



To: **Members of the Planning & Regulation Committee**

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

Monday, 8 January 2018 at 2.00 pm

Rooms 1&2 - County Hall, New Road, Oxford OX1 1ND

A handwritten signature in black ink that reads "Peter G. Clark".

Peter G. Clark
Chief Executive

December 2017

Committee Officer: **Graham Warrington**
Tel: 07393 001211; *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 Les Sibley
Deputy Chairman - Councillor Jeannette Matelot

Councillors

Mrs Anda Fitzgerald-
O'Connor
Mike Fox-Davies
Stefan Gawrysiak
Bob Johnston

Mark Lygo
Glynis Phillips
G.A. Reynolds
Judy Roberts

Dan Sames
Alan Thompson
Richard Webber

Notes:

- **Date of next meeting: 19 February 2018**

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 Glenn Watson on **07776 997946** or glenn.watson@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 - 12)

To approve the minutes of the meeting held on 27 November 2017 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Continuation of the development permitted by MW.0044/08 (the construction and operation of an energy from waste and combined heat and power facility together with associated office, visitor centre and bottom ash recycling facilities, new access road and weighbridge facilities and the continuation of landfill operations and landfill gas utilisation with consequent amendments to the phasing and final restoration landform of the landfill surface, water attenuation features and improvements to the existing household waste recycling centre) without complying with conditions 1 and 3, in order to allow an import of 326,300 tonnes per annum to the Ardley Energy Recovery Facility - Application MW.0085/17 (Pages 13 - 42)**

Report by the Director for Planning & Place (**PN6**).

This application seeks to increase the maximum tonnage permitted to be imported to Ardley Energy Recovery Facility from 300,000 tonnes per year to 326,300 tonnes per year and is being reported to the Planning & Regulation committee because it is accompanied by an Environmental Impact Assessment and there has been an objection from Bucknell Parish Council who object to the principle of changing conditions on the consent and the fact that an increased tonnage would exacerbate existing impacts from the plant.

There have been no objections from other parish councils or consultees and no third-party representations received.

The proposed increase to the tonnage is considered to accord with development plan policy and other material considerations. Impacts arising from the development are controlled by conditions on the consent.

It is RECOMMENDED that subject to a supplementary legal agreement to ensure that the provisions of the existing Section 106 and routeing agreements are carried forward that planning permission for Application MW.0085/17 be approved subject to conditions as on consent MW.0044/08 amended as set out in Annex 1 to the report PN5.

- 7. Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum at Sheehan Recycled Aggregates Plant, Dix Pit, Stanton Harcourt, Witney, OX29 5BB - Application No. MW.0073/17 (Pages 43 - 46)**

Report by the Director for Planning & Place (PN7).

This application is to increase the amount of waste imported to the existing Dix Pit Recycled Aggregates Facility from 100,000 to 175,000 tonnes per calendar year through a variation of condition 6 of planning permission no. 16/04166/CM (MW.0140/16). No other changes to the existing conditions are proposed.

The update report to this Committee follows deferral of the application at its meeting on 27 November 2017 to allow for further negotiation with the applicant.

The development accords with the Development Plan as a whole and with individual policies within it, as well as with the NPPF. It is considered to be sustainable development in terms of environmental, social and economic terms. The proposed development would be beneficial in terms of contributing towards Oxfordshire's supply of secondary aggregate and it is considered that any potential impacts can be adequately addressed through planning conditions and the routeing agreement which prohibits HGVs associated with the site passing along the B4449 through Sutton during peak hours which will continue to apply.

The Planning & Regulation Committee is RECOMMENDED that:

(a) Application MW.0073/13 be approved subject to:

- (i) the existing conditions including the amendment made under Non-material amendment application no. MW.00889/1 to condition 6 reading as follows:***

No more than 175,000 tonnes of waste shall be imported to the site in any calendar year. Records of imports, sufficient to be monitored by the Waste Planning Authority shall be kept on site and made available to the Waste Planning Authority's officers on request. Separate records shall be kept on site of any topsoil or other soil materials imported solely for use in the restoration of the Controlled Reclamation Site permitted subject to planning permission no. MW.0141/16 (16/04159/CM); and

(ii) an additional condition requiring that the operator's records of heavy goods vehicle movements to and from the site including daily traffic numbers and tracking details for those vehicles controlled by the operator be provided to the Waste Planning Authority on a quarterly basis.

(b) that the Chairman of the Planning & Regulation Committee write to the Cabinet Member for Environment advising that provision of the Sutton Bypass has been raised by Councillor Mathew in commenting on this application and advising of the applicant's expression of interest in working with other parties to help secure it.

8. M&M Skips at Worton Farm:

1. Section 73 application for non-compliance with conditions 1 and 4 of permission no: 09/00585/CM (MW.0108/09) for waste recycling and transfer facility, to allow re-shaping of site bunding to enable additional car parking provision – Application MW.0091/17.

2. Use of land for storage of empty skips – Application MW.0090/17 (Pages 47 - 76)

Report by the Director for Planning & Place (**PN8**).

This is for two planning applications at and near to existing waste operations in the Green Belt at Worton, near Yarnton and Cassington. One proposal (MW.0091/17) seeks to remove part of a bund on land within the existing waste recycling permission to create car parking. The second proposes the permanent retention of a temporary skip storage operation.

Both applications are in the Green Belt and therefore have to be reported to this committee because they are departures from the development plan.

The report outlines the relevant planning policies along with the comments and recommendation of the Director for Planning and Place.

The main issue with the applications are their Green Belt location. In the case of MW.0091/17 it is considered that very special circumstances exist for the application and therefore the recommendation is to approve. However, in the case of MW.0090/17 it is not considered that very special circumstances have been shown and the recommendation is to refuse.

It is RECOMMENDED that:

- (a) planning permission for application no. MW.0091/17 be approved subject to conditions to be determined by the Director of Planning and Place to include the following:**
- ***Detailed Compliance***
 - ***Development to be carried out within 3 years.***

- *Details of landscaping to be approved.*
- *Details and location of at least two bat and bird boxes to be approved.*
- *Drainage details to be approved.*
- *Permitted development rights removed.*

(b) *planning permission for application no MW.0090/17 be refused. It would be inappropriate development in the Oxford Green Belt and no very special circumstances to justify making an exception had been demonstrated. The application would therefore be contrary to policy C12 of the Oxfordshire Minerals and Waste Core Strategy, policy ESD 14 of the Cherwell Local Plan 2031 and National Planning Policy Framework paragraphs 87, 88 and 90.*

9. Relevant Development Plan & other Policies (Pages 77 - 94)

Paper by the Director for Planning & Place (**PN9**).

The papers sets out policies in relation to Items 6, 7 and 8 and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 8 January 2018** at **12.30 pm** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 27 November 2017 commencing at 2.00 pm and finishing at 6.13 pm

Present:

Voting Members: Councillor Les Sibley – in the Chair

Councillor Jeannette Matelot (Deputy Chairman)
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Mike Fox-Davies
Councillor Bob Johnston
Councillor Glynis Phillips
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor Alan Thompson
Councillor John Howson (In place of Councillor Dr Kirsten Johnson)
Councillor John Sanders (In place of Councillor Mark Lygo)
Councillor Lawrie Stratford (In place of Councillor Dan Sames)

Other Members in Attendance:

Councillor Lynda Atkins (for Agenda Items 6 & 7)
Councillor Mark Gray (for Agenda Item 7)
Councillor Lorraine Lindsay-Gale (for Agenda Item 6)
Councillor Charles Mathew (for Agenda Item 8)

Officers:

Whole of meeting S. Whitehead and J. Crouch (Law & Governance); C. Kenneford and D. Periam (Planning & Place)

Part of meeting

Agenda Item

6

7

9

Officer Attending

M. Thompson, P. Day, G. Arnold (Planning & Place)

M. Thompson (Planning & Place)

K. Broughton (Planning & Place)

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 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.

