this proposal would create additional inert landfill capacity, this would be as an extension to the existing Shellingford Quarry void. The overall rate of landfill would not be increased and the potential supply of infill material to other quarries being restored with inert fill material should not be affected.

86. This application proposes a rate of infill of 100,000 m^3/year. The increased rate of infilling should ensure that the restoration of the site is managed within a reasonable timescale (in this case 2021 whilst at the same time maintaining vehicle movements to what is happening at the existing quarry at the moment.

Conclusion

87. There is a need to maintain a landbank of permitted sand and limestone reserves supply materials for the construction industry. Planning policy at local, regional and national levels support the extension of existing quarries.

88. The concerns of the local resident regarding the impacts from traffic can be addressed and mitigated through appropriate planning conditions together with the establishment of a local liaison group.

89. The proposed extension of the quarry should not result in any significant harm to local amenities and surrounding landscape. Conditions can be applied to any consent to protect local people and the environment, and ensure that the site is properly restored in due course.

Recommendation

90. **It is RECOMMENDED that planning permission be granted for the developments described in Applications STA/SHE/8554/12-CM and STA/SHE/8554/11-CM subject to conditions to be determined by the Deputy Director for Environment & Economy -Growth & Infrastructure to include the matters set out in Annex 1 (with regard to Application 1) and Annex 2 (with regard to Application 2) of this report.**

MARTIN TUGWELL
Deputy Director (Growth & Infrastructure)

Background papers: Planning application

April 2011

ANNEX 1

Application No. STA/SJE/8554/12-CM (existing site) – Heads of Conditions:

- Detailed compliance condition.
- Extraction to cease by December 2028 with restoration by December 2029 **(only included if permission for Eastern extension is granted).**
- Plan to be submitted to show an area to be left for sand martin colonisation.
- Stockpiles of imported or bagged materials to be stored in accordance with approved location and height.
- Structures for managing landfill gas or leachate to be erected in accordance with approved plan.
- The bagging plant, workshop, and the office to be located as per the approved plan.
- Extraction of minerals, landfill, and restoration to take place according to approved plans and details.
- Bunding to be constructed in accordance with approved details.
- No extraction or landfill operations or construction of bunds to take place within two metres of the northern edge of planting.
- Soil stripping, working, landfill and restoration to be carried out in accordance with the sequence shown on approved plan.
- Soil handling, cultivation and trafficking over the top soil and sub soil material to take place when the moisture content of the soil 5% or more below the lower plastic limit of soils.
- Topsoil, subsoil and other soil-forming materials to be moved by loading shovel, hydraulic excavator and dump truck.
- All topsoil and subsoil stripped from the site to be stored separately in soil bunds and retained on site. No indigenous topsoil or subsoil to be taken off site or used for day to day cover during the landfill operations.
- No additional soil bunds to be erected and existing bunds to be vegetated.
- Screen bunds to be retained until required for restoration.
- Extraction of minerals to take place in accordance with approved depth of working.
- Operating hours – Mon-Fri 0700-1800 and Saturdays 0700-1300.
- No operation on Sundays and Bank Holidays.
- Access to the site is to be as per approved plan.
- Access improvement works to be carried out within a specified period of time.
- Internal site haul roads to be kept free from pot holes while in use and haul roads to be removed when no longer required.
- Lorries to leave the site with wheels washed to prevent mud or dust.
- Loaded vehicles to leave the site as sheeted.
- No reversing bleepers.
- No blasting.
- No floodlighting to be erected.
- The sand and limestone processing plant to be located at the base of the limestone deposit.
- Noise limits to be agreed and implemented.
- Oil storage tanks to be sited on impervious bases surrounded by oil tight bund walls.

