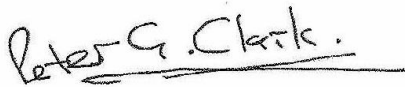


To: Members of the Planning & Regulation Committee

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

Monday, 10 September 2012 at 2.00 pm

County Hall, New Road, Oxford



Peter G. Clark
County Solicitor

August 2012

Contact Officer: **Graham Warrington**
Tel: (01865) 815321; E-Mail:
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
Tony Crabbe
Anda Fitzgerald-O'Connor
Patrick Greene
Jenny Hannaby

Ray Jelf
Stewart Lilly
David Nimmo-Smith
Neil Owen
G.A. Reynolds

John Sanders
Lawrie Stratford
John Tanner

Notes:

- **Date of next meeting: 22 October 2012**

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Rachel Dunn on (01865) 815279 or Rachel.dunn@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 10)

To approve the minutes of the meeting held on 9 July 2012 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Application to continue importing leachate for treatment at Ardley Leachate Treatment Plant** (Pages 11 - 28)

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN6**).

In July 2012 the Planning & Regulation Committee deferred an application by Viridor which sought to use the leachate treatment plant at the Ardley site to treat leachate imported from other sites. The application was deferred until September so that Thames Water and Environment Agency representatives could address local concerns regarding flooding from the sewer in the locality of Bucknell. A meeting with local people to discuss flooding concerns has now taken place. This report describes the latest position. The July report stated that the proposed development is considered acceptable as there had been no objection from the Environment Agency or Thames Water in terms of drainage or pollution and it was in accordance with planning policy relating to the location of waste development.

At present the Deputy Director for Environment & Economy is minded to make the same recommendation for approval as appears in the July 2012 report to this Committee. However, he feels it appropriate that the meeting with Thames Water and the Environment Agency should take place before doing so. Therefore, he will seek to make a recommendation to the Planning & Regulation Committee on the application at the 10 September meeting.

7. Change of use of part of sawmill, timber treatment and fencing and timber building manufacturing depot to waste transfer station - Pennyroyal Sawmill site, Goring Heath - Application No. MW.0100/12 (Pages 29 - 44)

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN7)

The report describes a planning application submitted for a waste facility at an existing sawmill in Goring Heath which proposes to change the use of the northern part of the site to a waste transfer station with a concrete hardstanding containing plant and machinery for waste processing and storage including a crusher, screener and shredder. Waste would be sorted inside an existing building with one skip lorry used to transport approximately 10,000 tonnes per year of inert domestic and building construction waste. The application appears to be for a relatively small scale proposal, but the potential for harm to the AONB and nearby uses and the extent to which there is a need for facilities to serve the local area are unclear. Further information has been requested but not provided.

The report describes why the proposals have been put forward, outlines objections and other responses which have been received to the application and sets out relevant planning policies along with comments and recommendation of the Deputy Director for Environment & Economy (Strategy & Infrastructure).

It is RECOMMENDED that Application MW.0100/12 be REFUSED for the following reasons:

- 1. The development is contrary to policy W4 of OMWLP as it has not been demonstrated that there is an overriding need to justify the countryside location.***
- 2. On the basis of the information provided, the development proposed would have an unacceptable impact on a public right of way running across the site, contrary to policy OMWLP PE18 and OMWCS policy C9.***
- 3. Insufficient information has been supplied regarding lorry traffic generation. A substantial increase over existing levels would be contrary to OMWCS policy C8 because the site is located off a narrow rural lane.***
- 4. The proposed development is not appropriate in the AONB. It has not been demonstrated that the development would be a small scale facility serving local needs. It is contrary to OMWCS policy W6.***

8. Extend existing dust storage shed used in connection with existing asphalt plant at Hanson Aggregates, Appleford Sidings, Sutton Courtenay - Application No. MW.0104/12 (Pages 45 - 54)

Report by Director for Environment & Economy (Strategy & Infrastructure) (PN8).

The report describes a planning application submitted by Hanson Aggregates for an extension to an existing dust shed at the Hansons site within the Sutton Courtenay waste complex. This is a relatively small scale proposal as the extension would be the same height at the existing shed (6.5 metres) and measure 10 metres by 10 metres. The application is being reported to this Committee as objections have been received to the proposal.

The report describes why the proposals have been put forward and outlines the objections and other responses to the application. Relevant planning policies are included along with the comments and recommendation of the Deputy Director for Environment & Economy (Strategy & Infrastructure).

It is RECOMMENDED that planning permission be approved for application MW.0104/12 to extend existing dust storage shed used in connection with existing asphalt plant, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include those matters listed below:

Heads of Conditions

- 1. Complete accordance with application***
- 2. Development to commence within 3 years of the date of permission***
- 3. External materials as per existing building***

9. Relevant Development Plan and other policies (Pages 55 - 66)

Paper by the Director for Environment & economy (Strategy & Infrastructure) (PN10).

This paper setting out the policies referred to in Items 6,7 and 8 should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 10 September 2012** 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, 9 July 2012 commencing at 2.00 pm and finishing at 3.45 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 Patrick Greene

Councillor Jenny Hannaby

Councillor Ray Jelf

Councillor Charles Mathew (In place of Councillor Stewart Lilly)

Councillor David Nimmo-Smith

Councillor Neil Owen

Councillor Anne Purse (In place of Councillor Alan Armitage)

Councillor G.A. Reynolds

Councillor John Sanders

Councillor Lawrie Stratford

Councillor John Tanner

Officers:

Whole of meeting

G. Warrington and J. Crouch (Law and Culture);
Rob Dance (Environment & Economy)

Part of meeting

Agenda Item

Officer Attending

5.

M. Thompson (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.

38/12 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Alan Armitage Councillor Stewart Lilly	Councillor Anne Purse Councillor Charles Mathew

Councillor Mathew had been asked to leave the meeting at 2.04am due to the Chairman’s insistence that Councillor Mathew’s lateness meant he was disqualified from attending as a substitute. This edict was later rescinded on advice from the clerk to the meeting and Councillor Mathew had been retrieved by him from elsewhere in the building to resume his role as substitute for Councillor Lilly as previously arranged and noted by the clerk on the addenda papers. The Chairman offered his apologies and said there were ‘new rules’ and he had been mistaken as he often had been subject to disqualification in this manner in the past. Councillor Mathew apologised for being slightly delayed for the start of the meeting.

39/12 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor Mrs Fulljames declared a disclosable pecuniary interest with regard to Item 6. At a previous meeting and with regard to an item at Ardley she had accepted the advice of legal officers that she had had a personal and prejudicial interest by reason of proximity. After making representations as local member she intended leaving the meeting and taking no part in the substantive discussion or voting thereafter

40/12 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 28 May 2012 were agreed and signed.

Minute 31/12 - Ashgrove Farm, Ardley

Councillor Mrs Fulljames advised that meetings of the Liaison Committee were ongoing with regard to issues of smell. The recent spell of wet weather had seen a decrease in the number of reports although some were still being reported.

Minute 33/12 – Sutton Courtenay Landfill Site

At the suggestion of Councillor Greene the clerk to the Committee undertook to record precisely the name of a public speaker when they responded to questions from members of the Committee

41/12 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
David Reeves Hazel Watt Chris Thornton Chris Herbert)) 6. Ardley Leachate Treatment Plant))
Alex Facy	7. St. Andrew's School, Chinnor

42/12 CHAIRMAN'S UPDATES

(Agenda No. 5)

Mr Dance advised as follows:

Waterstock Golf Course

There had been a further High Court hearing on Thursday 5 July 2012 regarding the lack of removal of any waste or a detailed specification for doing so. A judgement was expected later this week.

Thrupp Lane, Radley

All matters had now been resolved. The old plant had now been removed and the consent issued.

Sutton Courtenay Landfill Site

A drainage scheme had been submitted which was acceptable to Oxfordshire County Council and the Environment Agency but not Sutton Courtenay Parish Council. FCC were being given the opportunity to provide one further bit of information in order to satisfy the Parish Council's concerns.

Members Training and Seminars

Reported recent visit to Harwell and Winfrith.

Two further seminars planned for September 2012. The first on 13 September (morning session) would be to consider how the County Council used planning conditions. The second on 26 September (morning session) was an invitation from the Oxfordshire Minerals Producers Group on "Recycling". Mr Dance undertook to confirm the venue for the latter with members

43/12 APPLICATION TO CONTINUE IMPORTING LEACHATE FOR TREATMENT AT ARDLEY LEACHATE TREATMENT PLANT

(Agenda No. 6)

The Committee considered an application submitted by Viridor for development at Ardley Landfill Site to use the existing leachate treatment plant, which currently had permission to treat leachate generated by the adjacent landfill site, to treat leachate imported from other landfill sites. There was no condition to prevent this under a previous landfilling consent. However, the energy from waste consent issued by the Secretary of State (SOS) did contain a specific condition preventing import. This was a retrospective application as the importation of leachate had been ongoing since the implementation of the SOS permission which had specifically prevented it and was being reported to Committee as objections had been received to the proposal.

The Committee also had before it an amended recommendation as set out in the published addenda.

Mr Reeves could not recall problems with flooding during his 60 years as a resident of Bucknell until recently. However, since 2007 there had been 4 incidents when the problem had been so severe he had had to hire equipment to deal with the fall out. Thames Water had showed little concern regarding flooding. He was convinced that these problems had been caused as a result of the additional treatment of imported leachate and he urged that the application be refused and Viridor instructed to abide by the decision of the Inspector at the Public Inquiry and cease importing leachate.

Hazel Watt referred to Condition 38 forbidding the import of leachate onto the Ardley site. That condition had been imposed after a long, rigorous and expensive public inquiry in 2010 and included for practical and environmental reasons. The Secretary of State had supported that line in February 2011, when he refused Viridor's request for the ban on the import of leachate to be lifted. To annul Condition 38 now, would show flagrant disrespect to both the Secretary Of State and the Planning Inspectorate. The papers for today's meeting made scant reference to the flooding and sewage overflow experienced in Bucknell and despite several attempts no official body has yet attempted to solve and/or discuss those problems. It was true that there had been no flooding nor sewage overflow since the end of 2010 and residents had concluded that this was because of lower than average rainfall between 2009-2011 although it could be because of more regular drain clearance by Thames Water Board's Contractors. There was local concern that this was only a temporary solution and would not survive further import of leachate, in addition to that produced when the incinerator was fully operational. The report also referred to an email from Thames Water to Viridor which suggested that there had been a failure in establishing a link between the leachate discharge and the flooding. This should not be considered to mean that there wasn't a link and it was considered that that investigation had been flawed and that another line of inquiry should have been pursued to substantiate the findings. It was not even clear whether treated or untreated effluent had been used in the investigation and that was fundamental as the test would be meaningless if not made on treated effluent. Furthermore, the

existence of gel had not been denied and the investigations had been made in 2007, but there was still flooding in 2010.