41/17 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Stefan Gawrysiak Councillor Kirsten Johnson Councillor Mark Lygo Councillor Dan Sames	Councillor John Howson Councillor John Sanders Councillor Lawrie Stratford

42/17 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor Judy Roberts declared a non-pecuniary interest as a member of the Cholsey & Wallingford Railway.

Councillor Jeannette Matelot declared an interest as a member of South Oxfordshire District Council.

43/17 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 16 October 2017 were approved and signed.

44/17 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Suzi Coyne – SCP)
Kirsten Berry – Hendeca)
Ian Mason – Bachport)
Katherine Canavan (or a Councillor) –)
SODC and Vale DCs)
Jason Sherwood – OCC)
)
Applicants - Peter Andrew) 6. Fullamoor Plantation, Clifton
Bill Finnlinson) Hampden, Abingdon – Application
Kevin Archard) No. MW.0039/16
Nigel Jackson)
Lucy Binnie)
Keith Hampshire)
)
Councillor Lynda Atkins)
Councillor Lorraine Lindsay-Gale)
)
)
Councillor Adrian Lloyd – Wallingford TC)
Henry Thornton)
)
Applicants – Andrew Short, (Grundons))

Peter Wilsdon (Agent) Councillor Lynda Atkins Councillor Mark Gray))7. New Barn Farm, Cholsey, Nr)Wallingford – Application No.)MW.0094/16))))
John Salmon – Agent for the Applicant Councillor Charles Mathew)))8. Dix Pit, Stanton Harcourt,)Witney Application No)MW.0073/17)

45/17 CHAIRMAN'S UPDATES

(Agenda No. 5)

Committee was advised that the Oxfordshire Minerals & Waste Local Plan: Part 1 – Core Strategy had been adopted by Council in September. The applications before Committee today would each be considered individually against this plan.

46/17 PROPOSED EXTRACTION OF SAND, GRAVEL AND CLAY INCLUDING THE CREATION OF NEW ACCESS ROAD, PROCESSING PLANT, OFFICES WITH WELFARE ACCOMMODATION, WEIGHBRIDGE AND SILT WATER LAGOON SYSTEM WITH SITE RESTORATION TO AGRICULTURE AND NATURE CONSERVATION INCLUDING LAKES WITH RECREATIONAL AFTERUSES AND THE PERMANENT DIVERSION OF FOOTPATH 171/15 AND CREATION OF NEW FOOTPATHS ON LAND AT FULLAMOR PLANTATION, CLIFTON HAMPDEN, ABINGDON, OX14 3DD - APPLICATION NO. MW.0039/16

(Agenda No. 6)

The Committee considered (PN6) an application for extraction of 2.5 million tonnes of sand and gravel from an area north of the River Thames between Clifton Hampden and Culham, in South Oxfordshire.

Ms Thompson presented the report advising that the statutory Highway Authority objection had been resolved and drawing attention to the amended recommendation for approval set out in the addenda. She, together with Peter Day and Geoff Arnold then responded to questions from:

Councillor Glynis Phillips – The 7 year land bank target was a minimum and the fact of having greater than the minimum was not a reason for refusal.

In respect of the alternative river crossing the Committee was advised that there were 2 proposed routes, one of which affected the site. No choice had been made between the routes. Officers considered that even if the route over the site was chosen it

would not affect the road going there, as it was a temporary development which would not preclude the provision of the river crossing, although it could affect costs.

Councillor Alan Thompson – The traffic survey had been carried out in May to avoid school holidays when the roads would be quieter.

In respect of the archaeological sites these had been taken into account as set out in the report. There had been geo physical work and trial trenches. The only significant site was the barrow cemetery and this was not under any threat.

Councillor Bob Johnston – The landbank of permitted reserves does not include dormant Review of Old Mineral Permission (ROMP) sites.”

Councillor John Sanders – It was explained that on the condition that no peak period trips were allowed on the two junctions where concern had been expressed then officers were satisfied that the impact would not be severe: which would have to be the case under the National Planning Policy Framework to justify refusal.

Councillor John Howson – the Committee was advised of the survey undertaken in May and that queues outside the peak hours were far less. The figures related to the site access and the two adjacent junctions. If approved the conditions would be monitored and consideration given to the taking of enforcement action as necessary. The routing agreement would also be monitored and any breaches identified addressed.

Councillor Mrs Anda Fitzgerald-O’Connor – A comprehensive flood risk assessment had been carried out and there was no impact on the Thames Path. Page 52 of the report showed an area of land given over to allow for flooding.

Councillor Lawrie Stratford – One hundred trips were planned over 10 hours at a time when the network was better able to cope.

Councillor Judy Roberts – it was confirmed that one of the proposed routes for the river crossing would go across the new lakes area.

Suzi Coyne, SCP, spoke against the application feeling that to approve it at this stage would prejudice the local plan led approach. It would automatically become a site, undermining and pre-determining the Part 2 Site Allocation Plan. There was no need for a decision now as demand continued to dip. An approval would also undermine the South Oxfordshire Landscape Strategy.

Kirsten Berry, Hendeca, spoke against the application on the basis of the environmental impact on Fullamoor residents. Fullamoor was on an escarpment so that despite an enormous bund (itself incongruous in the environment) the site would still be visible. She noted that a physical assessment of the site had not been carried out by the applicant’s landscape advisors. Fullamoor Farmhouse had recently been listed and this made the historic agricultural setting more important. It needed to be preserved within its setting.

She then responded to questions from:

Councillor Howson – Fullamoor Farmhouse was a domestic premises but its setting was still very agricultural. Whilst acknowledging the vernacular architecture of the 17th and 18th Century with views of the railway, the building had been listed recently and recognised in its current setting.

Ian Mason, Burcot & Clifton Hampden for the Protection of the River Thames (BACHPORT) spoke against the application on the grounds of: the impact on the proposed river crossing which was the only strategic solution to dreadful traffic issues in the area and that it was a poor choice of site, being highly valued, alongside the Thames. He spoke of the environment and noise impacts of the site and believed that it was not justified by immediate need. There was sufficient supply available to give time to do Part 2 of the Minerals & Waste Plan looking at site allocations.

Katherine Canavan, Senior Planner at South Oxfordshire District Council referred to the objections raised by South Oxfordshire and the Vale of the White Horse DCs. She stated that there continued to be principle planning issues that could not be resolved. She highlighted the Thames crossing as a key part of the area's infrastructure and the impact on one of the proposed routes that ran through the site. The scale of the excavation would undermine the proposed route and additional work would affect viability and could hinder the plans for housing and employment growth. In addition it was contrary to the Local Plan policy to protect the river corridor and there had been insufficient time to assess the implications of the recent listing of Fullamoor Farmhouse.

Jason Sherwood, Locality and Infrastructure Manager – South, OCC, spoke against the application as approval would prejudice one of two preferred routes for a river crossing. There would be significant cost implications if the site went ahead with impacts on a number of projects including Science Vale, the Growth Deal, Didcot Garden Town and Enterprise Zone, housing growth and the Housing Infrastructure Fund (HIF) bid.