- No discharge of water from the site except in accordance with discharge license.
- Submission of a scheme for the monitoring of the ground water quality of the site.
- Planting to be carried out in accordance with approved scheme.
- Existing hedges to be retained and maintained.
- All trees on the site to be preserved and maintained.
- No excavation from faces occupied by sand martins between 11 March and 31 October.
- The site to be kept free from weeds.
- The bagging plant and sand processing plant to be removed from the site by the specified time period.
- Aggregates to be imported to the site up to the permitted period of sand extraction.
- The site to be restored in accordance with approved scheme and within the specific time period.
- No special waste to be deposited at the site.
- Waste materials imported to the site to be deposited only on topsoil.
- Waste skips or containers to be stored in the working part of the quarry.
- Subsoil materials recovered from incoming loads and quarry reject material to be used to provide 1000 millimetres of cover over compacted waste materials.
- Imported soil or soil making material to be handled in accordance with an approved scheme.
- Topsoil to be spread over the restoration area to achieve the final land levels and the topsoil shall have a settled depth of 300 millimetres. All stones and rocks exceeding 100 millimetres in any dimension and any other deleterious material to be removed from the topsoil.
- The full depth of the restored topsoil and top 100 millimetres of subsoil to be tined using an agricultural machine at 600 millimetre centres.
- All stones/rocks exceeding 150 millimetres in any dimension or other deleterious material to be removed from the topsoil and subsoil.
- To avoid compaction the uppermost metre of the restored profile to be replaced in narrow strips, to a width not exceeding the reach of the hydraulic excavator.
- Final restoration levels not to exceed the approved level.
- A nesting area designated for the use of sand martins to be included in the biodiversity gain area.
- A scheme for the restoration of the biodiversity gain area to be submitted and approved.
- An aftercare scheme to be submitted and approved.
- Aftercare to take place for the period of 5 years.
- Extraction and landfilling to be ceased within the specific time period.
- Local liaison meeting to be established.

ANNEX 2

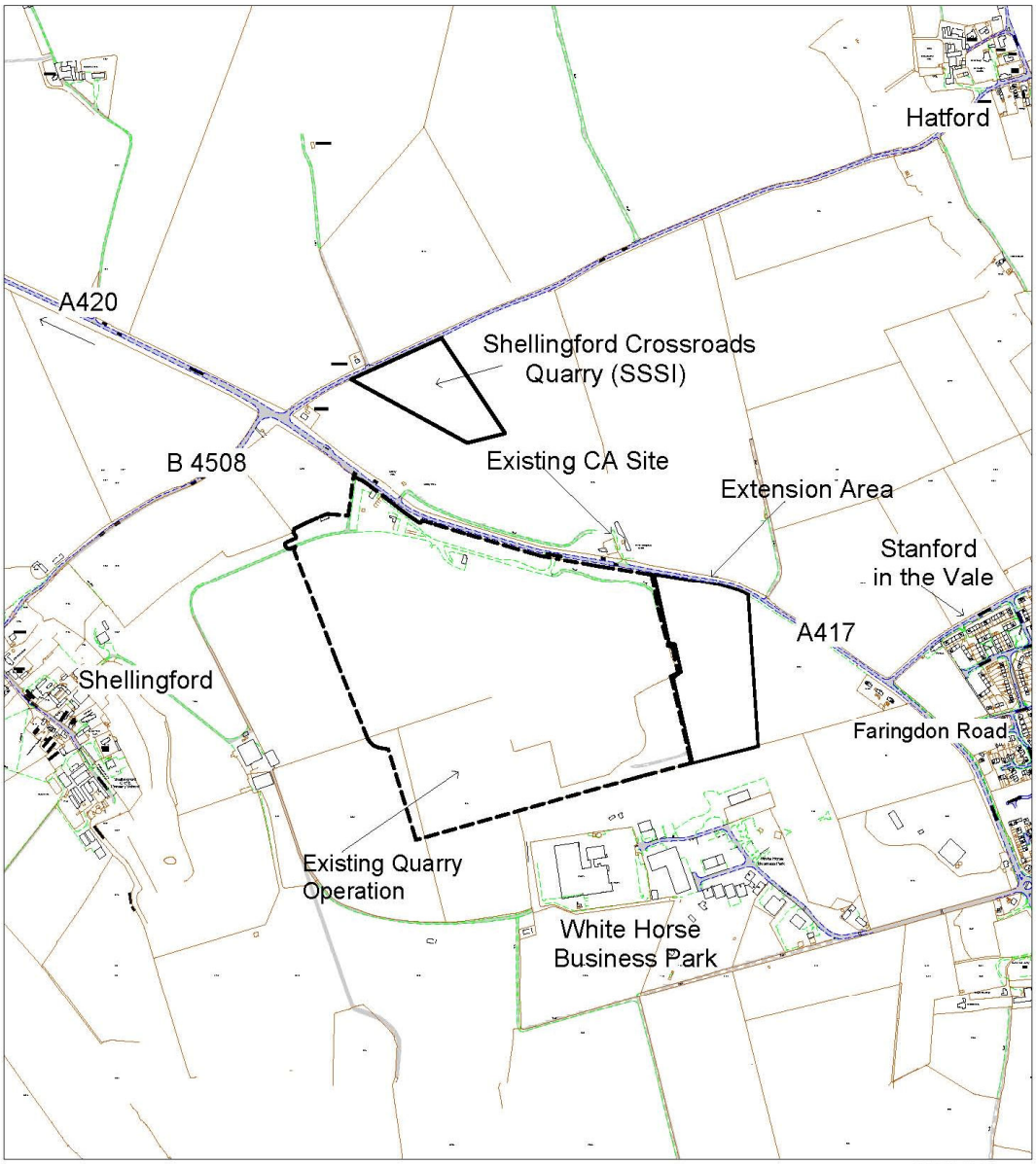
Application No. STA/SHE/8554/11-CM (extension site) – Heads of Conditions:

- Detailed compliance condition.
- Mineral extraction to be completed by 2020 and restoration to be completed by 2021.
- Structures for managing landfill gas or leachate to be erected in accordance with approved plan.
- Extraction of minerals, landfill, and restoration to take place according to approved plans and details.
- No extraction or landfill operations or construction of bunds to take place within two metres of the northern edge of planting.
- Soil stripping, working, landfill and restoration to be carried out in accordance with the sequence shown on approved plan.
- Soil handling, cultivation and trafficking over the top soil and sub soil material to take place when the moisture contents of the soil is 5% or more below the lower plastic limit of soils.
- Topsoil, subsoil and other soil-forming materials to be moved by loading shovel, hydraulic excavator and dump truck.
- All topsoil and subsoil stripped from the site to be stored separately in soil bunds and retained on site. Indigenous topsoil or subsoil to be taken off site or used for day to day cover during the landfill operations.
- New bunds to be erected and existing bunds to be vegetated.
- Bunding to be constructed in accordance with approved details.
- Screen bunds to be retained until required for restoration.
- Extraction of minerals to take place in accordance with approved depth of working.
- Operating hours – Mon-Fri 0700-1800 and Saturdays 0700-1300.
- No operation on Sundays and Bank Holidays.
- Existing access onto A417 via existing quarry to be used.
- Access improvement works to be carried out within the specified period of time.
- Internal site haul roads to be kept free from pot holes while in use and to be removed when no longer required.
- Lorries to leave the site with its wheels have been washed to prevent mud and dust.
- Loaded vehicles to leave the site as sheeted.
- No reversing bleepers.
- No blasting.
- No floodlighting to be erected.
- Noise limits.
- Oil storage tanks to be sited on impervious bases surrounded by oil tight bund walls.
- No discharge of water from the site except in accordance with discharge license.
- Submission of a scheme for the monitoring of the ground water quality of the site.
- Surface water drainage scheme to be submitted and agreed.
- Scheme for biodiversity gain to be submitted and agreed.
- No excavation shall take place below 64m Ordnance Datum or into the Lower Calcareous Grit Formation.

- Planting to be carried out in accordance with approved scheme.
- Existing hedges to be retained and maintained.
- All trees on the site to be preserved and maintained.
- The entire site to be kept free from weeds.
- No works to take place in the eastern extension unless a mitigation scheme to protect badgers has been submitted and approved.
- The site to be restored in accordance with approved scheme and within the specific time period.
- No special waste to be deposited on site.
- Waste materials imported to the site to be deposited only on topsoil.
- Waste skips or containers to be stored in the working part of the quarry.
- Subsoil materials recovered from incoming loads and quarry reject material to be used to provide 1000 millimetres of cover over compacted waste materials. The more permeable subsoil to be deposited in the upper part of the profile.
- Imported soil or soil making material to be handled in accordance with an approved scheme.
- Topsoil to be spread over the restoration area to achieve the final land levels and the topsoil shall have a settled depth of 300 millimetres. All stones and rocks exceeding 100 millimetres in any dimension and any other deleterious material to be removed from the topsoil.
- The full depth of the restored topsoil and top 100 millimetres of subsoil to be tined using an agricultural machine at 600 millimetre centres.
- All stones/rocks exceeding 150 millimetres in any dimension or other deleterious material to be removed from the topsoil and subsoil.
- To avoid compaction the uppermost metre of the restored profile to be replaced in narrow strips, to a width not exceeding the reach of the hydraulic excavator.
- Final restoration level not to exceed the approved level.
- An aftercare scheme to be submitted and approved.
- Aftercare to take place for the period of 5 years.
- A local liaison meeting to be established.