- Why had the County Council as the Waste Authority not made in-depth inquiries about these matters?
- Why had the Environment Agency not responded to the massive amount of evidence presented to it?
- Why had Thames Water not informed Bucknell residents of the action taken up to now rather than try to conceal the need for drain clearances by late night activity? What are their plans for the future that will help protect our residents from the horrors of flooding and sewage overflow?
- Why had Viridor not commissioned research into these matters?
- Can the authorities explain why sewage overflow occurred in December 2010 at a point in Bucknell where only one house had discharged into the sewage system after that released from Viridor's Ardley site?
- Why import leachate when the incinerator will provide much more? Why take the risk of accommodating alien unknown toxicity?

There was considerable public concern and she suggested that any final decision should be deferred pending answers to these matters. The controversial development of the incinerator had already been the subject of a long and expensive legal challenge and in choosing to challenge the conditions imposed by the Planning Inspectorate, the Secretary of State and the High Court, any party approving the annulment of Condition 38 should reasonably expect to find any such decision the subject of further opposition. This highly undesirable outcome could be avoided through full and proper engagement with the concerns raised in this presentation.

Mrs Watt then responded to questions from:

Councillor Greene – there had been very heavy rainfall recently but no overflow that weekend. That had been put down to drain clearance work.

Councillor Sanders – there had been no analysis of the gel blocking the drains although some residents had witnessed it.

Councillor Purse – there was no indication of what was producing the gel and that is what residents were asking to be investigated.

Councillor Mathew – residents were asking for proper and thorough tests. Leachate had been analysed but those tests were meaningless unless made on treated leachate.

Chris Thornton advised that the Fewcott with Ardley Parish Council had been a Rule 6 party at the Public Inquiry. The Inspector had been qualified to make the decision he did and he quoted the condition imposed by the Inspector. The local authority could only vary that condition and a decision to allow this application would be tantamount to a reversal. He urged the Committee to refuse the application.

There were no questions from members of the Committee.

Chris Herbert confirmed that this operation had been ongoing for some time and approval would enable Viridor to continue the service with no change to day to day operations. Viridor were aware of the concerns regarding flooding which had first been raised at the EfW public inquiry and which had led to the condition imposed by the Inspector not to allow importation of leachate. However, since that inquiry these issues had been discussed with Thames Water and the Environment Agency and samples of contents from the sewer flow analysed and incubated. That process had failed to find a conclusive link between the village and the landfill. This operation formed part of the discharge consent and was subject to regular audit sampling. Currently the treatment process consisted of 50% landfill and 50% imported material. Treated leachate from landfill would still be disposed of in the sewer even if none was imported. He referred to the 2 permissions for the energy from waste operation – one from the Secretary of State with the condition regarding importation attached and the other from the County Council which had no such condition.

Mr Herbert then responded to questions from:

Councillor Greene – if Viridor were only treating 50% of current levels in accordance with the Inspector's condition then there would be a reduction in flow through the sewers but taken together levels were still within the prescribed discharge levels. He was not aware of the detail of alternative treatment facilities.

Councillor Hayward – Importation had been carried out for 8 years.

Councillor Hannaby – Viridor had relied on testing by Thames Water. That testing had been based on a sample of sewer flow on a regular basis. The incubation test for the gel had been a one-off. He could not explain past flooding events and the Company had relied on advice from Thames Water who were the regulatory body.

Councillor Purse – the sewer connection to the Bucknell sewer was new but he could not give an exact date. Testing was carried out to ensure compliance with the discharge consent.

Councillor Stratford – he accepted that Viridor had not complied with the condition imposed by the Inspector some 18 months before but they had followed up local concerns with Thames Water.

Councillor Sanders – testing had not shown a link between the gel and leachate. There was no dispute that there were problems in Bucknell village but the cause of those problems had not been determined. There would be variations in levels of leachate and the conditions attached to the discharge consent covered that.

Councillor Tanner – he understood that if permission were granted then Viridor would abide by all 6 conditions.

Councillor Mathew – the responsibility for the sewer was with Thames Water and it was for them to undertake any investigation. They had tested samples of sewer flow which had not produced a gel substance and the conclusion had been drawn that the gel had not resulted from Viridor's processes.

Councillor Owen – with regard to calls for an independent investigation he reiterated that Thames Water were the responsible body for the sewer.

Councillor Mrs Fulljames endorsed the comments made by Mr Reeves, Mrs Watt and Mr Thornton and referred to the great concern locally regarding the importation of leachate. There had only been one investigative test on the sewer flow and the perception locally was that the County Council supported unequivocally any proposal put forward for this particular site with no concern for local people and quoted the EfW plant, recent problems with Agrivert and now Viridor as examples. She referred to the request by Sir Tony Baldry MP to the Secretary of State to call the application in for determination bearing in mind the condition which had been imposed by a government Inspector not to allow importation. She considered that this application should be refused or at very least deferred until the September meeting to allow Thames Water and the Environment Agency to attend and address local concerns.

Councillor Mrs Fulljames then left the meeting.

Mr Dance accepted there were high levels of concern locally. However, it was clear that this was development requiring planning permission and the County Council as planning authority were responsible for considering and deciding the application. No objections had been received from either Thames Water, who had issued a discharge consent, or the Environment Agency, who had issued a waste management licence. The application needed to be considered on its planning merits and he was content that the County Council was in a position to do that. In planning terms there was no reason to refuse the application but if deferred until September he could not foresee any adverse consequences which might result. He was not empowered to summons representatives from Thames Water or the Environment Agency to attend but could ask them to do so if that is what the Committee wished.

He confirmed that the County Council as waste authority had consulted Thames Water and Environment Agency who were the responsible agencies for these matters and neither had raised an objection. The applicant's agent had responded with regard to actions taken by Viridor and the decision to import leachate had been a commercial one taken by the applicants hence their application.

Councillor Hannaby felt that as investigations had not established what had caused the gel substance or a link between the treatment operation and the village there were no reasonable grounds on which to refuse the application.

Councillor Stratford referred to the amount of information provided at the Public Inquiry prompting the Inspector to impose a condition which prevented importation. Officers had indicated there was still work to be done to finalise a routing agreement and that presented an option for the Committee to defer the application until the September meeting, ask Thames Water and the Environment Agency to send representatives to that meeting to address concerns which had been expressed and in the meantime instruct Viridor to cease importation of leachate. He so moved and Councillor Greene seconded.

Councillor Tanner then moved an amendment that Application MW.0084/12 be refused on the grounds that Viridor had breached conditions imposed by the Inquiry Inspector to prevent importation of leachate.

The amendment was put to the Committee and lost by 9 votes to 2.

Councillor Crabbe considered Viridor were acting within the terms of their licence. It was important to ascertain the cause of flooding events but he could see no valid reason to refuse the application.

Councillor Stratford's motion was then put to the Committee and –

RESOLVED (by 10 votes to 4) that:

- (a) Application MW.0084/12 be deferred to the September meeting and Viridor instructed to cease the importation of leachate until the current application had been determined;
- (b) officers be asked to invite representatives from Thames Water and Environment Agency to the September meeting to address issues of flooding in the locality of Bucknell.

Councillor Mrs Fulljames then rejoined the meeting.

44/12 TO CONTINUE DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 1 (APPROVED PALNS AND PARTICULARS), CONDITION 3 (LIGHTING) AND CONDITION 4 (HOURS OF OPERATION) OF PLANNING PERMISSION R3.0071/10 (INSTALLATION OF OXFORD SWIMMING POOL ENCLOSURE OVER EXISTING POOL) AT ST ANDREW'S SCHOOL, CHINNOR - APPLICATION R3.0071/12

(Agenda No. 7)

The Committee considered an application to change the hours of use and installation of safety light at the Chinnor Community swimming pool at St Andrew's school.

Mr Facy confirmed that the pool had been operating for many years and it was only recently that complaints had been received. It was well used outside school hours but under strict controls. The roof would help reduce operating costs.

Mr Islam reported that a further 22 representations in support of the application had been received since the report had been published.

RESOLVED: (on a motion by Councillor Nimmo-Smith, seconded by Councillor Mrs Fulljames and carried nem con) that application R3.0071/12 be granted subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth and Infrastructure) but in accordance with those set out at Annex 1 to the report PN7.

PN3

..... in the Chair

Date of signing

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For: PLANNING & REGULATION COMMITTEE – 10 SEPTEMBER 2012

**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY
(STRATEGY & INFRASTRUCTURE PLANNING)**

Development Proposed:

Application to continue importing leachate for treatment at Ardley Leachate Treatment Plant

Division Affected: Ploughley

Contact Officer: Mary Thompson **Tel:** Oxford 815901

Location: Ardley Landfill Site

Application No: MW.0084/12

Applicant: Viridor

District Council Area: Cherwell

Date Received: 4 May 2012

Consultation Period: 17 May- 11 June

Introduction

- 1 On 9 July 2012 Planning & Regulation Committee resolved that:
 - (a) Application MW.0084/12 be deferred to the September meeting and Viridor instructed to cease the importation of leachate until the current application had been determined;
 - (b) officers be asked to invite representatives from Thames Water and Environment Agency to the September meeting to address issues of flooding in the locality of Bucknell.
2. A letter was sent to Viridor Waste management on 20 July conveying part (a) of the Committee's resolution. Viridor have replied indicating that they have stopped importing leachate in line with that part of the resolution.

Flooding, Drainage and Pollution

3. In relation to part (b) a meeting attended by representatives from Bucknell Parish Council, Viridor and Oxfordshire County Council planning department took place on 6 August 2012.
4. The meeting discussed the concerns that Bucknell residents have about sewer blockages and flooding in the village and reached the view that the onus of responsibility would firstly appear to lie with Thames Water. In granting a licence to Viridor to discharge effluent, they would appear to have a responsibility to provide an adequate facility for safely handling that quantity of liquid.
5. It was agreed that a meeting should be arranged with representatives of Thames Water and the Environment Agency (who are responsible for investigating pollution incidents). At the time of writing a date for that meeting had yet to be agreed. Representatives from both have been invited to attend the Planning & Regulation Committee meeting on 10 September but in any event we will update you on our findings.
6. The sewer problems are a matter of great concern to Bucknell residents and Oxfordshire County Council officers are working with them to facilitate a resolution with the relevant statutory authorities. Viridor Waste Management are fully engaged in those discussions.
7. In planning terms the development proposed (as described in the report to the 9 July Committee attached at Annex 1) is acceptable. The leachate plant has a discharge consent from Thames Water. Treated leachate will continue to be discharged regardless of whether leachate is also imported. A permission (not implemented) which included the import of leachate was issued by Oxfordshire County Council in August 2011 and so the development has previously been considered and found acceptable by the Planning & Regulation Committee.

Conclusions

8. At present I am minded to make the same recommendation for approval as appears in the July report. However, it is appropriate that the meeting with Thames Water and the Environment Agency should take place before doing so. Therefore, I will seek to make a recommendation to Committee on the planning application on the 10 September.