He then responded to questions from:

Councillor Bob Johnston – the HIF bid was a bid to central government for funding to realise housing and economic growth.

Councillor John Howson – It was expected that work on the ground would begin on the river crossing in 2022.

Councillor Glynis Phillips – There were currently two routes and the next phase of work would be to explore detailed feasibility for both routes. There would be a better understanding of what each involved but not a final choice by the first or second quarter of next year.

Councillor John Howson – The Cambridge Expressway was a complementary piece of work that did not affect the river crossing. The river crossing would be needed anyway.

The Committee then heard from the applicant. Keith Hampshire, Chartered Landscape Architect highlighted that officers had not found any non-compliance. He highlighted the key characteristic of the site as meadow land with some intensive arable land. Hedgerows would be reinstated as far as possible. The proposals would improve bio-diversity in the long term. Mr Hampshire explained the landscape mitigation measures and the progressive restoration of the site with the eventual loss of only 13 hectares of best and most versatile agricultural land.

Kevin Archard, spoke on the traffic issues and detailed the vehicle movements that would result if the application was approved. He stressed that they did not constitute 'severe' and that the access arrangements had been agreed by highways. Emissions were Euro 6 compliant with the site being well placed to serve local markets. With regard to the river crossing it was not yet known if, where or when the river crossing will be but they were willing to work with others once this was known. He highlighted that there was even a benefit to the scheme in having the site there as it could provide engineering fill. The costs had been notified to them quite late in the day and they were not able to comment on them.

Lucy Binnie, responded to points made by speakers so far and commented that despite the very recent listed building the NPPF was clear that the Committee could consider approval if it was in line with other benefits. Minerals were the building blocks for future development in the local area and the site would not compromise the SODC Local Plan or the river crossing. Minerals were needed for these developments. The land bank was not a cap and the application was in line with the Core Strategy. It was right to bring forward proposals and she had been working on this application on behalf of Hills for 10 years. With regard to construction, house building had not been at the targeted level but a quantum leap was now expected and there was more than sufficient demand for this and other sites.

Peter Andrew, indicated that it was a family business and a major player in Oxfordshire. He was personally familiar with all the company's sites and the company knew the local markets. Fullamoor was a sound proposal and the company was a good operator with a good record of restoration. He referred to a previous site that had been granted on appeal and which was running with no issues.

They then responded to questions from:

Councillor Bob Johnston – the trees to be planted in the restoration were mostly British species. Some poplars and willows were included for their speed of growth.

Councillor Mike Fox-Davies – There was no design detail available about the river crossing. The road would go across a flood plain irrespective of the quarry. The quarry operation could save money as materials would be available.

Councillor Alan Thompson – A lake was included in the restoration as they did not want to import additional material due to the additional impacts on local residents and the environment that this would bring with it. The length of the site operation would be lengthened without the lake.

Councillor John Howson – There were plans to ensure that supply would be maintained in the event of a flood so that vehicle movements could be maintained and there would be no need for additional movements once the flooding was over. Phase 7 would be kept as a temporary phase to work in the event of extreme flooding.

Councillor Lynda Atkins, local member for Wallingford, spoke against the application referring to the impact on Culham Science Centre of the noise and dust. She commented that the Atomic Energy Authority still had concerns about dust issues which had not been addressed. The standards for local residential and industrial buildings should not be applied to a site of international importance with very specific standards and requirements around vibration and dust. Councillor Atkins also referred to the impact on the new river crossing.

Councillor Lorraine Lindsay-Gale, local member for Berinsfield & Garsington highlighted local concerns including: the existing traffic gridlock in Culham and Clifton Hampden each morning, the inadequate offer to prohibit vehicle movements and the pollution that would be caused; the river crossing that was a vital scheme and the possible serious difficulties posed by approving the quarry. She asked that if the Committee were minded to approve that they would demand rigorous enforcement of the vehicle movement restrictions.

Councillor Glynis Phillips proposed deferral but withdrew it on hearing an alternative proposal from Councillor Stratford, to refuse the application on the grounds set out in the original report together with additional grounds. The Committee was advised of Counsel's advice that there was no argument on prematurity based on Part 2 not yet being available. Following an adjournment Mr Kenneford advised the committee that a refusal of planning permission could lead to an appeal against the refusal and the possibility of costs being awarded against the County Council should the appeal be upheld and it be found that the council had acted unreasonably. It was then proposed by Councillor Stratford, seconded by Councillor Matelot and:

RESOLVED: (by 11 votes for with 1 abstention) that Application MW.0039/16 (P16/S1192/CM) be refused planning permission for the following reasons:

- (i) The additional vehicle movements arising from the development would lead to severe highways impacts contrary to paragraph 32 of the National Planning Policy Framework; would not maintain the safety of road users and the efficiency of the road network contrary to Oxfordshire Minerals Waste Core Strategy policy C10 and would contribute to congestion, disruption and delays on the road network, contrary to Local Transport Plan policy 02.
- (ii) The additional vehicle movements arising from the development would worsen queuing at the local junctions leading to stationary vehicles with associated air emissions, causing unacceptable adverse impacts on environmental amenity, contrary to Oxfordshire Minerals Waste Core Strategy policies C5 and C10.
- (iii) The development would prejudice the future development of a new link road and Thames crossing along one of the routes safeguarded by policy TRANS3 of

the emerging South Oxfordshire Local Plan 2033 and core policy 18 of the adopted Vale of White Horse Local Plan 2031 Part 1 contrary to these policies.

- (iv) The development is inappropriate in the Green Belt contrary to Oxfordshire Minerals Waste Core Strategy policy C12, South Oxfordshire Local Plan policy GB4 and National Planning Policy Framework paragraphs 87, 88 and 90 and no very special circumstances exist to justify making an exception to these policies.

47/17 PROPOSED EXTRACTION OF SAND AND GRAVEL WITH ASSOCIATED PROCESSING PLANT, CONVEYORS, OFFICE AND WEIGHBRIDGE, PARKING AREAS. CONSTRUCTION OF NEW ACCESS ONTO THE A4130. RESTORATION TO AGRICULTURE, INCORPORATING TWO PONDS, USING IMPORTED INERT MATERIALS ON LAND AT NEW BARN FARM, CHOLSEY, NR WALLINGFORD, OXFORDSHIRE, OX10 9HA - APPLICATION NO. MW.0094/16

(Agenda No. 7)

The Committee considered (PN7) an application for the extraction of 2.5 million tonnes (MT) of sand and gravel at New Barn Farm, Cholsey, Wallingford, Oxfordshire.

Mary Thompson, Senior Planning Officer, presented the report and addenda confirming that there would be no need to divert the footpath, no dewatering and with restoration back to agricultural land. She outlined the routeing agreement and referred to paragraph 93, confirming that the viewpoint referred to was within the AONB but that this did not change the views of the Environmental Strategy Officer. She then responded to questions from:

Councillor John Sanders – The numbered phases indicated the order of development and restoration. Section 1 was chosen to be developed and restored first as it was closest to the housing.

Councillor Mrs Anda Fitzgerald O'Connor – All vehicles leaving the site would turn left, then use the roundabout if they wanted to go right.