Shellingford Quarry

Application No: STA/SHE/8554/10-CM - Extension Area
Application No: STA/SHE/8554/12-CM - Existing Quarry



28/3/11
T.Philp

PLANNING & REGULATION COMMITTEE – 11 APRIL 2011

Policy Annex (Relevant Development Plan and other Policies)

This paper is the Annex referred to in Items 5 and 6

The South East Plan - Regional Spatial Strategy for the South East of England, May 2009

POLICY M3: PRIMARY AGGREGATES

The supply of construction aggregates in the South East should be met from a significant increase in supplies of secondary and recycled materials, a reduced contribution from primary land-won resources and an increase in imports of marine-dredged aggregates. Mineral planning authorities should plan to maintain a landbank of at least seven years of planning permissions for land-won sand and gravel which is sufficient, throughout the Plan period, to deliver 13.25 million tonnes (mt) of sand and gravel per annum across the region, based on the following sub-regional apportionment:

Berkshire Unitaries	1.57 mtpa
Buckinghamshire	0.99 mtpa
East Sussex/Brighton and Hove	0.01 mtpa
Hampshire/Portsmouth/Southampton/New Forest	2.63 mtpa
Isle of Wight	0.05 mtpa
Kent /Medway	2053 mtpa
Milton Keynes	0.12 mtpa
Oxfordshire	1.82 mtpa
Surrey	2.62 mtpa
West Sussex	0.91 mtpa

and 2.2 million tonnes of crushed rock per annum across the region, based on the following sub-regional apportionment:

Kent	1.2mtpa
Oxfordshire	1.0mtpa

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.

i. They must give the highest level of protection to sites of international nature conservation importance (European sites). Plans or projects implementing policies in this RSS are subject to the Habitats Directive. Where a likely significant effect of a plan or project on European sites cannot be excluded, an appropriate assessment in line with the Habitats Directive and associated regulations will be required.

ii. If after completing an appropriate assessment of a plan or project local planning authorities and other bodies are unable to conclude that there will be no adverse effect on the integrity of any European sites, the plan or project will not be approved, irrespective of conformity with other policies in the RSS, unless otherwise in compliance with 6(4) of the Habitats Directive.

iii. For example when deciding on the distribution of housing allocations, local planning authorities should consider a range of alternative distributions within their area and should distribute an allocation in such a way that it avoids adversely affecting the integrity of European sites. In the event that a local planning authority concludes that it cannot distribute an allocation accordingly, or otherwise avoid or adequately mitigate any adverse effect, it should make provision up to the level closest to its original allocation for which it can be concluded that it can be distributed without adversely affecting the integrity of any European sites.

iv. They shall avoid damage to nationally important sites of special scientific interest and seek to ensure that damage to county wildlife sites and locally important wildlife and geological sites is avoided, including additional areas outside the boundaries of European sites where these support the species for which that site has been selected.

v. They shall ensure appropriate access to areas of wildlife importance, identifying areas of opportunity for biodiversity improvement and setting targets reflecting those in the table headed 'Regional Biodiversity Targets – Summary for 2010 and 2026' below. Opportunities for biodiversity improvement, including connection of sites, large-scale habitat restoration, enhancement and re-creation in the areas of strategic opportunity for biodiversity improvement (Diagram NRM3) should be pursued.

vi. They shall influence and applying agri-environment schemes, forestry, flood defence, restoration of mineral extraction sites and other land management practices to:

- deliver biodiversity targets
- increase the wildlife value of land
- reduce diffuse pollution
- protect soil resources.

vii. They shall promote policies that integrate the need to accommodate the changes taking place in agriculture with the potential implications of resultant development in the countryside.

viii. They shall require green infrastructure to be identified, developed and implemented in conjunction with new development.