MARTIN TUGWELL
Deputy Director (Growth & Infrastructure)

September 2012

For: PLANNING AND REGULATION COMMITTEE – 9 JULY 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (GROWTH & INFRASTRUCTURE)

Development Proposed:

Application to continue importing leachate for treatment at Ardley Leachate Treatment Plant

Division Affected: Ploughley
Contact Officer: Mary Thompson **Tel:** Oxford 815901
Location: Ardley Landfill Site
Application No: MW.0084/12
Applicant: Viridor
District Council Area: Cherwell
Date Received: 4 May 2012
Consultation Period: 17 May- 11 June

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

Recommendation

The report recommends that the application (MW.0084/12) be approved.

• **Part 1 – Facts and Background**

Location (See Location Plan 1)

1. The leachate treatment plant is located within Ardley Landfill Site, 900 metres south of Ardley and 2.5 kilometres (1.55 miles) north of Middleton Stoney. The wider site incorporates landfill with associated leachate treatment plant, a household waste recycling centre (HWRC) and a waste transfer building. An energy from waste (EfW) plant is currently under construction.

The Site and Setting (See Location Plan 2)

2. The leachate plant area covers an area of 0.22 hectares (0.54 acres) and is located near the entrance to the landfill site, to the north of the offices and weighbridge and the HWRC.
3. The leachate plant area is within the boundaries of the landfill site, close to the western boundary which abuts the B430. The wider site is bounded by a railway line to the north and open countryside to the east and south.
4. The nearest properties are Ashgrove Cottages, approximately 400 metres to the south west of the application site on the other side of the B430.
5. No footpaths are affected by the proposal.
6. There is a geological and biological SSSI 250m to the north east of the application site.

Background & Planning History

7. Permission for limestone working on the site was granted in 1951 and continued until 2007. Working is continuing to the south of the site.
8. Permission for the landfilling of household and commercial and industrial waste was first granted in 1978 and permission for significant amendments, including the extension of the HWRC, was granted in 2003. The leachate plant was permitted under a condition on that consent. Permission for plant for utilisation of landfill gas for electricity was granted in 1996.
9. Permission for an energy from waste (EfW) plant (08/02472/CM) was granted on appeal in 2011. This consent incorporated the landfilling operations and therefore superseded the previous consent.

Details of the Development

10. The site contains a leachate treatment plant, which is permitted to treat leachate generated by the adjacent landfill site. It has also been used, for a number of years, for the treatment of leachate imported from other landfill sites. There was no condition to prevent this under the previous landfilling consent. However, the EfW consent contains a specific condition preventing the importation of leachate from other landfill sites.
11. This is a retrospective application as the importation of leachate has been ongoing since the implementation of the new permission which specifically prevents it.
12. Leachate is predominantly imported from landfill sites in Finmere (Oxfordshire), Gerrards Cross (Buckinghamshire) and Ware (Hertfordshire).
13. This application has now been made to allow the continued importation of leachate.

Traffic and Access Details

14. The importation of leachate generates an average of 8 vehicle movements per day. The total daily and annual tonnage of waste to the site is limited by conditions 3 and 4 on the energy from waste consent 08/02472/CM. The imported leachate would be part of this total and so this proposal would not be permitted to generate traffic above the total levels already permitted.
15. There is an existing routeing agreement which requires that vehicles use a route following the B3040 to the north of the site to the M40/A43 junction. A new agreement would be needed to ensure that vehicles associated with this development also follow the approved route.

• Part 2 – Other Viewpoints

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

16. Three letters of objection have been received to these applications. They express concern that the leachate plant may be contributing to drainage problems in the Bucknell sewer and ask whether this application can be determined by Oxfordshire County Council given that would override a condition imposed by the Secretary of State. Full details of the representations can be found at Annex 1.

Consultation Responses

17. Details of consultation responses can be found at Annex 2. There have been objections from local Parish Councils. However, the District Council and other statutory consultees including the Environment Agency have not objected.

• Part 3 – Relevant Planning Documents

Relevant Development Plan and other policies (see Policy Annex attached to this Agenda)

18. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
19. The Development Plan for this area comprises:
- The South East Plan (SEP)
 - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
 - Cherwell Local Plan (CLP)
20. Other documents that need to be considered in determining this development include:
- Non Statutory Cherwell Local Plan (NSCLP)
 - Oxfordshire Minerals and Waste Core Strategy Proposed Submission Document (OMWCS)
 - National Planning Policy Framework (NPPF)
21. The South East Plan (SEP) forms part of the Development Plan. However, the Government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.
22. The Oxfordshire Minerals and Waste Core Strategy has not yet been adopted, however the Proposed Submission Document was agreed by Oxfordshire County Council Cabinet on 13 March 2012 and Full Council on 3 April 2012. Now that it has been agreed by the Council it will be published for public comment and then submitted to the Government for examination. The independent examination of the plan by a government appointed inspector is expected to take place later in 2012. When the inspector's report is received, the Council will be able to adopt a final plan. As this plan is now at an advanced stage, significant weight should be given to its policies.

23. The Government's National Planning Policy Framework was published on 27 March 2012. This is a material consideration in taking planning decisions. However, it does not contain specific waste policies as these will be published as part of the National Waste Management Plan for England. Key extracts of the NPPF are highlighted in the planning policy annex.

Relevant Policies

24. The relevant policies are:
- NPPF – Sections in this document refer to promoting sustainable transport.
 - SEP – W4, W17, T1,
 - OMWLP – W2, W5
 - CLP – ENV1, ENV7
 - NSCLP – EN3, EN12
 - OMWCS - W6, C8

• Part 4 – Assessment and Conclusions

Comments of the Deputy Director for Environment & Economy (Growth and Infrastructure)

25. The key planning issues to consider in deciding these applications are:
- (i) Acceptability of the proposed waste development in this location
 - (ii) Traffic impacts on local roads and residents
 - (iii) Pollution/flooding
 - (iv) Restoration
- (i) Acceptability of the proposed waste development in this location**
26. Waste management policy generally supports the expansion of existing suitable sites (SEP Policy W17) and allows for encourages provision to be made for some waste from outside the county to be treated in Oxfordshire (OMWLP W2 and SEP W4). Waste treatment plant should be well screened (OMWLP Policy W5).
27. The site has an existing waste management use and is permitted for the treatment of leachate produced on the adjacent landfill. Therefore, I consider that it is suitable for the treatment of leachate. Waste would be brought in from outside the county however the quantities are relatively limited (4 tankers per day total for leachate from both inside and outside Oxfordshire) and policy does allow for the treatment of waste from outside Oxfordshire. The leachate plant is already well screened.
28. I consider the proposal to import waste to this site accords with waste policy.

(ii) Traffic Impacts

29. Policy requires facilities to be well located in relation to the transport network and not to cause nuisance from traffic generation (OMWLP Policy W3, SEP Policy W17 and OMWCS policy C7).
30. Ardley with Fewcott Parish Council have objected on the basis that the condition was originally put on in order to minimise road traffic and ensure restoration could take place. The letter from the Secretary of State which accompanied the schedule of conditions suggested that the reason for the condition was a result of concerns raised by Bucknell Parish Council and two individual objectors. In any case, the traffic and restoration impacts must be considered.
31. The site has direct access off the B4030. The number of vehicle movements involved in the importation of leachate (8 per day) is considered to be insignificant. There is a limit on the EfW permission on the total amount of waste that can be imported to the site and a condition or informative could be added to any consent granted for the importation of leachate to ensure that these vehicle movements are included in that total. Therefore, there would be no increase in the permitted vehicle movements as a result of the import of leachate. There has been no objection from the Highways Authority.
32. The importation of other waste to the site is covered by a routeing agreement to ensure that HGVs access the site from the north and do not travel through the village of Middleton Stoney. It is recommended that if permission is granted for this development there should also be a routeing agreement limiting vehicles to that same route.
33. I consider the development to be acceptable in terms of traffic policy.

(iii) Pollution and flooding

34. Policy states that development that would cause unacceptable levels of environmental pollution will not be permitted (CLP policy ENV1 and NSCLP EN3).
35. In addition, development which will directly adversely and materially affect water quality of surface or underground water bodies, such as rivers and lakes, will not be permitted (CLP policy ENV7 and NSCLP EN12).
36. There has been some concern about pollution and flooding, as set out in the summary of representations at Annex 1. These state that since Viridor connected their leachate discharge to the Bucknell sewer there have been a number of incidents of flooding. This includes a particular occasion in 2010 when sewer water was running over the road and into a ditch. However, included in the application is correspondence from

Thames Water which confirms that this incident was investigated and no link was found between the blockage and the discharge of treated leachate from the landfill site.

37. As neither Thames Water nor the Environment Agency has objected to this application, there is no evidence that the importation of leachate is likely to cause any adverse impact through flooding, drainage or pollution issues. Viridor have a consent to discharge trade effluent and this discharge consent imposes limits on the volume and nature of the discharge. Regular audit sampling is carried out by Thames Water to ensure compliance. In addition to the regulation by Thames Water, if the discharge of leachate was causing water pollution the Environment Agency has statutory powers to impose fines.
38. I consider this application accords with planning policy on environmental protection. Other systems are in place to protect the environment and human health from pollution incidents, including the waste permitting procedure handled by the Environment Agency and the sewer discharge procedure handled by Thames Water.

(iv) Restoration

39. Ardley with Fewcott Parish Council have stated that the original condition preventing leachate importation was added to ensure that restoration could take place in accordance with the timescales agreed for the restoration of the site. Cherwell District Council have also commented that this development should not allow the restoration of the site to be delayed.
40. I agree that this development should not delay the restoration of the site. If permission is granted it is recommended that a condition should be added to ensure that the timescale for the importation of leachate is linked to the timescale of the treatment of leachate generated on site. When the adjacent landfill ceases to create sufficient quantities of leachate to keep the treatment plant operational it will no longer be appropriate to bring leachate from other sites for treatment at this location.

v) Process

41. Objectors have suggested that Oxfordshire County Council is not able to deal with this application as the condition preventing leachate import was imposed by an inspector.
42. This is not the case. Oxfordshire County Council is the body with statutory responsibility for determining waste planning applications, regardless of the fact that a previous related consent was granted on appeal.

43. The Secretary of State considered a request from Viridor to change the condition preventing the importation of leachate, but did not accept them due to the concerns raised by local residents and Bucknell Parish Council.¹ However, this planning application has provided the opportunity to establish whether those concerns have any basis.
44. In light of new information contained in this application in the form of correspondence from Thames Water confirming that there is no evidence to link the sewage problem at Bucknell to leachate discharge from the site, it is appropriate to reconsider whether the restriction on import is still necessary.
45. A representation has been received stating that this application should have been accompanied by an Environmental Impact Assessment (EIA). The application was screened to determine whether it required an EIA in accordance with proper process. The conclusion of this exercise was that EIA was not needed.
46. There has been concern that the import of leachate has continued without planning consent for some months since the implementation of the EfW consent. Oxfordshire County Council has advised Viridor that this is contrary to a planning condition. Viridor have sought to rectify the planning position by submitting this application. The decision on what if any enforcement action should be taken can be made once this application has been determined.