Henry Thornton, speaking as a local businessman spoke against the application that he felt would harm Oxfordshire. The application was in the wrong location close to AONBs and popular amenities and close to a care home, medical centre, a hospital and two schools. He commented that the report was all about damage limitation and highlighted the huge amount of opposition to the proposal. It had been removed from Part 1 of the Core Strategy and this was an attempt to reintroduce what was already rejected. He commented that there was a sufficient supply of sand and gravel and this application was premature. Work should be completed on Part 2 of the Core Strategy on site allocations.

Wallingford Town Councillor Adrian Lloyd, speaking on behalf of Wallingford Town Council stated that they had consistently opposed the application. He commented that the report did not make clear that the public right of way was the Agatha Christie Trail which 1000's walked each year. He argued that the applicants had been wrong to use wind information from RAF Benson and that Cholsey Hill was a closer

meteorological site. Data from 2012 was publicly available and using this data the noise would carry into the new housing site.

He then responded to questions from:

Councillor Matelot – He had a technical background having worked in wind farms and his opinion was based on experience.

Councillor Judy Roberts – He confirmed that in his opinion the wrong wind direction information had been used so the information regarding noise was incorrect.

Councillor Howson – He confirmed that for part of the local area, including the community hospital, nursing home and nursery school the information was correct. With regard to dust Wallingford Town Councillor Lloyd commented that the houses were not on the same level and that smaller particles would travel further. He felt that it was likely that dust would travel into the affordable housing areas affecting families and young children. He noted that the site would work on Saturday mornings meaning the noise nuisance would continue at a time when many people would be hoping for a lie in after the working week.

The Committee then heard from the applicant, Andrew Short, Grundons, explained the context of their interest in the site and advised that changes to the proposal had been made following consultation and exhibition. They had worked with the Council and the report and officer conclusions supported their application. He addressed the question of prematurity which had been carefully considered by officers (paragraph 67). The application was in line with the recently adopted core strategy that provided for local building materials for local development.

Peter Wilsdon, agent to the applicant, believed that all consultees had agreed that with the proposed mitigation there was no adverse impact. He outlined the proposed mitigations including, dewatering, a traffic routeing agreement and progressive restoration that reduced the overall impact. The application was the most sustainable opportunity to provide a local supply of sand and gravel.

They then responded to questions from:

Councillor Judy Roberts and Councillor John Howson – Peter Wilsden explained the phasing of works on the site and the use of a conveyor system.

Councillor Alan Thompson – The route to be used was an advisory lorry route with satisfactory junctions. The highways authority had no objections.

Councillor Lynda Atkins, local councillor for Wallingford, spoke against the application expressing particular concerns for residents living adjacent to area 17 and 18. Area 18 contained the plant and there was a gap in the noise protection to allow access to the site. Area 17 was one of the last areas to be worked and was immediately adjacent to the new housing which was closer than existing buildings and which needed an equivalent barrier. She was concerned at the impact on residents of Saturday working and expressed concern at the impact on the heritage railway of having a bund along half of its length. Councillor Atkins responding to a question from

Councillor Stratford commented that she felt it perfectly possible that the new housing would be built and sold quickly.

Councillor Mark Gray, local councillor for Benson & Cholsey highlighted the amenity impact of the application. In addition to 2 nursing homes there were 2 listed buildings nearby. Heritage assets were irreplaceable and impacts on them should be given considerable weight. Councillor Gray also argued that the local roads were not suitable for the traffic from the site. He also expressed concern that the inert waste for the restoration had not been identified and he feared that it would not happen. He suggested that the application was premature in predetermining where extraction should happen in advance of Part 2 of the Core Strategy.

Councillor Gray responding to a question from Councillor Howson explained that the quarry would destroy the setting of the Grade II listed building.

During discussion Mary Thompson responded to further questions confirming that the new housing had been taken into account when looking at environmental impacts; that the phasing allowed the central haul road to progressively shorten and speed restoration. Members expressed some concern over traffic along local roads and site access onto the main road.

Councillor Sibley proposed, it was seconded by Councillor Phillips and it was:

1 **RESOLVED:** (by 3 votes for, 3 against with 5 abstentions, on the Chairman's casting vote) that subject to:

2

- (i) a Section 106 legal agreement to include matters set out in Annex 2;
- (ii) a routing agreement to ensure that HGV movements associated with the new development accord with the County Council's Lorry Routing Strategy; and that
- (iii) that the Director for Planning and Place be authorised to refuse the application if the legal agreement referred to in (i) above is not completed within 10 weeks of the date of this meeting on the grounds that it would not comply with OMWCS policy M10 and the guidance set out in paragraph 118 of the NPPF in that there would not be satisfactory provisions for the long term management of the restored site.

3 application no. MW.0094/16 be approved subject to conditions to be determined by the Director for Planning and Place to include the matters set out in Annex 1 to this report.

48/17 SECTION 73 APPLICATION TO CONTINUE THE OPERATION OF DIX PIT RECYCLED AGGREGATE FACILITY PERMITTED BY PLANNING PERMISSION NO. 16/04166/CM (MW.0140/16) WITHOUT COMPLYING WITH CONDITION 6 THEREBY ALLOWING AN INCREASE IN THE MAXIMUM TONNAGE OF WASTE MATERIAL IMPORTED TO SITE TO 175,000 TONNES PER ANNUM AT SHEEHAN RECYCLED AGGREGATES PLANT, DIX PIT, STANTON HARCOURT, WITNEY, OX29 5BB - APPLICATION NO. MW.0073/17

(Agenda No. 8)

The Committee considered (PN8) a Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by a previous permission without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum.

Having presented the report David Periam, responding to a question from Councillor Reynolds indicated that there would be an additional 5-6 additional vehicle movements/hour during the off peak period.

John Salmon, agent for the applicant, commended the report that he felt explained how the application met the Council's policies. It would result in a re-use of materials avoiding landfill and would provide a supply of local building materials. He outlined the efforts taken to monitor and control vehicle movements. Mr salmon responded to questions from:

Councillor Glynis Phillips – The plant was designed for a much higher capacity and the additional tonnage would use the plant efficiently with the only impact being on the numbers of vehicles on the roads.

Councillor John Howson – Mr Salmon explained that there were a wide range of third party contractors using the site. These could be single person operations and he explained the difficulty in controlling their vehicle movements. It was not possible to put trackers on third party vehicles but they used fines and bans as methods of control.

Councillor Charles Mathew, Chairman of Stanton Harcourt Parish Council and local councillor for Eynsham expressed concern over the impact on the B4449. The extra lorries were totally unacceptable with 1 extra hgv every 10 minutes, on a road that narrows at points to only 5.5m wide. He referred to breaches to the routeing agreement that had been notified. The planning conditions were aimed at mitigation but needed enforcement action. Councillor Matthew asked the Committee (if they were minded to agree the application) to consider a staged increase to see the effects on hgv movements. Councillor Mathew also asked for a quarterly email on vehicle movements and on breaches that had been notified. Councillor Mathew responded to questions from:

Councillor Jeannette Matelot – The Sutton bypass once constructed would ease the problems in Staton Harcourt but funding was not available.

Councillor Judy Roberts – He agreed that it would be better for lorries to turn left from the site to get to the A40 but the operators did not agree.

During discussion Members suggested that there was merit in considering a staged increase and Councillor Reynolds proposed, it was seconded and it was:

RESOLVED: (by 10 votes for to 1 against) to defer a decision to allow further negotiation with the applicant.