POLICY NRM9: AIR QUALITY

Strategies, plans, programmes and planning proposals should contribute to sustaining the current downward trend in air pollution in the region. This will include seeking improvements in air quality so that there is a significant reduction in the number of days of medium and high air pollution by 2026. Local development documents and development control can help to achieve improvements in local air quality through:

i. ensuring consistency with Air Quality Management Plans

ii. reducing the environmental impacts of transport, congestion management, and support the use of cleaner transport fuels

iii. mitigating the impact of development and reduce exposure to poor air quality through design, particularly for residential development in areas which already, or are likely to, exceed national air quality objectives

iv. encouraging the use of best practice during construction activities to reduce the levels of dust and other pollutants

v. assessing the potential impacts of new development and increased traffic levels on internationally designated nature conservation sites, and adopt avoidance and mitigation measures to address these impacts.

POLICY T1: MANAGE AND INVEST

Relevant regional strategies, local development documents and local transport plans should ensure that their management policies and proposals:

i. are consistent with, and supported by, appropriate mobility management measures

ii. achieve a re-balancing of the transport system in favour of sustainable modes as a means of access to services and facilities

iii. foster and promote an improved and integrated network of public transport services in and between both urban and rural areas

iv. encourage development that is located and designed to reduce average journey lengths

v. improve the maintenance of the existing transport system

vi. include measures that reduce the overall number of road casualties

vii. include measures to minimise negative environmental impacts of transport and, where possible, to enhance the environment and communities through such interventions

viii. investment in upgrading the transport system should be prioritised to support delivery of the spatial strategy by:

a. supporting the function of the region's international gateways and inter-regional movement corridors (see Diagram T1 at the end of the chapter)
b. developing the network of regional hubs and spokes (see Diagram T2 at the end of the chapter)
c. facilitating urban renewal and urban renaissance as a means of achieving a more sustainable pattern of development
d. improving overall levels of accessibility.

POLICY C4: LANDSCAPE AND COUNTRYSIDE MANAGEMENT

Outside nationally designated landscapes, positive and high quality management of the region's open countryside will be encouraged and supported by local authorities and other organisations, agencies, land managers, the private sector and local communities, through a combination of planning policies, grant aid and other measures.

In particular, planning authorities and other agencies in their plans and programmes should recognise, and aim to protect and enhance, the diversity and local distinctiveness of the region's landscape, informed by landscape character assessment.

Positive land management is particularly needed around the edge of London and in other areas subject to most growth and change. In such areas long-term goals for landscape conservation and renewal and habitat improvement should be set, and full advantage taken of agri-environmental funding and other management tools.

Local authorities should develop criteria-based policies to ensure that all development respects and enhances local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

POLICY CC7: INFRASTRUCTURE AND IMPLEMENTATION

The scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development. Where this cannot be demonstrated the scale and pace of development will be dependent on additional capacity being released through demand management measures or better management of existing infrastructure, or through the provision of new infrastructure. Where new development creates a need for additional infrastructure a programme of delivery should be agreed before development begins.

Funding will be provided by a combination of local government and private sector partners, and substantial contributions from central government.

To help achieve this:

i. infrastructure agencies and providers will aim to align their investment programmes to help deliver the proposals in this Plan

ii. local development documents (LDDs) will identify the necessary additional infrastructure and services required to serve the area and the development they propose together with the means, broad cost and timing of their provision related to the timing of development

iii. contributions from development will also be required to help deliver necessary infrastructure. To provide clarity for landowners and prospective developers, local authorities should include policies and prepare clear guidance in their LDDs, in conjunction with other key agencies, on the role and scope of development contributions towards infrastructure.

The phasing of development will be closely related to the provision of infrastructure. In order to create confidence and assurance in the timely delivery of infrastructure in relation to new housing a more proactive approach to funding will be adopted. This will involve a joint approach by regional bodies, local authorities, infrastructure providers and developers. Consideration will be given to the pooling of contributions towards the cost of facilities, development tariffs and local delivery vehicles. Mechanisms to enable forward funding of strategic infrastructure will be agreed between regional bodies and Government. One of these, a Regional Infrastructure Fund is currently being developed for the South East Region.

In order to further secure effective delivery of the Plan, and particularly the timely delivery of the necessary supporting infrastructure, an Implementation Plan will be prepared, monitored and reviewed by the regional planning body, which will set out the requirements and obligations for public and private sector bodies at the national, regional and local levels. The Implementation Plan will include a regional and sub-regional investment framework identifying the strategic infrastructure schemes needed to deliver the Plan.