Conclusion

47. Although there has been local concern in relation to this application, the proposals are considered to accord with development plan policies relating to waste, traffic and pollution.
48. There is no evidence that the importation of leachate is linked to the drainage problems described by objectors. The restriction preventing the import of leachate is not considered necessary.
49. Therefore, it is recommended that this application be approved subject to conditions and a routeing agreement.

Recommendation

50. **It is RECOMMENDED that subject to a routeing agreement to ensure that vehicles associated with this development follow the same route as waste vehicles associated with the EfW and landfill (avoiding Middleton Stoney) that planning permission be approved for application MW.0084/12 to continue importing leachate for treatment at Ardley Leachate Treatment Plant at Ardley Landfill Site subject to conditions to be determined by the Deputy Director for**

¹ Letter dated 17 February from Julian Pitt, Communities and Local Government

Environment & Economy (Growth & Infrastructure) but to include the matters listed below:

Heads of Conditions

- 1. Complete accordance with application**
- 2. End date for importation to coincide with the end of the treatment of leachate generated onsite**
- 3. Standard working hours for deliveries**
- 4. Maximum annual import of 180 000 tonnes, as proposed**
- 5. Leachate to be delivered in sealed tankers only**
- 6. White noise on reversing beepers**

Informative

Conditions 3 and 4 of permission 08/02472/CM sets out annual and daily maximum tonnages of waste to be imported to this site. Imported leachate permitted under this consent is included in those totals.

MARTIN TUGWELL
Deputy Director (Growth & Infrastructure)

June 2012

Annex 1 Representations

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

38 letters of objection have been received to these applications. The following concerns have been expressed. The points raised are addressed in the main body of the report.

Drainage

- Danger to community from pollution.
- There were no problems with flooding of the Bucknell sewer until Viridor connected the leachate discharge.
- The email from Thames Water may confirm that one particular flooding incident was not due to leachate, but there have been many other flooding incidents.
- A proper investigation should take place into the gel and possible fungal growth in the sewer. The email from Thames Water does not suggest a thorough scientific investigation or attempt to explain the gel.
- The completion of the EfW plant and in particular the IBA maturation system will lead to an increase in leachate generated onsite and an overload of the sewer.
- Drains have often had to be cleared late at night, causing disturbance.
- There has not been so much of a problem in the last two years but this is because of the unusually low rainfall. Once it returns to normal the flooding will return.
- The sewer is linked to a stream to relieve flow in storm conditions. This same stream features as an important part of public open space in the Eco Town proposal.
- Further details of the source of the leachate should be provided in order to determine toxicity.

Process

- Oxfordshire County Council should not be able to determine an application that would have the effect of superseding a condition imposed by the Secretary of State.
- Viridor should have put their case to the inspector at the appropriate time – they agreed to this condition.
- Oxfordshire County Council should take enforcement action against the continued importation of leachate.
- Double standards – if a householder had been in breach of a condition for this length of time action would have been taken.

- An Environmental Impact Assessment should have been carried out.

Traffic

- Development would cause additional vehicle movements on unsuitable rural roads.

Annex 2 – Consultation Responses

1. Cherwell District Council – No objection subject to vehicle movements remaining within the permitted limits and the restoration of the site not being delayed as a result of the proposed use.
2. Ardley with Fewcott Parish Council – Object. Condition 38 was agreed by all parties at appeal. The reason given for the condition on the consent is not related to sewer flooding but to minimise road traffic and ensure that the area can be restored within the agreed timescale. Supports this reason as traffic on the B430 should be minimised. This condition should not be changed retrospectively by the planning authority as it was agreed at a public inquiry after several days of expert evidence.
3. Middleton Stoney Parish Council – Object. There was sufficient concern over the impact of the discharge of treated leachate for the Planning Inspectorate to impose a condition preventing leachate import. As this was agreed at the inquiry this is not a matter which should now be overturned by the planning authority.
4. Bucknell Parish Council – Object. This should not be allowed given that it contradicts a condition attached by the Secretary of State. Concerned that leachate import is ongoing without permission. Development would increase traffic on the B430. As the gel that has blocked the Bucknell sewer only started after Viridor started discharging leachate, an in-depth investigation should take place and this has not happened. More detail is needed of the source of the imported leachate to judge its toxicity. Flooding has caused a great deal of expense and concern to Bucknell residents.
5. Environment Agency – No objection. The environmental permit already authorises leachate treatment.
6. Natural England – No objection subject to the development being carried out as proposed. The site is in close proximity to the Ardley Cutting & Quarry Site of Special Scientific Interest.
7. Thames Water – No further comment to add beyond those comments communicated to Henry Austin and annexed within the application. Ardley Landfill have a consent to discharge trade effluent and as part of this consent certain limits are imposed on the volume and nature of their discharge. Thames Water regularly carry out audit sampling to monitor and ensure compliance. Cannot see anything in the results available that would suggest a direct link between their discharge and any blockages.
8. County Ecologist Planner – No objection. Understand that the existing hard-surfacing and plant equipment already has planning consent.

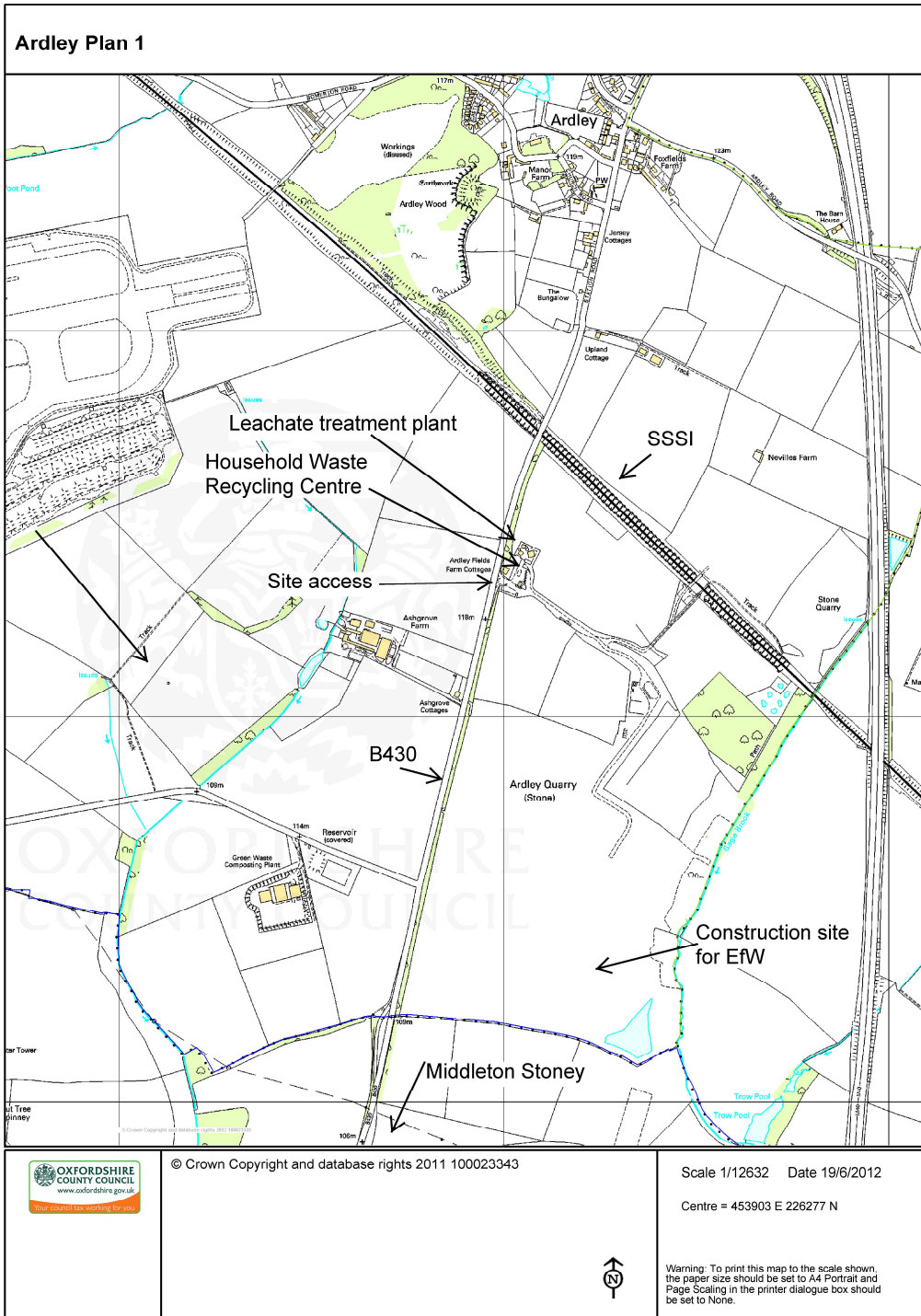
9. Highways Authority – No objection, subject to the traffic generation being as proposed.
10. County Drainage Officer – No objection. There would be no problem with the existing highway drainage systems surrounding the site. Any leakage at the site would be contained within the site.

Annex 3 – Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS.
2. Deliberate taking or destroying of EPS eggs.
3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

These regulations have been considered and it has been concluded that the proposed development would not affect any European Protected Species.



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For: PLANNING & REGULATION COMMITTEE – 10 SEPTEMBER 2012

**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY
(STRATEGY & INFRASTRUCTURE PLANNING)**

Development Proposed:

Change of use of part of sawmill, timber treatment and fencing and timber building manufacturing depot - to waste transfer station.

Division Affected: Goring

Contact Officer: Nick Fagan **Tel:** 01865-815584

Location: Pennyroyal Sawmill, Goring Heath, RG8 7SD

Applicant: Mr N. Rogers

Application No: MW.0100/12

Application received date: 9 June 2012

Consultation Period: 5-26 July 2012

District Council Area: South Oxfordshire

CONTENTS

- Part 1 – Facts and background
- Part 2 – Other Viewpoints
- Part 3 – Relevant planning documents
- Part 4 – Analysis and conclusions

Recommendation

The report recommends that the application be refused.

Part 1 – Facts and Background

The site and setting (see Plan 1)

1. The site forms a small part (0.35 hectare) of a larger site used as a sawmill business by the applicant and is situated entirely within but near the southern edge of Oaken Wood, a large area of woodland lying immediately south of Woodcote. It lies between the B4526 (which links Goring to Goring Heath and Reading via Cray's Pond) at its southern boundary and the road known as Long Toll (which links Woodcote to Goring Heath) at its northern end. Accesses exist onto both these roads.
2. Adjacent to the current main southern entrance to the sawmill is Oakenwood Cottage, the nearest residential property to the site. To the west (about 250 metres from the access) are six pairs of semi-detached (Nos.1-12) houses known as Pennyroyal Cottages. Between the southern access point and these cottages is a yard run by Hazell & Jefferies, a civil engineering business involved in road repairs, within which a number of HGV lorries are stored. About 300 metres to the east along the B4526 is Newhouse Farm (including a farmhouse). This farm sits on the edge of a large agricultural field which runs up to the side of Oaken Wood and the application site. The nearest house on Long Toll, to the north, is Long Toll Cottage, some 700 metres from the northern access.
3. The site and surrounding area lie within the Chiltern Hills AONB. A public footpath runs directly through the site.