49/17 DEMOLITION OF AN EXISTING ONE AND A HALF CLASSROOM PREFABRICATED MODULAR BUILDING AND THE INSTALLATION OF A

TWO CLASSROOM PREFABRICATED MODULAR BUILDING, TO INCLUDE DRAINAGE AND CREATION OF FIRE APPLIANCE HARD-STANDING ACCESS WHERE THE EXISTING PREFABRICATED MODULAR BUILDING IS LOCATED AT GREAT MILTON (C OF E) PRIMARY SCHOOL, HIGH STREET, GREAT MILTON, OXFORD, OXFORDSHIRE, OX44 7NT - APPLICATION NO. R3.0064/17

(Agenda No. 9)

Committee considered an application(PN9) for the demolition of an existing one and a half classroom prefabricated modular building and the installation of a two classroom prefabricated modular building for a temporary period of 5 years at Great Milton (C Of E) Primary School, High Street, Great Milton, Oxford.

It was proposed by Councillor Stratford, seconded by Councillor Johnston and it was **RESOLVED:** (by 11 votes for to 0 against) that planning permission for application no. R3.0033/17 be approved subject to conditions to be determined by the Director of Planning and Place to include the following:

- (i) Detailed compliance.
- (ii) Temporary period of 5 years.
- (iii) School Travel Plan to be submitted and approved within 6 months of the date of occupation of the building. The approved scheme to be implemented.
- (iv) Prior to the first occupation of the development a scheme for the location of at least two bird boxes shall be submitted and approved. The approved scheme to be implemented.

..... in the Chair

Date of signing

For: PLANNING AND REGULATION COMMITTEE - 8 JANUARY 2017

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Continuation of the development permitted by MW.0044/08 (the construction and operation of an energy from waste and combined heat and power facility together with associated office, visitor centre and bottom ash recycling facilities, new access road and weighbridge facilities and the continuation of landfill operations and landfill gas utilisation with consequent amendments to the phasing and final restoration landform of the landfill surface, water attenuation features and improvements to the existing household waste recycling centre) without complying with conditions 1 and 3, in order to allow an import of 326 300 tonnes per annum to the Energy Recovery Facility.

Division Affected: Caversfield, Ambrosden and Chesterton

Contact Officer: Mary Thompson **Tel:** 07393 001 257

Location: Ardley Energy Recovery Facility, Middleton Stoney Road, Ardley, OX27 7AA

Application No: MW.0085/17 **District No:** 17/02104/CM

Applicant: Viridor

District Council Area: Cherwell

Date Received: 9 October 2017

Consultation Period: 19 October – 9 November 2017

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.0085/17) be **approved**.

• Part 1 – Facts and Background

Location (see plan 1)

1. The site is located 18km (11 miles) north of Oxford and 3km (2 miles) from Bicester. Nearby villages include Ardley 1.5 km (1 mile) from the site, Middleton Stoney 2 km (1.2miles), Bucknell 1.3 km (0.7 mile) and Upper Heyford 2.5 km (1.5 miles).

Site and Setting (see plan 2)

2. The application site comprises the existing Energy Recovery Facility (ERF) and landfill site. These are located within a former limestone quarry. The ERF is in the south east of the site. The landfill site to the north is undergoing restoration but filling of the void has not yet been completed. The site also includes a Household Waste Recycling Centre (HWRC) which lies adjacent to the landfill access.
3. The ERF has a direct access from the B430, which is separate from the access for the landfill and HWRC which is further north on the B430.
4. Ardley Trackways geological SSSI lies immediately south of the ERF building. Ardley Cutting and Quarry geological SSSI lies along the railway line to the north of the site.

Planning History

5. Planning permission for the ERF was granted in February 2011 following an appeal. In the original planning documents the facility was referred to as an Energy from Waste plant (EfW). The plant became fully operational in November 2014.
6. The planning permission for the ERF (MW.0044/08) also controls the landfill and HWRC. Permission for the HWRC expires at the end of 2018 and permission for landfilling expires at the end of 2019. A separate planning application (MW.0103/17) has been submitted for the retention of the HWRC until 2026. The consultation on that application runs until 8th January 2018. Import of waste to the landfill is currently limited to inert soils as non-hazardous waste coming into the site is processed in the ERF.
7. The current planning permission has an associated routeing agreement which requires all traffic to use the B430 north of the site entrance only, the M40 and the A43. Other routes are prohibited. This means that HGVs cannot travel through local villages (other than the B430 through Ardley) or south on the B430.
8. The current planning permission is also subject to a Section 106 legal agreement which covers aftercare of the restored site, a travel plan,

contributions for rights of way and transport, access to the quarry geological face and diversion of a bridleway.

Details of the Development

9. It is proposed to change a condition on the existing planning consent in order to increase the amount of waste that can be processed by the ERF from 300 000 tonnes per annum (tpa) to 326 300tpa. This change would make the maximum throughput on the planning permission consistent with the maximum tonnage on the Environmental Permit issued by the Environment Agency. The application states that a throughput of 326 300 tpa would allow the ERF to operate at its maximum thermal output.
10. Condition 3 on the existing consent currently limits the combined waste import to the landfill and ERF to 500 000tpa, until the completion of landfilling. It is not proposed to exceed this maximum and therefore until the end of 2019 the only change would be to how the waste imported to the site is split between the ERF and the landfill. However, the permission requires landfilling to be complete by the end of 2019. After this date under the current permission the total throughput to the site would reduce to 300 000 tpa to the ERF. Therefore, the proposal to increase the ERF throughput to 326 300 tpa would lead to a 26 300tpa increase to the waste permitted to be imported to the site from the start of 2020.
11. Condition 1 would also need to be amended, as this lists the approved plans and details which include reference to a 300 000tpa maximum throughput for the ERF. It is proposed to insert reference to this application to make it clear that references to a maximum throughput of 300 000tpa in the original application documents have been superseded. It is also proposed to insert a reference to the 326 300tpa maximum into condition 3 to make it clear what the maximum annual throughput is.
12. Annex 1 contains the proposed new wording for conditions 1 and 3. Annex 2 contains the complete list of current conditions on consent MW.0044/08.
13. No other changes are proposed. There would be no changes to the ERF building or stack height, or to the landfill site and HWRC which are also covered by consent MW.0044/08. No change is proposed to the approved hours for vehicle movements.
14. The ERF runs continuously 24 hours a day and 7 days a week. Once or twice a year it is shut for planned maintenance. Fewer hours have been lost to such closures than originally anticipated, which is why the operator now considers that the maximum annual capacity of the plant is 326 300tpa, rather than 300 000tpa as stated in the original application.
15. Until the end of 2019 there would be an increase in vehicle movements of 1 movement per day, required to remove combustion by-products, as

a result of the proposed change. It would not lead to additional movements related to waste import because the current maximum combined throughput for the site of 500 000tpa would not be exceeded.

16. After the closure of the landfill at the end of 2019, under the current permission the waste imports to the site would fall to the current ERF throughput of 300 000tpa. This proposal would therefore lead to a 26 300tpa increase in permitted throughput from the start of 2020, which would result in more vehicle movements after that date than under the current consent. There would still be a fall in the number of vehicle movements after the end of 2019 compared to the current situation up until the end of 2019 as permitted throughput would fall from 500 000tpa until the end of 2019 to 326 300tpa from the start of 2020.
17. There would be an estimated 10 additional HGV movements per day (on average) to the ERF after the end of 2019, compared to what is currently expected based on the permitted tonnage after that date, as a result of this development. This includes vehicles importing waste and exporting by-products.
18. No amendments are proposed to the landfill, although the application makes reference to a possible future planning application in relation to this.
19. This application is accompanied by an Environmental Statement, the findings of which are summarised in Annex 3.