POLICY W5: TARGETS FOR DIVERSION FROM LANDFILL

A substantial increase in recovery of waste and commensurate reduction in landfill is required in the region. Accordingly, the following targets for diversion from landfill of all waste need to be achieved in the region (Policy W6 targets are a component of these):

Year	Municipal Solid Waste (MSW)	Commercial and Industrial (C&I)	Construction and Demolition (C&D)	All Waste	
	mt/yr	mt/yr	mt/yr	mt/yr	%
2008	2.0	5.2	10.0	17.2	68
2010	2.5	5.8	10.1	18.4	71
2015	3.9	7.4	10.4	21.7	79
2020	4.7	8.7	10.7	24.0	84
2025	5.1	9.4	10.9	25.5	86

Regional Targets for Diversion from Landfill

Source: Regional Waste Management Capacity: Survey, Methodology and Monitoring, Updated Final Report, 2008 (modelled Scenario 1)

Note: Percentage targets for diversion from landfill in the year 2008 have been interpolated.

Waste planning authorities (WPAs) should ensure that policies and proposals are in place to contribute to the delivery of these targets, and waste management companies should take them into account in their commercial decisions. The optimal management solution will vary according to the individual material resource streams and local circumstances and will usually involve one or more of the following processes:

- re-use
- recycling
- mechanical and/or biological processing (to recover materials and produce compost, soil conditioner or inert residue)

- thermal treatment (to recover energy)
- priority will be given to processes higher up this waste hierarchy.

WPAs should continue to provide sufficient landfill capacity to process residues and waste that cannot practicably be recovered.

POLICY W7: WASTE MANAGEMENT CAPACITY REQUIREMENTS

Waste planning authorities (WPAs) will provide for an appropriate mix of development opportunities to support the waste management facilities required to achieve the targets set out in this strategy. The annual rates of waste to be managed as shown in the table below provide benchmarks for the preparation of development plan documents and annual monitoring.

Waste Authority Area	Waste Type	2008-2010	2011-2015	2016-2020	2021-2025
Berkshire Unitaries	MSW C&I	441 845	480 919	522 999	563 1061
Buckinghamshire	MSW C&I	272 993	296 1080	322 1175	347 1247
East Sussex, Brighton & Hove	MSW C&I	391 446	426 485	463 527	499 560
Hampshire, Southampton, Portsmouth and New Forest National Park	MSW C&I	910 1785	990 1942	1077 2113	1160 2242
Isle of Wight	MSW C&I	97 147	105 160	115 174	123 185
Kent & Medway	MSW C&I	958 2120	1042 2307	1133 2509	1221 2663
Milton Keynes	MSW C&I	123 27	134 29	146 32	157 34
Oxfordshire	MSW C&I	319 630	347 685	377 745	406 791
Surrey	MSW C&I	638 830	694 903	755 982	813 1042
West Sussex	MSW C&I	473 943	514 1026	559 1116	603 1185

Average Tonnages to be Managed (thousand tonnes)

Source: Regional Waste Management Capacity: Survey, Methodology and Monitoring, Updated Final Report, 2008 (modelled Scenario 1)

Note: MSW and C&I data used excludes both intra and inter-regional waste movements.

In bringing forward and safeguarding sites for waste management facilities, WPAs should consider the type, size and mix of facilities that will be required, taking into account:

- activities requiring largely open sites, such as aggregate recycling and open windrow composting
- activities of an industrial nature dealing with largely segregated materials and requiring enclosed premises, such as materials recovery facilities, dis-assembly and re-manufacturing plants, and reprocessing industries
- activities dealing with mixed materials requiring enclosed industrial premises, such as mechanical-biological treatment, anaerobic digestion and energy from waste facilities

- hybrid activities requiring sites with buildings and open storage areas, including re-use facilities and enclosed composting systems.

In areas of major new developments consideration should be given to identifying sites for integrated resource recovery facilities and new resource parks accommodating a mix of activities where they meet environmental, technical and operational objectives.

The figures in the above table should be used as a benchmark for the production and testing of development plan documents, but WPAs should use more recent data where this is available in order to assess and plan for capacity. Any major changes to the figures may dictate a need to reconsider the apportionment through a review of the RSS.