History of the Site

4. The wider site, including this application site, appears to have been used for this sawmill business for many years. There are two district planning permissions, one in 1970 and one in 2003, permitting new workshop/manufacturing buildings in connection with the sawmill and these exist on site at present.
5. This application has been submitted following a visit to the site by the Environment Agency allegedly following complaints from nearby residents that the waste operation had already started operating and burning was taking place on the site.

Proposed Development (See Plan 2)

6. The application is to change the use of part of the northern part of the sawmill site to use as a waste transfer station. The existing uses of this brownfield industrial site include sawmilling, pressure preservation treatment of timber and the manufacture of fencing and timber (garden etc) sheds. The existing activities would be unaffected by the application.

The access to the sawmill business will continue from the southerly B4526. It is intended to separate the two businesses by erecting a fence between the sawmill and waste site, which would itself be accessed from Long Toll.

7. The proposed waste use would be run under the existing management as a form of business diversity. The applicant has stated that his son was likely to take charge of the waste business whilst he continued to run the sawmill business. It is clear that the sawmill business is not operating to its previous capacity and the existing steel framed building on the application site and the site itself has not been used by the sawmill business recently. The applicant is seeking to put the northern part of his site to beneficial use and maintain and provide additional employment opportunities in the locality (3 additional full-time jobs are stated on the application form).
8. The application states that the activity would be relatively small scale using one single skip lorry transporting “inert domestic and building construction waste for sorting and recycling”. The application anticipates that the throughput of waste would be in the order of 10,000 tonnes per annum, although the applicant has indicated that he hoped this could increase to 15,000 or maybe 20,000 tonnes per annum. The application states that more than 50% of the throughput should be recycled for reuse and that reusable material would include graded soil, crushed hardcore and metal. At present timber waste from the sawmill site is transported for use as bio-fuel to a power station in Slough. Timber recovered from the proposed activity would be added to this current output of bio fuel.
9. The sorting of the waste would take place within the existing 130m², 6.2m high building on the site. At present this building is open on all sides, it being essentially a steel frame with a profiled metal clad roof. The proposal includes cladding the main side walls, with a 1m high masonry wall above which would be green profiled metal cladding. Its end elevations would remain open. The building has a concrete impermeable floor ideal for such an operation. It was previously used in connection with the sawmill business.
10. The flat area of land immediately to the south of this building would be converted to impervious concrete hardstanding with run-off to sealed tanks. Within it would be sited:
 - Hardcore storage for crushing.
 - A crusher machine.
 - Crushed aggregate for delivery.
 - Topsoil for screening.
 - A screener machine.
 - Screened topsoil.
 - Sealed bunded 25,000 litre run-off tanks.
 - Timber for shredding storage.

- A shredding machine.
 - An area for parking overnight for the skip lorry.
 - An area for the storage of empty skips.
 - To the side of the sorting building would also be located.
 - A large roll on/off bin for landfill waste (non-recyclable material).
 - An area for waste paper storage.
 - An area for non-ferrous scrap.
 - A sorted scrap metal bin.
11. Skip lorries would access the site from the existing Long Toll access, which the applicant does not propose to alter. A circular traffic flow is envisaged so that lorries can deposit the waste in the building and leave the site without having to reverse. There is sufficient area on the site to provide parking for any employees including bicycle parking, although no area is specifically shown for this on the submission plan.
12. There is an existing fence to the northern boundary. It is proposed to erect a new 2m high chain-link fence to this northern boundary and continue this in a southerly direction to form a clear western boundary of the site with the sawmill site, as well as continuing this around the southern boundary with the arable field to the south. There would also be two 2m high gates between the two sites at the line of the existing footpath. It is also proposed to erect a 3m high earth bank in the north-western corner of the site, presumably to shield the waste operation from the sawmill site in this location. [See Plan 2].

Part 2 – Other Viewpoints

Representations

13. 16 objections have been received from nearby and local residents. Additionally 27 objections have also been made direct to the District Council, some of which are included in the 16 made to the County. The issues raised in these objections are set out at Annex 1.

Consultation

14. Details of consultation responses can be found at Annex 2. There have been objections from local Parish Councils and holding objections pending further information from Transport Development Control and Rights of Way.

Part 3 – Relevant planning documents

Relevant Development Plan and other policies (see Policy Annex attached to this Agenda)

24. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
25. The Development Plan for this area comprises:
 - The South East Plan (SEP), relevant policies: CC6, NRM9, W1, W6, W17.
 - The saved policies of the Oxfordshire Minerals and Waste Local Plan (OMWLP), relevant policies –W3, W4, W5, PE5, & PE11.
 - The South Oxfordshire Local Plan (SOLP), relevant policies: C1, C2, C6, EP1, EP2, T1, & T3.
26. The SEP forms part of the development plan. However, the Government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order has been made at the time of writing, the published intention to revoke is a material consideration to which substantial weight should be given. Particularly relevant is Policy W17.
27. The Oxfordshire Minerals and Waste Core Strategy (OMWCS) has not yet been adopted. However, the public submission document was approved by the Council on 3 April 2012. This plan is at an advanced stage and it should therefore be given significant weight. The relevant policies are – W4, W5, & W6
28. The National Planning Policy Framework (NPPF) and Planning Policy Statement 10 (Planning for Sustainable Waste Management) are material considerations.

Part 4 – Analysis and Conclusions

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

29. The key planning issues are –
 - i)Whether there is sufficient information to assess the application.
 - ii) Consistency with waste policy.
 - iii) Whether the landscape and visual impacts are acceptable.
 - iv) Environmental and amenity effects; and

v) Transport implications

Is there sufficient information to assess the application?

30. Following initial consideration of the application, an officer site visit and discussion with the applicant, officers wrote to the agent in mid-July requesting further clarification and details, in particular to address the issues raised by the Transport team concerning the totality of likely vehicle movements, the Environment Agency in terms of the type of waste to be processed and the Rights of Way officer in terms of the impact on the definitive public footpath running through the site.
31. To date, and despite reminders, there has been no substantive reply to these requests for more information. The application must therefore be considered on its merits as it stands. At present it would appear that the proposed use is likely to:
- Generate additional vehicle movements onto Long Toll that this narrow road could not satisfactorily accommodate and involve skip lorry trips driving through Woodcote village
 - Result in the processing of some non-inert waste inappropriate in this rural area
 - Block or obstruct the definitive route of a long established public footpath
 - Give rise to noise nuisance from the plant and machinery to be located in the open as part of the waste operation (the crusher, screener & shredder)
 - Involve waste being brought in from the Reading area, which is obviously outside Oxfordshire and cannot be said to be locally derived

These elements would result in harmful impacts on the locality contrary to adopted policy in the development plan.

Waste Policy

32. Policy W17 of the SEP (Location of Waste Management facilities) states that the suitability of waste sites should be assessed on the basis of whether they have good accessibility from existing urban areas or major new or planned development and good transport connections. This site cannot realistically be said to satisfy either of these criteria.
33. The saved policies of the Minerals and Waste Local Plan are part of the development plan. Proposals for re-use/recycling will normally be permitted (W3) if the site is close to the source of waste and/or market. The application suggests that this will be addressed in a later application to the Environment Agency for an EPPC, but assessment of the application against W3 cannot really be undertaken without information on the likely sources of waste or markets. The applicant has indicated that most of the waste was likely to come from the Reading area. The

proposal, even if it was for processing 10,000 tonnes of waste per annum, appears to fail the first two criteria of Policy W3, namely: (a) the site is close to the source of the waste and/or the market for re-used/recycles material, and (b) the site is well related to appropriate parts of the transport network.

34. Policy W4 of the OMWLP states that such proposals will not normally be permitted in the open countryside unless there is an overriding need and there is no other suitable site available. No evidence has been provided by the applicant to justify this, despite requesting him to do so, and given the data in Policy W4 of the OMWCS there does not appear to be the need for such a facility until 2020.
35. The OMWLP Proposed Submission Document has been approved by Council and is a material consideration. Significant weight should be given to this plan. Policies W4 and W5 acknowledge a need for additional recycling facilities for C&I and CDE waste. Policy W6 says that priority should be given, amongst others, to land in permanent waste or industrial use. This is a brownfield industrial site. However, the last paragraph of this policy makes clear that in the AONB only small-scale waste management facilities to meet local waste needs will normally be permitted. Paragraph 5.54 draws attention to the need to consider the impact of proposals on the objectives of the designation and states that sites handling more than 20,000 tpa are unlikely to be compatible with AONB designation. As set out above, there is some doubt as to how "small" a small scale this facility will be and it appears that 'local' waste will not be the main bulk of the waste envisaged for processing at this facility.
36. The general thrust of existing and proposed waste policy is, therefore, against this proposal as it stands, and given there is uncertainty over the nature of the waste (whether it would all be inert), how much of it would be processed and where it would come from and go to following recycling.

Landscape and Visual Impacts

37. Paragraph 109 of the NPPF recognises the important role of the planning system in contributing to and enhancing the natural environment through protecting and enhancing valued landscapes. The protection of landscape character and avoidance of landscape and visual impact is a key theme that runs through regional and local planning policies, including SEP policy CC6, OMWLP policy W5 and SOLP policy C1.
38. Because the site is situated within the wood it is effectively screened from the wider landscape of this part of the AONB and so in visual terms the impact of such a use and its outside storage of materials, plant and machinery would be relatively limited. However, it would obviously be very noticeable to people using the public footpath and I am concerned

that the application makes no attempt to address the impact of the proposed use on this footpath, given the aim of separating the two sites with a 2m high fence and gates, or even acknowledge its existence.

Environmental and Amenity Effects

Odour

39. If inert waste only is to be processed at this facility then odour should not be a concern. However, because at present there is no firm confirmation of this, and the EA have their own concerns about the nature of the waste, it cannot be determined for sure that there won't be an odour problem for nearby residents.

Noise and dust

40. No information has been provided with regard to the environmental effects of the plant and machinery to be used on the site. The applicant has been requested to do background noise surveys and provide maximum noise levels in respect of the crusher (likely to be the noisiest machine located on site). This has not been forthcoming and in its absence it is not possible to be sure that this use would not create noise (and dust) problems for adjacent residents.

Other issues

41. Issues of compatibility in the AONB and amenity impacts were considered in the case of two recent appeal decisions at Manor Farm, Peppard Common (a planning and enforcement appeal), where the Inspector found in favour of the Council's refusal to grant planning permission.

Transport Implications

42. As set out above, because there is some doubt about whether the waste to be processed at this site will be 'local' and because it will not arrive via the main lorry routing network but on Long Toll, a relatively narrow minor road accessed from a poor junction with the B4526 to the south-east, I do not consider (particularly with concerns about the annual throughput of the site) that the current proposal complies with adopted and likely future policy.