• Part 2 – Other Viewpoints

Representations

20. No letters of representation have been received.

Consultation Responses

21. Ardley Parish Council – No response received.
22. Middleton Stoney Parish Council – Our members have no objection to the proposed increase in tonnage. However, they wish to restate that any movements to and from this site must adhere strictly to the existing routeing agreement.
23. Bucknell Parish Council – Object. There has been no change in circumstances since the condition restricting tonnage was imposed justifying its removal. The tonnage limit imposed by the EA is irrelevant to the tonnage limit imposed by the planning condition. The applicant's arguments to justify the tonnage increase based on the waste criteria are ill-founded. The applicant has not addressed the detrimental impact on the local community of the consequences of the proposed increase in tonnage. There have been a number of concerns since the plant became

operational, including in relation to escape of IBAA dust, water discharge, light pollution and traffic. An increase in tonnage would exacerbate the situation. Live information about emissions has not been provided, an increase in throughput would increase emissions and the risk of toxicity. An hourly maximum should be imposed. A greater throughput would mean more IBAA and a greater risk of it escaping. Bucknell has experienced unexplained flooding and any increase in tonnage throughput will only increase the risks to the local watercourses. The opportunity should be taken to add a condition to reduce the amount of light emanating from the site. Any increase in traffic movements would have a negative impact on the community and is not acceptable. The ERF was permitted to meet Oxfordshire's waste needs; the 300 000 tonne limit is well in excess of Oxfordshire's needs.

24. Cherwell District Council – No objections.
25. Environment Agency – No objection.
26. Thames Water – No response
27. Natural England – No objection. Consider that the proposed development would not damage or destroy the interest features for which the Ardley Quarry and Cutting SSSI has been notified. The air quality modelling report submitted with the application indicates that increases in traffic generated by the proposals on roads within 200m of the SSSI will not result in increases in N deposition or NO_x of more than 1% of the critical loads or levels. Additionally, it is understood that the proposed increase in waste to be processed is covered by the existing Environmental Permit for the site. Natural England is therefore satisfied that increases in aerial emissions resulting from the proposals are unlikely to cause significant harm to the SSSI. It is understood that the proposals use existing buildings and infrastructure and therefore no other impacts on designated sites are likely.
28. Historic England – No comments
29. Highways England – No objections.
30. OCC Transport Development Control – No objection, subject to routeing agreement. The junction at the ERF access is considered to have sufficient capacity to accommodate increased number of vehicles. There is an existing routeing agreement that would need to be updated to include this application should it be permitted. Given the relatively small predicted impact on the overall traffic flows and HGVs in particular, the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.
31. OCC Rights of Way – No objection. Concerned about the increase in traffic at the ERF junction which is relatively close to the junction of the B430, bridleway 27 and the Heyford Road/proposed in-field bridleway

access track. This increase in traffic would require the installation of a signal controlled crossing facility. There is a funding gap for this requirement under the original Section 106. Therefore, an additional contribution of £46k is sought for the installation of a crossing.

32. OCC Public Health - No comments or concerns with regard to this application.
33. OCC Ecology Officer – No objection.
34. OCC Arboricultural Officer - No objections to the application from a tree perspective.
35. OCC – Environmental Strategy – No response
36. OCC Drainage – No response
37. OCC Countryside Access – Concerned about the transfer of traffic away from the landfill to the ERF access as the ERF access point is in relatively close proximity to the junction of the B430, bridleway 27 and the Heyford Road/proposed in-field bridleway access track and will create a potential safety risk. Seek additional funding towards a Pegasus or modified-Pegasus crossing at that point.

Part 3 – Relevant Planning Documents

Relevant Planning Policies – (see policy annex)

38. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
39. The relevant development plan documents are:
 - The Oxfordshire Minerals and Waste Core Strategy 2031 Part 1 (OMWCS)
 - The Oxfordshire Minerals and Waste Local Plan 1996 (OMWCS) (saved policies)
 - Cherwell Local Plan 1996 (CLP 1996) (saved policies)
 - Cherwell Local Plan 2011-2031 Part 1 (CLP)
40. The Government's National Planning Policy Framework (NPPF), The National Planning Policy Guidance (NPPG) and the National Policy for Waste (NPPW) are material considerations in taking planning decisions.
41. Cherwell District Council are preparing a Part 2 to the Adopted Cherwell Local Plan 2011-2031 which will contain non-strategic site allocations and development management policies. An issues consultation was held in early 2016. This plan is at an early stage and there are not yet draft policies to consider.

Relevant Policies

42. The relevant development plan policies are:

- Oxfordshire Minerals and Waste Core Strategy 2031(OMWCS)

C1 Sustainable development

C2 Climate change

C5 Local environment, amenity and economy

C7 Biodiversity and geodiversity

C10 Transport

W1 – Oxfordshire waste to be managed

W3 - Provision for waste management capacity and facilities required

W4 – Locations for facilities to manage the principal waste streams

W5 – Siting of waste management sites

- Oxfordshire Minerals & Waste Local Plan 1996 (saved policies)

There are no relevant saved policies.

- Cherwell Local Plan 1996 (CLP 1996) (saved policies)

TR7 – Development attracting traffic on minor roads

TR10 – Heavy goods vehicles

C1 – Protection of sites of nature conservation value

ENV11 – Proposals for installations handling hazardous substances

- Cherwell Local Plan 2011-2031 Part 1 (CLP)

PSD1 – Presumption in favour of sustainable development

ESD2 – Energy hierarchy and allowable solutions

ESD5 – Renewable energy

ESD10 – Protection and enhancement of biodiversity and the natural environment

Comments of the Director for Planning and Place

Waste Policy

43. OMWCS policy W1 states that provision will be made for waste management facilities to provide capacity that allows Oxfordshire to be net self-sufficient in the management of its municipal waste, commercial and industrial waste, construction, demolition and excavation waste and agricultural waste over the period to 2031. The ERF is contributing towards waste management capacity in the county and the aim of net self-sufficiency.

44. The OMWCS does not identify the need for any additional capacity for residual waste treatment before the end of the plan period. However, neither does it set any cap on further capacity for this type of waste management. Therefore, although there is no identified need for the additional capacity, this is not in itself a reason to refuse the application.

45. However, OMWCS policy W3 states that proposals for non-hazardous residual waste treatment will only be permitted if it can be demonstrated that the development would not impede the movement of waste up the hierarchy, and that it would enable waste to be recovered at one of the nearest appropriate installations. The application seeks to demonstrate that the provision of additional capacity for waste treatment would not prevent waste from moving further up the waste hierarchy, for example by being recycled. The application states that there is municipal waste currently being landfilled in Oxfordshire, from which energy could be recovered. It also confirms that waste would be sourced from transfer stations and the waste will have already been subject to sorting to remove recyclable waste. Therefore, it is accepted that the proposed increase to the tonnage is in accordance with the requirements of OMWCS policy W3.
46. OMWCS policy W4 sets out the locations where strategic, non-strategic and local waste management facilities should be located. The facility is within the zone around Bicester that is identified as suitable for strategic waste management facilities with a throughput exceeding 50 000tpa. Therefore, the proposal is in accordance with this policy.
47. OMWCS policy W5 sets out locations in which priority will be given to siting waste management facilities. As the site is already in waste management use, it would currently be considered a 'priority location' for waste management facilities in line with this policy.