POLICY W12: OTHER RECOVERY AND DIVERSION TECHNOLOGIES

The regional planning body, SEEDA, the Environment Agency and the regional partners will promote and encourage the development and demonstration of anaerobic digestion and advanced recovery technologies that will be expected to make a growing contribution towards the delivery of the regional targets for recovery, diversion from landfill, and renewable energy generation over the period of the Plan.

Waste development documents and municipal waste management strategies should only include energy from waste as part of an integrated approach to management. All proposed waste facilities should:

i. operate to the required pollution control standard
ii. 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.

POLICY W13: LANDFILL REQUIREMENTS

Waste development documents should provide for continuing but declining landfill capacity. Non-inert landfill capacity should be husbanded to provide for disposal of residential non-inert waste. At regional level there should be provision for at least the following landfill capacity:

Regional Landfill Requirements (mt/yr) 2008-2025

Year	MSW Landfill	C&I landfill	C&D Landfill	SE Sub-Total	London Imports	SE inc. London imports
2008	2.5	3.4	2.2	8.00	1.21	9.21
2010	2.3	3.1	2.1	8.48	1.03	8.51
2015	1.4	2.5	1.7	5.54	0.73	6.27
2020	1.0	2.0	1.5	4.44	0.55	4.99
2025	1.0	1.8	1.2	3.98	0.53	4.51

Source: Regional Waste Management Capacity: Survey, Methodology and Monitoring, Updated Final Report, 2008 (Modelled Scenario 1)

Landfill gas collection and energy recovery should be standard practice at all non-inert landfill sites.

POLICY W17: LOCATION OF WASTE MANANGEMENT FACILITIES

Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and

good transport connections. The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics.

i. good accessibility from existing urban areas or major new or planned development
ii. good transport connections including, where possible, rail or water
iii. compatible land uses, namely:

- active mineral working sites
- previous or existing industrial land use
- contaminated or derelict land
- land adjoining sewage treatment works
- redundant farm buildings and their cartilages

iv. be capable of meeting a range of locally based environmental and amenity criteria.

Waste management facilities should not be precluded from the Green Belt. 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.

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996 adopted July 1996

POLICY SD1

Separate landbanks will be maintained for sharp sand and gravel and for soft sand at levels which accord with current Government advice and with the current regional apportionment.

POLICY SD3 – LIMESTONE AND CHALK

Planning permission will not normally be granted for new limestone and chalk quarries. Extensions to existing limestone and chalk quarries will be considered against national policies and those in the Structure and Local Plan. Very small quarries to supply traditional local building stone to the immediate area may be permitted as an exception to this policy.

POLICY PE4 - GROUNDWATER

Proposals for mineral extraction and restoration (including waste disposal) will not be permitted where they would have an impact on groundwater levels in the surrounding area which would harm existing water abstraction, river flow, canal, lake or pond levels or important natural habitats. Proposals must not put at risk the quality of groundwater.

POLICY PE11: RIGHTS OF WAY

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.

POLICY PE13 - RESTORATION, AFTER-USE AND NATURE CONSERVATION

Mineral workings and landfill sites should be restored within a reasonable timescale to an after-use appropriate to the location and surroundings. Proposals for restoration, aftercare and after-use should be submitted at the same time as any application for mineral working. Planning permission will not be granted for mineral working or landfill sites unless satisfactory proposals have been made for the restoration and after-use, and means of securing them in the long-term.

POLICY W7: LANDFILL

To control the release and location of landfill sites in such a way as to ensure that satisfactory restoration is progressively achieved with the least possible harm to the environment. Proposals will therefore 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) there should be no material damage or disturbance to the environment or to the amenities of residential and other sensitive uses or buildings, both during and after operation, by reason of noise, dust, vermin, smell, gas and other pollution, or long-term damage to the visual amenities;
(c) the proposed filling should not raise or impede the floodplain of rivers and streams or create risk of pollution of surface or underground water courses;
(d) the proposal will cause no material damage to any feature of importance within a Site of Special Scientific Interest or other site of nature conservation importance which cannot be protected by measures incorporated within the proposal;
(e) the proposal will cause no material damage to an ancient monument or archaeologically important area requiring permanent preservation;
(f) the proposal will not adversely affect an Area of Outstanding Natural Beauty or of High Landscape Value;
(g) in the case of proposals in the Green Belt the development should not injure the visual amenities of the Green Belt or conflict with its purposes because of inappropriate siting, scale or design;
(h) the proposed access to the site, and transport routes for carrying waste to it, are suitable for the volume and nature of traffic which may be expected;
(i) the site and the methods of operation proposed are capable of progressive restoration and completion within an acceptable period having regard to the particular circumstances in each case;
(j) proposals for sites must meet with the hydrological and geological requirements for safe disposal of the particular waste concerned;
(k) where waste disposal might damage the visual amenities of an area during the period of operation, the site will be screened by earth mounding, tree planting or other techniques appropriate to the area.