Conclusions

43. This appears on the face of it to be presented as a modestly scaled proposal but there is a lack of clarity about the true intent. The potential for harm to the AONB and nearby uses and the extent to which there is a need for facilities to serve the local area is unclear. These issues are raised in the Core Strategy and also in adopted Minerals and Waste Local Plan policies W3 and W4. Insufficient information has been

provided by the applicant to undertake an adequate policy and impact assessment. Not least in relation to waste need further information would be required in relation to:

- The waste needs of the local area.
- Expected sources of waste.
- Possible markets (if relevant).
- Availability of alternative sites, including existing facilities.

Recommendation

44. It is RECOMMENDED that Application MW.0100/12 be REFUSED for the following reasons:

- 1. The development is contrary to policy W4 of OMWLP as it has not been demonstrated that there is an overriding need to justify the countryside location.**
- 2. On the basis of the information provided, the development proposed would have an unacceptable impact on a public right of way running across the site, contrary to policy OMWLP PE18 and OMWCS policy C9.**
- 3. Insufficient information has been supplied regarding lorry traffic generation. A substantial increase over existing levels would be contrary to OMWCS policy C8 because the site is located off a narrow rural lane.**
- 4. The proposed development is not appropriate in the AONB. It has not been demonstrated that the development would be a small scale facility serving local needs. It is contrary to OMWCS policy W6.**

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

September 2012

Annex 1 – Representations

Objections raise the following issues:

- A Waste Transfer Station [WTS] is inappropriate within the AONB
- WTS inappropriate in woodland
- An area of 0.3 Ha is too small for a WTS to practically operate as a recycling facility – at least double the space is required, and therefore the site will just be a waste storage depot
- The use will generate a large number of inappropriate HGV movements on Long Toll and other nearby narrow unsuitable rural roads
- More mud will be deposited on Long Toll and local roads
- The use will be dangerous for cyclists and pedestrians using Long Toll, local roads and the public footpath running through the site
- Noise and other environmental pollution including flies, rubbish, burning and odour to nearby residents and wildlife on and adjacent to the site from the operation, especially from the crusher, shredder and screener situated in the open
- Interference with or blockage of the public footpath running through the site
- Sawmill operatives do not have the skills or qualifications to safely and competently run a WTS
- There is no need for a WTS in this area. It would be contrary to adopted planning policy because such facilities should be located in or close to the main towns in the centre of the County from which such waste arises; only small scale local facilities will be allowed in AONBs – local means those which accept waste within a 5 mile radius whereas this site would process waste from Reading; there is no need for additional building or commercial waste until 2025 as set out in the OMWCS
- No transport study has been provided with the application sufficient to realistically understand the impact of this proposal
- No EIA was submitted with the application
- No ecological assessment was submitted with the application; in particular, it will detrimentally impact on bat flight paths and roosting
- Similar applications in this locality have been refused [see comments below]
- There should be no working on weekends including Saturdays

Annex 2 – Consultation Responses

South Oxfordshire District Council:

No objections.

Goring Heath Parish Council:

Object on the grounds that the proposal will represent an increase in industrialisation within open countryside and the AONB and fails to comply with the OMWCS as follows: Policies W4, W5, W6, & paras. 5.12, 5.53, 5.54, 6.31. It also draws attention to a recent appeal decision that it considers to be relevant to this issue. [These issues are addressed in the Analysis Section below].

Woodcote Parish Council:

Object on the following grounds:

- Inappropriate site within AONB
- Increased HGV traffic through villages in AONB posing safety and amenity issues
- Detrimental effect on public footpath, safety, flora and fauna
- Potential contamination of soil and air

Natural England:

No objection, but AONB board should be consulted.

Environment Agency:

No objections to the proposed change of use.

Advice to LPA/applicant: “This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. This planning application does not cover the waste types that we had anticipated and a conversation with the applicant on 16/07/12 confirms that he will be taking more than just inert waste. His plan is to take mixed non-hazardous household, commercial and industrial waste primarily from demolition and construction work. This will/could include wood, metal and other non-inert waste. We have advised the applicant that he or his agent should discuss this with the LPA to find the best way forward with the application. If planning permission is granted on the basis of this application it will restrict the waste types we can allow in the environmental permit to the extent that it will restrict the applicant's planned business.”

CPRE:

Objects on the following grounds:

- The CPRE opposes in principle any waste facilities within AONBs.
- A waste facility is very different from the sawmill. In particular the crusher and screener will be noisy, dusty and inappropriate in this woodland setting and will lead to loss of tranquillity.
- No need for such a facility in this location contrary to OMWCS.
- The new use and its fences would detrimentally impact upon the public footpath running through the site.

Transport Development Control:

The accompanying Supporting documentation to this application quantifies the expected number of trips from the development as 10 trucks per day on average

However, it is clear that other movements would be generated:

- Staff arrival/departure movements.
- Extent of empty movement & any additional export of processed material movements.
- External contractor arrival/departure movements.
- Sales movements.

Long Toll is a narrow lane, with soft shoulders, within a rural highways network. In highways terms, the addition of numerous HGV movements to this road would not be appropriate. Given, ambiguity over the total number of trips a holding objection is made on the basis of highway safety.

County Ecologist Planner:

- The application is not accompanied by any ecological surveys. No buildings are to be demolished, an existing shed is to be re-clad and used for the waste transfer sorting process. The works would not result in the loss of wooded or landscaped areas.
- There would be noise from the aggregate crusher but the site is currently used as a sawmill and in this case it is unlikely that noise would result in harm to biodiversity.
- Light could potentially be an issue for any bats that might forage along woodland edges. Therefore, if permission was to be granted then a condition should be applied requiring (if it is to be provided) directional lighting that avoids light affecting the woodland.

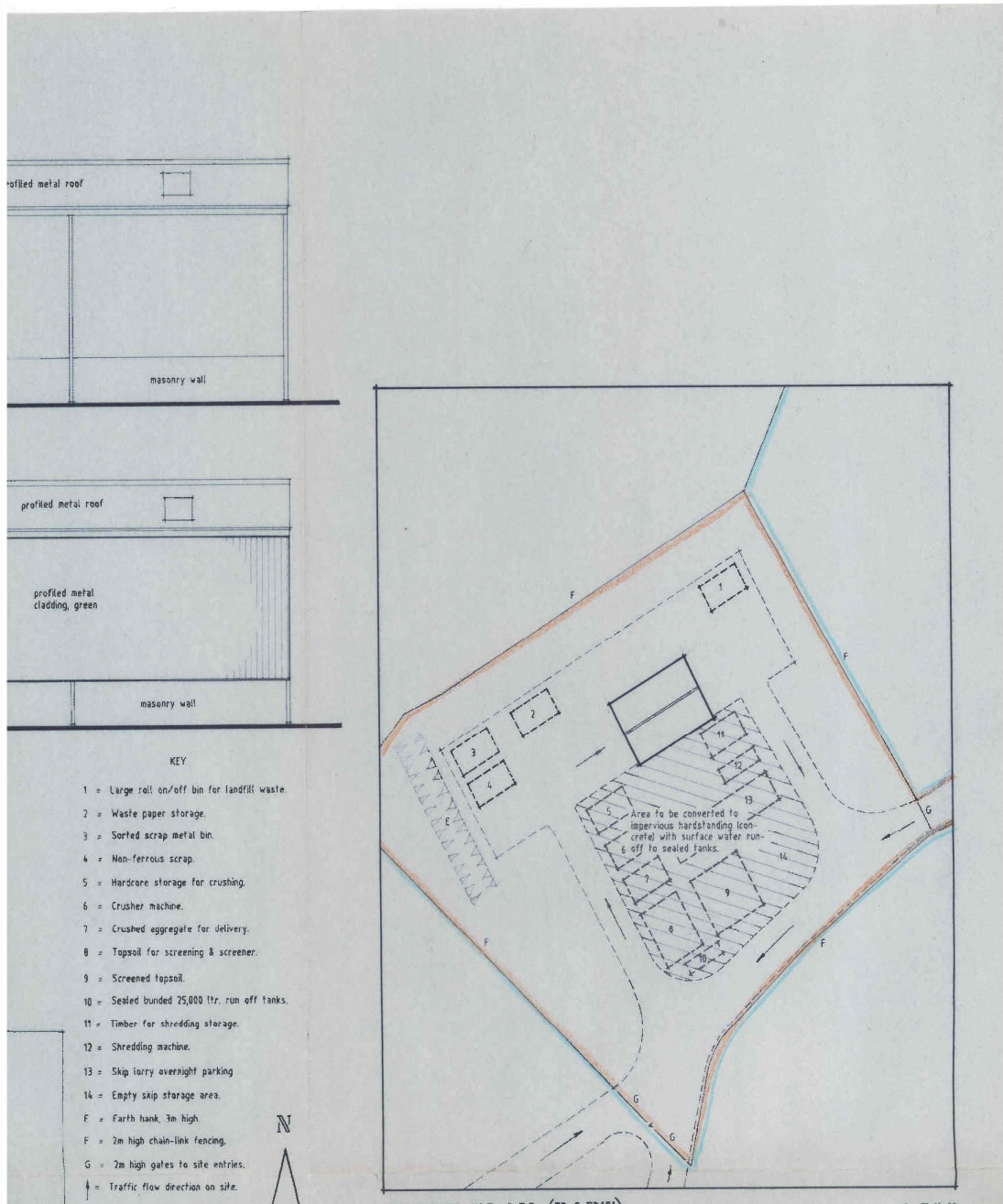
Oxfordshire Rights of Way:

Goring Heath Footpath 48 runs within the application site and would be obstructed by the proposals. We therefore wish to place a holding objection to this application so that the applicant can give consideration to the current legal alignment (as recorded on the Definitive Map of Public Rights of Way) and the proposed development.

No materials, plant or temporary structures of any kind should be deposited on or adjacent to the path that may obstruct or dissuade the public from using the route whilst development takes place.

The following organisations have been consulted but have not responded:

- BBOWT
- Chiltern Hills AONB
- Thames Water
- Open Spaces Society
- Ramblers Association



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For: PLANNING & REGULATION COMMITTEE – 10 SEPTEMBER 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (STRATEGY & INFRASTRUCTURE PLANNING)

Development Proposed:

Extend existing dust storage shed used in connection with existing asphalt plant.

Division Affected: Sutton Courtenay & Harwell

Contact Officer: Nick Fagan **Tel:** 01865 815584

Location: Hanson Aggregates, Appleford Sidings, Sutton Courtenay, OX14 4PW

Applicant: Hanson Aggregates

Application No: MW.0104/12

Application received date: 27 June 2012

Consultation Period: 19 July – 9 August 2012

District Council Area: Vale of White Horse

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

Recommendation

That the application be approved.

Part 1 – Facts and Background

Location (See Plan 1)

1. The Hanson's site is located adjacent to the railway sidings about 300m west of the main Oxford-Didcot railway line at Appleford crossing just south of Appleford on the B4016. It is accessed by HGVs from a roundabout on the A4130 200m east of the Didcot power station boundary, which lies 500m to the south of the site. The site comprises the asphalt plant and related industrial and storage uses. The nearest residential property is next to Appleford crossing.
2. A public right of way runs along the haul road but would be unaffected by this proposal.