Air Quality

48. OMWCS policy C5 states that proposals for development shall demonstrate that they will not have an unacceptable adverse impact on the local environment or human health including from (amongst other things) air quality. CLP policy ESD10 states that air quality assessments will be required for development proposals that would be likely to have a significant adverse impact on biodiversity by generating an increase in air pollution.
49. The Environment Statement includes an assessment of the impact of the increase in tonnage on air emissions. It concludes that there would be no significant effects on either human receptors or ecological receptors. There has been no objection to the proposals from the Ecology Officer, Natural England or the Public Health officer.
50. The development is considered to be in accordance with OMWCS policy C5 with regard to air quality.

Traffic

51. CLP 1996 policy TR7 states that development that would regularly attract large commercial vehicles onto unsuitable minor roads will not

normally be permitted. Similarly, CLP 1996 policy TR10 states that development that would generate frequent HGV movements on unsuitable urban or rural roads will not be permitted.

52. The ES concludes that traffic impacts as a result of the increased tonnage would not be significant. Transport Development Control have not objected to the proposal and consider that the existing access junction has sufficient capacity to accommodate the increased number of vehicles and that the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.
53. The proposal would increase HGV movements on the B430. However, the increase compared to existing movements would be small. The road is considered adequate for the volumes of traffic proposed and the majority of HGV traffic would travel only a short distance on the B430 before reaching the M40 and A43 junction. The routing agreement would ensure that vehicles would not travel on unsuitable minor roads in the area and therefore it is recommended that the provisions of the existing routing agreement are brought forward to any new permission issued. Subject to this, the development is considered to be in accordance with CLP 1996 policies TR7 and TR10.
54. OMWCS policy C10 states that waste development will be expected to make provision for safe and convenient access onto the advisory lorry routes shown on the Oxfordshire Lorry Routes Map. The B430 is shown as a local access route on this map. Therefore, the access arrangements for the additional vehicle movements proposed would be in accordance with this policy.

Rights of Way

55. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and improvements and enhancements to the rights of way network will generally be encouraged.
56. The Rights of Way team have not objected to the application, but have requested a contribution towards a new crossing facility for bridleway 27, as the proposals would increase traffic at the ERF junction, which is relatively close to the point where the bridleway meets the B430. The applicant has not agreed to make this contribution and have stated that they do not consider it to be justified given the relatively low increase in vehicle movements at the ERF site access.
57. The development would lead to an increase in vehicle movements of 10 per day and there is no objection from Transport Development Control. Therefore, there is not considered to be a conflict with OMWCS policy C11 as the small increase in traffic would not cause significant harm to the amenity of the bridleway. Overall it is not considered that the contribution proposed by the Rights of Way team is necessary to make the development acceptable, although it would be supported by OMWCS

policy C11, which encourages improvements and enhancements to the rights of way network.

58. The development is considered to be in accordance with OMWCS policy C11, regardless of the applicant's unwillingness to provide a financial contribution towards rights of way.

Amenity

59. OMWCS policy C5 states that proposals for waste development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and the local economy. This includes through noise, traffic, air quality, light pollution, visual intrusion, litter and the cumulative effect of development. As there is no change proposed to the building itself, the activities taking place inside or the operating hours the potential impacts on amenity would be limited. The increase in traffic could cause additional amenity impacts and the increase in throughput would result in an increase in air emissions, however the ES concludes that these would not be significant. It is considered that the limited increase in vehicle movements would not lead to any additional significant unacceptable adverse impacts. Therefore, the proposal is considered to be in accordance with OMWCS policy C5.
60. CLP 1996 policy ENV11 states that proposals for installations handling hazardous substances will not be permitted in close proximity to housing and other landuses which may be incompatible from a safety viewpoint. The ERF creates hazardous waste in the form of air pollution control residues from the stack. The proposed increase to the annual throughput would result in a corresponding increase to the hazardous waste produced on site. However, it is considered that the existing facility has satisfactory procedures for handling and removing this waste such that it does not pose a safety or health risk and the proposed increase in tonnage would not have any significant impacts in this regard. The County Council as Public Health Authority has raised no objection to the application. The proposal is considered to be in accordance with CLP 1996 policy ENV11.

Biodiversity and Geodiversity

61. OMWCS policy C7 states that waste development should conserve and, where possible, deliver a net gain in biodiversity. Development likely to have an adverse impact on a SSSI will not be permitted except where the benefits outweigh the harm.
62. CLP 1996 policy C1 states that development which would result in damage to or loss of SSSIs will not normally be permitted.
63. CLP policy ESD10 states that biodiversity and the natural environment will be protected and enhanced. A net gain for biodiversity will be sought.

Damage to sites of biodiversity or geological value of national importance will not be permitted unless the benefits clearly outweigh the harm.

64. There has been no objection from the Ecology Officer. The proposed increase in tonnage would not affect the geological SSSI adjacent to the ERF building. It is considered that the development would comply with policies protecting biodiversity and geodiversity, including OMWCS policy C7, CLP 1196 policy C1 and CLP policy ESD10.

Other Issues

65. As there would be no changes to the ERF building, there would be no impact on landscape, flooding or the water environment, agricultural land or soils, archaeology or rights of way.
66. A new legal agreement would be needed to ensure that the provisions in the existing Section 106 agreement relating to the existing development are carried forward should a new planning permission be issued.
67. Bucknell Parish Council has objected on the basis that there has been no change in circumstances to justify an amendment to the tonnage. They are concerned that that the current 300 000tpa capacity is already well in excess of Oxfordshire's needs. However, as set out above the relevant planning policy does not set a cap on waste treatment capacity. The application explains that the maximum throughput at the plant is higher than originally anticipated as the plant has lost less time to planned maintenance than anticipated. The original tonnage limit was set in 2011 when the original permission was issued. The proposal must be considered against relevant current policies and other material considerations.
68. Bucknell Parish Council are also concerned that amenity impacts from the existing operations would be exacerbated by an increased tonnage. They are concerned that live information about emissions has not been made available. However, this is a matter for the Environment Agency under the monitoring of the waste permit. Amenity impacts have been addressed above and neither the County Council as Public Health Authority nor the Environment Agency have raised objections to the application.
69. Bucknell Parish Council are also concerned that the storage area for Incinerator Bottom Ash Aggregate (IBAA) has already reached capacity and that an increase in tonnage would increase the generation of IBAA and the risk of it escaping. Both processed Incinerator Bottom Ash Aggregate (IBAA) and unprocessed Incinerator Bottom Ash (IBA) are stored in designated areas in the ERF complex. IBA is processed to produce IBAA which is then sold for use as an aggregate in construction projects. The storage of these materials is covered by planning conditions which are regularly monitored. It is considered that ensuring

that excessive quantities of IBA and IBAA do not build up at the storage on site is a matter of good management and the limited increase in throughput would not prevent the applicant from complying with conditions setting out how these materials should be stored.