POLICY W7: LANDFILL

To control the release and location of landfill sites in such a way as to ensure that satisfactory restoration is progressively achieved with the least possible harm to the environment. Proposals will therefore be assessed against the following criteria:

(l) there is a definite need for the facilities which cannot be met by existing or permitted landfill sites;
(m) there should be no material damage or disturbance to the environment or to the amenities of residential and other sensitive uses or buildings, both during and after operation, by reason of noise, dust, vermin, smell, gas and other pollution, or long-term damage to the visual amenities;
(n) the proposed filling should not raise or impede the floodplain of rivers and streams or create risk of pollution of surface or underground water courses;
(o) the proposal will cause no material damage to any feature of importance within a Site of Special Scientific Interest or other site of nature conservation importance which cannot be protected by measures incorporated within the proposal;
(p) the proposal will cause no material damage to an ancient monument or archaeologically important area requiring permanent preservation;
(q) the proposal will not adversely affect an Area of Outstanding Natural Beauty or of High Landscape Value;
(r) in the case of proposals in the Green Belt the development should not injure the visual amenities of the Green Belt or conflict with its purposes because of inappropriate siting, scale or design;
(s) the proposed access to the site, and transport routes for carrying waste to it, are suitable for the volume and nature of traffic which may be expected;
(t) the site and the methods of operation proposed are capable of progressive restoration and completion within an acceptable period having regard to the particular circumstances in each case;

(u) proposals for sites must meet with the hydrological and geological requirements for safe disposal of the particular waste concerned;
(v) where waste disposal might damage the visual amenities of an area during the period of operation, the site will be screened by earth mounding, tree planting or other techniques appropriate to the area.

Cherwell Local Plan 2011 - adopted in June 2006

POLICY ENV1 – POLLUTION CONTROL

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.

POLICY C2 – NATURE CONSERVATION

Development which would adversely affect any species protected by Schedule 1, Schedule 5 and Schedule 8 of the 1981 Wildlife and Countryside Act, and by the E.C. Habitats Directive 1992 will not normally be permitted.

POLICY C31 – CONSERVATION AREAS

In existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.

The Non-Statutory Cherwell Local Plan 2011 – December 2004

POLICY EN3 – POLLUTION CONTROL

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.

Vale of White Horse Local Plan 2011

POLICY DC5 - ACCESS

Proposals for development will only be permitted provided that:

i) safe and convenient access will be provided both within the site and to and from the adjoining highway network for all users including those with impaired mobility, and for all modes of transport;
ii) the road network can accommodate the traffic arising from the development without causing safety, congestion or environmental problems;
iii) adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning;
iv) adequate and safe provision will be made for parking vehicles and cycles;
v) off-site improvements to the highway infrastructure (including traffic management measures), cycleways, footpaths and the public transport network can be secured where these are not adequate to service the development; and
vi) the scheme is designed to minimise the impact of vehicles and give priority to the needs of pedestrians, cyclists, the users of public transport and those with impaired mobility.

POLICY DC9 – IMPACT OF DEVELOPMENT ON NEIGHBOURING USES

Development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of:

i) loss of privacy, daylight or sunlight;

ii) dominance or visual intrusion;
iii) noise or vibration;
iv) smell, dust, heat, gases or other emissions;
v) pollution, contamination or the use of or storage of hazardous substances; and
vi) external lighting.

POLICY NE5 – PROTECTION OF SPECIES

Development likely to have an adverse affect on a specially protected species will not be permitted unless the adverse affects, either directly or indirectly, can be prevented or acceptably minimised or adequate alternative habitats can be provided.