Relevant Planning History

3. The wider site was used in the 1950s & 1960s for gravel extraction followed by landfilling and its use as a recycling facility dates from the 1980s. The asphalt plant was the subject of planning permission on 11th June 1973 [MW.005/73 – P/633/72].

Details of the Development

4. The proposal is to extend the existing storage shed for storing 0-20mm material (dust) used in connection with the adjacent asphalt plant. The existing 3-bay shed of 217m² would be extended by an additional bay of 100m², 317m² in total. It would measure 10m x 10m and be the same height as the existing shed, 6.5m.

Part 2 – Other Viewpoints

Third Party Representations

5. One objection:
 - Hansons should limit the operation of the asphalt plant so that any requirement for dust storage can be accommodated within the existing dust shed. The extension to the dust shed proposed by this application is not modest and is contrary to Local Plan policies NE9, NE10 & NE11 aimed at safeguarding the open space between the villages and the landscape.
 - Of particular concern is that this follows on from an earlier application in January of this year (Application No: 11/02440/CM), which was in effect a retrospective application by Hanson's to import reject building blocks and crush them, a procedure which had been carried out at the site without permission for some time.

- Granting this application would be tantamount to the County Council once again turning a blind eye to this company's failure to seek permission for its activities until "found out". It should therefore be rejected, as a clear signal that that the site should be managed effectively, with due regard to conditions aimed at ensuring that the local community is not adversely affected.

Consultations

6. Vale of White Horse District Council: No objections.
7. Sutton Courtenay Parish Council: The Parish Council is concerned at the back to front operation of the process - storing dust and then applying for sheds in which to locate it. The Council believes that there could be a more effective use of the site. Should consent be granted, then the sheds must be kept to a size and number suitable for dust suppression to avoid a gradual expansion of activities and intensification of the uses.
8. County Ecologist: No specific comments on this application, apart from:
 - The duties of the council in relation to protected species are set out at Annex 1.
 - Our records and/or the habitat on and around the proposed development site and/or ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.
9. Highways & Transport: No objection.
10. CPRE: Oppose this application:
 - Since granting it would condone the inappropriate and excessive operation of the site. The operator should be required to remove the dust currently stored in the open and to limit future operations to the amount that can be stored in the existing sheds.
 - It has been knowingly producing dust at a rate in excess of the plant's storage capacity. As a result a large and unsightly pile of dust has accumulated for which there is no suitable cover and is creating a real or potential environmental nuisance that is causing concern to the relevant authorities.
 - Enforcement action would be more appropriate than retrospective sanction. The operator should be required to curtail production of the dust until the environmental hazard is removed and subsequently to restrict operations to a level that does not exceed the capacity of the covered storage. Should enforcement action not be practicable and the Planning & Regulation Committee feel that it has no choice but to permit the extension, it should be accompanied by rigorous conditions to prevent further unpermitted extension of activities at the plant.

11. The following organisations were consulted but have not responded:

- Thames Water
- Environment Agency
- Appleford Parish Council
- Didcot Town Council
- BBOWT
- Natural England (Biodiversity)
- County Rights of Way officer
- Open Spaces Society
- Ramblers Association

Part 3 – Relevant Planning Documents

Relevant Planning Policies

12. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

13. The Development Plan for this area comprises:

- The South East Plan (SEP)
- Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
- Vale of White Horse Local Plan (VLP)

14. Other documents that need to be considered in determining this development include:

- Oxfordshire Minerals and Waste Core Strategy Proposed Submission Document (OMWCS)
- National Planning Policy Framework (NPPF)

15. The South East Plan (SEP) forms part of the Development Plan. However, the Government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.

16. The Oxfordshire Minerals and Waste Core Strategy has not yet been adopted. However, the proposed submission document was agreed by Council on 3 April. As this plan is now at an advanced stage, significant weight should be given to its policies.

17. The Government's National Planning Policy Framework is a material consideration in taking planning decisions. However, it does not contain specific waste policies as these will be published as part of the National Waste

Management Plan for England. Key extracts of the NPPF are highlighted in the planning policy annex.

Relevant Policies

18 The relevant policies are:

- NPPF – Sections in this document refer to building a strong, prosperous economy.
- SEP – M5
- OMWLP– SD9
- VLP – NE9, NE10, NE11
- OMWCS – M4

Part 4 – Assessment and Conclusions

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

19. The key planning issues to consider in deciding this application are:

- i) Consistency with policy.
- ii) Are the visual impacts of the proposal acceptable?
- iii) Environmental & amenity effects.

20. The site is located within the rail depot area as set out in the OMWLP Sutton Courtenay Inset Map 1. Policy SD7 states that rail head development for the import of aggregates will be encouraged including at this specific location and Policy SD9 states that development of uses or buildings sensitive to disturbance from activities at rail depots will not be permitted. Policy M5 in the SE Plan states similar. Policy M4 in the draft OMWCS proposed submission document also safeguards the site for appropriate uses. The asphalt plant is clearly such an appropriate use dependent on rail import of aggregates including dust.

21. The asphalt plant is an authorised long-established use. As such any development to secure its continued viable use that does not affect the operation of the rail depot is acceptable in principle.

22. The proposal is to extend the size of the existing dust storage shed, which is itself located adjacent to other aggregate storage sheds and the asphalt plant itself. The extended shed will obviate the need for open storage of dust and therefore help prevent wind-blown migration from the site, which can only serve to benefit the nearest residential properties. Because these are in any case some distance away and the site comprises a number of other industrial sheds used for similar purposes there will be no visual impact on the nearest residential properties or the wider landscape, which is dominated by the asphalt plant and Didcot power station. The proposal will have no impact on the public RoW running along the haul road.

23. In relation to the comments of the CPRE and the other objector, the asphalt plant is an authorised use that has no restrictions on it in terms of its operational capacity. The Council therefore cannot legally impose through enforcement action a production limit on its capacity. There is no evidence that any environmental nuisance is currently being created – there have been no complaints of which the Council is aware. The proposed development would help to contain this dust within the site and as such can only serve as an environmental benefit.
24. The other objector says the proposal conflicts with Policies NE9, 10 & 11 in the Vale of White Horse Local Plan (VLP)LP, the adopted District Plan for this area. Policy NE9 states: *‘Development in the lowland vale will not be permitted if it would have an adverse effect on the landscape, particularly on the long open views within or across the area.’* The site lies within the lowland vale as defined on the Proposals Map of the VLP. As set out above, the existing dust shed, the neighbouring larger storage shed for coarser grain material and the asphalt plant itself (all of which are authorised by planning permissions) are viewed within the wider landscape context of the whole Sutton Courtenay site. An additional wing on to the existing dust shed would not adversely affect this landscape setting – it would be inconsequential.
25. Policy NE 10 states: *‘In the urban fringes and important open gaps between settlements, as shown on the Proposals Map, development or changes of use which would harm their essentially open or rural character will not be permitted.’* The land immediately to the south of the haul road is defined as such on the Proposals Map but the site itself does not lie within this area and there is therefore no conflict with this policy – the asphalt plant and its associated storage sheds lie to the north of the haul road.
26. Policy NE11 states: *‘Proposals for development within or affecting areas of damaged or compromised landscape, in particular those areas defined for landscape enhancement on the Proposals Map, must provide a landscaping scheme which enhances the appearance of the area. Development which would further erode or damage the character of the landscape will not be permitted.’* The site lies within an Area for Landscape Enhancement as defined on the Proposals Map and there is no specific landscaping plan submitted with this application. However, this is not surprising because the dust shed sits within the operating yard of the asphalt plant within which heavy plant and vehicles are employed to move materials such as this from the storage sheds to the asphalt plant itself. As set out above, the plant and its associated storage sheds are seen together as one industrial complex within the landscape and the proposed extension to the dust shed would not further erode or damage its character.

Conclusion

27. The proposed extension to the dust shed will have no detrimental landscape impact and will help to contain dust within the site. It complies with policy in the Development Plan.

Recommendation

- 28. It is RECOMMENDED that planning permission be approved for application MW.0104/12 to extend existing dust storage shed used in connection with existing asphalt plant, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include those matters listed below:**

Heads of Conditions

- 1. Complete accordance with application**
- 2. Development to commence within 3 years of the date of permission**
- 3. External materials as per existing building**

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

Annex 1

Duties of the Council in relation to Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS.
2. Deliberate taking or destroying of EPS eggs.
3. Deliberate disturbance of an EPS including in particular any disturbance which is likely:
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

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PLANNING & REGULATION COMMITTEE – 10 SEPTEMBER 2012

POLICY ANNEX (RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES)

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

POLICY CC6: SUSTAINABLE COMMUNITIES AND CHARACTER OF THE ENVIRONMENT

Actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities. This will be achieved by developing and implementing a local shared vision which:

- i. respects, and where appropriate enhances, the character and distinctiveness of settlements and landscapes throughout the region
- ii. uses innovative design processes to create a high quality built environment which promotes a sense of place. This will include consideration of accessibility, social inclusion, the need for environmentally sensitive development and crime reduction.

POLICY M5: SAFEGUARDING OF MINERAL RESERVES, WHARVES AND RAIL DEPOTS

Mineral planning authorities should assess the need for wharf and rail facilities for the handling and distribution of imported minerals and processed materials, and identify strategic sites for safeguarding in their minerals development frameworks. These strategic facilities should be safeguarded from other inappropriate development in local development documents. Existing mineral sites, and proposed sites and 'areas of search', should be identified in mineral development documents for the extraction and processing of aggregates, clay, chalk, silica sand and gypsum. These should then be safeguarded in local development frameworks.

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 this 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 W1: WASTE REDUCTION

The regional planning body, SEEDA, the Environment Agency and other regional partners will work together to reduce growth of all waste to 1% per annum by 2010 and 0.5% per annum by 2020 by:

- i. encouraging waste reduction in all regional and local strategies
- ii. identifying and disseminating examples of good practice and encouraging local authorities and businesses to implement waste minimisation programmes
- iii. establishing a regional working group to identify opportunities and priorities for waste reduction in relation to supply chains, product design, manufacture, labelling, retailing, procurement, consumption and resource recovery

- iv. developing enhanced regional information and awareness programmes to alter individual and corporate behaviour

POLICY W4: SUB-REGIONAL SELF-SUFFICIENCY

Waste planning authorities (WPAs) will plan for net self-sufficiency through provision for management capacity equivalent to the amount of waste arising and requiring management within their boundaries. A degree of flexibility should be used in applying the sub-regional self-sufficiency concept. Where appropriate and consistently with Policy W3, capacity should also be provided for:

- i. waste from London
- ii. waste from adjoining sub-regions (waste planning authority area within or adjoining the region).

WPAs should collaborate in the preparation of plans, including identifying and making provision for potential flows across the regional and sub-regional boundaries, and identifying possible sites that could be served by sustainable transport modes. Co-operation will be encouraged between county councils and unitary authorities at the sub-regional level, particularly in respect of meeting the needs of the region’s strategic growth areas.

POLICY W6: RECYCLING AND COMPOSTING

The following targets for recycling and composting should be achieved in the region:

Year	Municipal Solid Waste		Commercial and Industrial		Construction and Demolition		All Waste	
	mt/yr	%	Mt/yr	%	mt/yr	%	mt/yr	%
2008	1.6	36	3.9	46	5.8	48	11.3	45
2010	1.9	40	4.5	50	6.1	50	12.9	50
2015	2.6	50	5.5	55	6.1	50	15.0	55
2020	3.1	55	6.4	60	7.3	60	17.1	60
2025	3.6	60	7.3	65	7.3	60	19.1	65

Regional Recycling and Composting Targets

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 authorities should adopt policies and proposals to assist delivery of these targets and waste management companies should take them into account in their commercial decisions.

POLICY W17: LOCATION OF WASTE MANAGEMENT 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 1996

POLICY SD9: RAIL DEPOTS

No development will be permitted which would prejudice the establishment and full use of rail depots identified under policy SD7, or subsequently permitted under policy SD8. Where development is proposed near to a proposed or approved rail depot, uses or buildings sensitive to disturbance from activities at the rail depot will not be permitted.

POLICY PE5: RIVERS AND CANALS

Mineral working or waste disposal should not harm the immediate setting and nature conservation value of the River Thames and other watercourses of significant visual or nature conservation value, or canals.

POLICY PE11: RIGHTS OF WAY AND PUBLIC ACCESS

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 PE18: PLANNING APPLICATIONS

In determining applications covered by this Plan the County Council will:

- (a) have regard to the appropriate provisions of the Code of Practice in Annex 1, which is part of this Plan, and
- (b) regulate and control development by the imposition of conditions on the grant of permission. Where this cannot satisfactorily be done, appropriate planning obligations will be sought.

POLICY W2: WASTE DISPOSAL

Provision will be made to accept waste from London and other parts of the South East for treatment and/or disposal within Oxfordshire, provided that the treatment or disposal is consistent with regional, Structure and local plan policies. Proposals for the treatment or disposal of waste from London requiring road transport for the principal component of its journey will not be permitted.

POLICY W3: WASTE DISPOSAL

Proposals for re-use/recycling will normally be permitted provided that:

- (a) the site is close to the source of the waste and/or the market for the re-used/recycled material;
- (b) the site is well related to appropriate parts of the transport network, and located where the number and length of motorised journeys is likely to be minimised;
- (c) the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic;
- (d) the proposal will not pose an unacceptable risk to the water environment;
- (e) the proposal does not conflict with Structure and Local Plan policies.

POLICY W4: WASTE DISPOSAL

Proposals for re-use/recycling and ancillary processes will not normally be permitted in the open countryside unless:

- (a) there is an established overriding need and there is no other suitable site available and/or;
- (b) the development is to form part of a mineral extraction/landfill site and will be removed on completion of extraction/landfill.

POLICY W5: WASTE DISPOSAL

In all cases waste treatment plant, buildings, machinery and stockpiles must be properly screened from the surrounding landscape. Such screening – by landscaping or other means – should be in place before any waste stockpiling or treatment begins.

Oxfordshire Minerals and Waste Core Strategy

POLICY C8: RIGHTS OF WAY

The integrity of the rights of way network should be maintained and if possible retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, should be reinstated as soon as possible. If permanent diversions are required, these should seek to enhance and improve the public rights of way network.

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration scheme, including making appropriate financial contributions.

POLICY C9: RIGHTS OF WAY

The integrity of the rights of way network should be maintained and if possible retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, should be reinstated as soon as possible. If permanent diversions are required, these should seek to enhance and improve the public rights of way network.

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration scheme, including making appropriate financial contributions.

POLICY M4: AGGREGATES AND RAIL DEPOTS

Existing and permitted rail depots will be safeguarded for importing aggregates at:

- Banbury (Hennef Way);
- Kidlington;
- Sutton Courtenay (Appleford Sidings); and
- Shipton on Cherwell Quarry.

Where proposals for development would result in the loss of a rail depot site, a suitable alternative site should be provided.

The development of further aggregates rail depots will be encouraged at suitable locations outside the Green Belt.

Development which would prejudice the operation or establishment of existing or permitted aggregates rail depots identified in or subsequently permitted under this policy will not be permitted. Development sensitive to disturbance that could be

adversely impacted by the operation of a rail depot will not be permitted in proximity to an existing or permitted rail depot.

POLICY W4: PROVISION OF ADDITIONAL WASTE MANAGEMENT CAPACITY

Provision for additional waste management capacity will be made in accordance with the following guideline figures.

Oxfordshire: additional waste capacity required (tonnes per annum)

Waste Type/ Management Type	2010	2015	2020	2025	2030
Composting:					
Municipal/Commercial & Industrial	-	-	-	-	-
Recycling					
Municipal/Commercial & Industrial	-	_*	_*	190,000**	210,000
Construction, Demolition & Excavation	-	-	80,000	390,000	500,000
Residual Treatment					
Commercial & Industrial	-	-	-	-	-

All figures rounded to nearest 10,000 tonnes

Figures based on estimates of waste arising +10% contingency

*Zero requirement assumes that facilities with permission but not yet built will be delivered; if permitted facilities are not built, there may be a requirement for additional recycling capacity in these years

**The requirement for additional capacity begins soon after 2020.

POLICY W5: PROVISION OF ADDITIONAL WASTE MANAGEMENT FACILITIES

Strategic facilities will be located in a broad area around Bicester, Oxford, Abingdon and Didcot as identified in the key diagram (figure 13). Facilities to serve more local needs will be located where they are well related to the other main sources of waste (Witney/Carterton, Wantage/Grove and Banbury). Only small scale facilities, in keeping with their surroundings, will be located elsewhere in Oxfordshire.

Facilities for re-use, recycling and composting of waste and for food waste treatment will generally be encouraged in order to move the management of Oxfordshire’s waste further up the waste management hierarchy. Provision will in particular be made for:

- A household waste recycling centre to serve Banbury;
- Municipal waste transfer stations to serve the south and west of the county;
- Recycling plants for commercial and industrial waste and for construction, demolition and excavation waste (to produce recycled aggregates and soils).

Additional plants for treatment of residual municipal and/or commercial and industrial waste arising in Oxfordshire will only be permitted if it can be demonstrated that there is a need for additional treatment capacity to divert residual waste away from landfill that cannot reasonably be met by existing capacity within the county.

Waste sites will be expected to meet the criteria in policy W6 and the Core Policies.

POLICY W6: SITES FOR WASTE MANAGEMENT FACILITIES

Priority will be given to siting waste management facilities on land that:

- is already in permanent waste management or industrial use; or
- is previously developed, derelict or underused; or
- involves existing agricultural buildings and their curtilages; or
- is at a waste water treatment works.

Waste management facilities will not be permitted on green field land unless there is an over-riding need that cannot reasonably be met elsewhere. At mineral working and landfill sites, waste management facilities will be permitted provided that the development is related to and will be removed on completion of the mineral working or landfill operation.

Within the Green Belt, waste management facilities may be permitted provided that very special circumstances are demonstrated. Proposals for such facilities will need to demonstrate that they are required to serve a recognised need arising in Oxford and that there is no reasonable prospect of an alternative site becoming available outside the Green Belt. Controls may be imposed to ensure that such facilities serve a waste management need arising in Oxford.

Within Areas of Outstanding Natural Beauty, only small-scale waste management facilities to meet local waste needs will normally be permitted.

National Planning Policy Framework

Sections in this document refer to building a strong, prosperous economy.

Cherwell Local Plan 1996 (CLP)

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.

ENV7: WATER QUALITY

Development which will adversely affect to a material level, the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.

The Non-Statutory Cherwell Local Plan 2011 (NSCLP)

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.

EN12: WATER QUALITY

Development which will adversely affect to a material level, the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.

South Oxfordshire Local Plan 2011

POLICY C1: LANDSCAPE CHARACTER

The conservation and where possible, enhancement of the landscape of the district will be sought. Development that would adversely affect the distinctive features of the landscape character areas will not be permitted.

Where development is acceptable in principle it should:

- (i) be integrated into the landscape character of the area;
- (ii) protect local features; and
- (iii) where possible, contribute to local distinctiveness.

Measures will be sought to integrate new development sensitively, mitigate impacts and where appropriate, enhance local landscape character through conditions and agreements attached to planning permissions.

POLICY C2: OUTSTANDING NATURAL BEAUTY

In the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty the primary aim is to conserve and enhance the natural beauty, special landscape quality and distinctiveness of the area. Development which would harm the beauty or distinctiveness of the area will not be permitted. To be acceptable, development must be of a scale and type appropriate to the area, and be sympathetic in terms of its siting, design and materials used.

POLICY C6: BIODIVERSITY CONSERVATION

In considering proposals for development, the maintenance and enhancement of the biodiversity resource of the district will be sought. Full account of the effects of development on wildlife will be taken. Where there is any significant loss in biodiversity as part of a proposed development, the creation and maintenance of new landscape features, habitat links and wildlife corridors of appropriate scale and kind will be required to ensure there is no net loss in biodiversity resources.

POLICY EP2: NOISE AND VIBRATIONS

Proposals which would by reason of noise or vibrations have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation

measures will be implemented. In addition, noise sensitive development will not be permitted close to existing or proposed sources of significant noise or vibrations.

POLICY EP3: LIGHT POLLUTION

Proposals for new floodlighting and other external lighting that would have an adverse effect on neighbouring residents, the rural character of the countryside or biodiversity will not be permitted, unless effective mitigation measures will be implemented.

POLICY T1: TRANSPORT REQUIREMENTS FOR NEW DEVELOPMENTS

Proposals for all types of development will, where appropriate:

- (i) provide for a safe and convenient access to the highway network;
- (ii) provide safe and convenient routes for cyclists and pedestrians;
- (iii) be accessible by public transport and have a safe walking route to nearby bus stops or new bus stops and appropriate infrastructure should be provided;
- (iv) be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment;
- (v) where new roads, pedestrian routes, cycleways and street lighting are to be constructed as part of the development, be constructed to adoptable standards and be completed as soon as they are required to serve the development; and
- (vi) make adequate provision for those whose mobility is impaired.

POLICY T3: TRANSPORT ASSESSMENTS AND TRAVEL PLANS

A transport assessment should be submitted with planning applications for all developments with significant transport implications. Where appropriate a travel plan should be included with the assessment.

Vale of White Horse Local Plan 2011

POLICY NE9: THE LOWLAND VALE

Development in the Lowland Vale will not be permitted if it would have an adverse effect on the landscape, particularly on the long open views within or across the area.

POLICY NE10: URBAN FRINGES AND COUNTRYSIDE GAPS

In the urban fringes and important open gaps between settlements, as shown on the proposals map, development or changes of use which would harm their essentially open or rural character will not be permitted.

POLICY NE11: AREAS FOR LANDSCAPE ENHANCEMENT

Proposals for development within or affecting areas of damaged or compromised landscape, in particular those areas defined for landscape enhancement on the proposals map, must provide a landscaping scheme which enhances the appearance of the area. Development which would further erode or damage the character of the landscape will not be permitted.

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