70. Bucknell Parish Council is concerned about flooding and the discharge of leachate, including in relation to the landfill site. There would be no change to the landfill or to the surface water drainage for the ERF site as a result of the current proposals. These matters are controlled by conditions on the consent.
71. Bucknell Parish Council acknowledge that the proposed increase in tonnage would not have an impact on light levels, but consider that this could be an opportunity to impose a condition to reduce light nuisance from the site. Whilst this issue has been of concern and has been raised and considered both by this committee and at the Local Liaison Committee, this is not within the scope of this application which should make no difference to the lighting requirements of the facility should it be permitted. However, an informative could be attached to any planning permission granted asking that the operator continue to seek ways of reducing the impact of lighting from the facility.
72. Bucknell Parish Council considers that any increase in traffic would have an impact on the local community and this would be unacceptable. However, the increase in traffic movements needs to be assessed against planning policy. There is no policy justification for refusing an application on the basis of an increase in traffic movements which has been assessed as insignificant and which will not cause an unacceptable adverse impact as set out in OMWCS policy C5. The routing agreement would ensure that HGVs travel only a short distance along the B430 to the motorway junction. HGVs would not travel on unsuitable minor roads, or have any direct impact on Bucknell.

Sustainable Development

73. The NPPF contains a presumption in favour of sustainable development which has environmental, economic and social roles and this is reflected in OMWCS policy C1 and CLP policy PSD1. OMWCS policy C2 states that applications for development should adopt a low carbon approach.
74. CLP policy ESD2 states that an energy hierarchy will be promoted in order to achieve carbon emissions reductions. This includes making use of renewable energy. CLP policy ESD5 supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily.
75. The ES contains a carbon assessment which concludes that there would be significant carbon benefits from the proposed change to the throughput at the ERF, as it would divert waste from landfill. The

proposal is considered to be in accordance with policies supporting sustainable development.

Conclusions

76. The proposed development is considered to be in accordance with relevant development plan and emerging plan policy related to waste, air quality, traffic, rights of way, traffic, biodiversity and geodiversity and sustainable development.

RECOMMENDATION

77. **It is RECOMMENDED that subject to a supplementary legal agreement to ensure that the provisions of the existing Section 106 and routeing agreements are carried forward that planning permission for Application MW.0085/17 be approved subject to conditions as on consent MW.0044/08 amended as set out in Annex 1 to this report.**

SUSAN HALLIWELL
Director for Planning and Place

December 2017

Annex 1 – Proposed Revised Wording for Conditions 1 and 3

1. The full wording of conditions on the existing consent is set out in Annex 2.
2. The changes to conditions 1 and 3 suggested by the applicant to achieve the changes proposed are set out below:
 1. *The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of the permission and by planning application MW.0085/17 (17/02104/CM). The approved plans and particulars comprise: application form (undated), planning support statement, letter dated 13th November 2008 covering amendment to the application form, gas management plan, tree survey plans TS/1 and TS/2, site survey plan 2/3, section through split level CA site plan 3/17 and office elevations plan 3/18, letter dated 4th March 2009 including item 4A sewage treatment plant, item 5A HWRC plan 3/14, item 6A existing access plan 4-1 and item 7A planning support statement comments, and plans 2/1, 2/2, 3/1, 3/2, 3/3, 3/4 rev A, 3/5 rev C, 3/6 rev D, 3/7 rev D, 3/8 rev D, 3/10, 3/11, 3/12, 3/13, 3/15, 3/16, EFW-PO-09, EFW-PO-10, EFW-PO-11, EFW-PO-12, EFW-PO-13, EFW-PO-14, EFW-PO-15, EFW-PO-16, EFW-PO-17, EFW-PO-18, EFW-PO-19, EFW-PO-20 and EFW-PO-21.*
 3. *No more than a combined total of 500 000t of waste per annum shall be imported to the ERF and the Landfill until the completion of landfilling at the site in accordance with condition 34 of this permission. Upon completion of landfilling no more than 326 300t of waste per annum shall be imported to the site for treatment at the ERF.*
3. Further minor updates to these and the other conditions are recommended in order to:
 - Correct typos
 - Add reasons for each condition including policies
 - Remove references to construction and commencement which no longer apply
 - Update the list of plans in condition 1 to include those approved under this permission
 - Update listed plans and condition wording to reference plans approved under non-material amendment applications since the original permission was issued.
 - Update plan references and condition wording to reference plans approved under details pursuant submission since the original permission was issued.
 - Remove duplicated condition 69
4. An informative asking that the operator continue to seek ways of reducing the impact of lighting from the facility.

Annex 2 – Conditions on permission MW.0044/08

All the Site

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of their permission. The approved plans and particulars comprise: application form (undated), planning support statement, letter dated 13th November 2008 covering amendment to the application form, gas management plan, tree survey plans TS/1 and TS/2, site survey plan 2/3, section through split level CA site plan 3/17 and office elevations plan 3/18, letter dated 4th March 2009 including item 4A sewage treatment plant, item 5A HRWC plan 3/14, item 6A existing access plan 4-1 and item 7A planning support statement comments, and plans 2/1, 2/2, 3/1, 3/2, 3/3, 3/4 rev A, 3/5 rev C, 3/6 rev D, 3/7 rev D, 3/8 rev D, 3/10, 3/11, 3/12, 3/13, 3/15, 3/16, EFW-PO-09, EFW-PO-10, EFW-PO-11, EFW-PO-12, EFW-PO-13, EFW-PO-14, EFW-PO-15, EFW-PO-16, EFW-PO-17, EFW-PO-18, EFW-PO-19, EFW-PO-20 and EFW-PO-21.
2. The amendments to the Household Waste Recycling Centre (HWRC) and the construction of the Energy from Waste (EfW) plant to which their permission relates shall be begun not later than the expiration of three years beginning with the date of their permission.
3. No more than 500 000t of waste per annum shall be imported to the site until the completion of landfilling at the site in accordance with condition 34 of their permission.
4. No more than 2 000t of waste a day shall be imported to the site until the landfilling of waste ends in accordance with condition 34 of their permission. On public and bank holidays the amount of waste imported shall be no more than 50% of their allowance. There shall be no waste imported on Good Friday, Christmas Day or New Year's Day.
5. Records of the daily tonnages of waste, including separately that transferred from HWRCs in Oxfordshire shall be taken and shall be made available for the officers of the WDA to see on request.
6. Except for exceptional loads during construction, agreed in writing by the Waste Planning Authority, no heavy goods vehicles, including those associated with construction works, shall enter or leave the Energy from Waste site as shown on approved plan 3/11 except between the following times:

07.00 hours. to 19.00 hours Mondays to Fridays

07.00 hours to 16.00 hours Saturdays

No movements shall take place on Good Friday, Christmas Day or New Year's Day.
7. Notwithstanding condition 6, waste may be brought to the Energy from Waste site from Household Waste Recycling sites operated on behalf of

Oxfordshire County Council during the following additional hours:

10.00 hours to 16.00 hours on Sundays.

8. Within one year of the date of their permission a restoration plan shall be submitted to the waste planning authority showing pre-settlement levels which shall not exceed those shown on the draft pre-settlement plan 3/19 and land restored to a combination of agricultural land and woodland together with geological exposures, facilities for protected species and ponds and wetlands associated with the energy from waste plant. Details of a scheme of landscaping shall be part of the plan and such details shall incorporate the general principles indicated in the application and shall include:

- (a) the position, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations;
- (b) the positions, species, density/planting distances and initial sizes of all new trees and shrubs;
- (c) any hard landscaping proposed, and
- (d) the design, location and elevations of the leachate treatment plant required to treat the IBA leachate following the removal of the existing plant required by Condition 39.

Any plan that is approved shall be implemented progressively in accordance with a timetable to be submitted with the plan but shall be completed by December 31 2020 with the exception of the areas where the gas flare and buildings and plant are located. Those areas shall be restored in accordance with the timetable shown on the restoration plan approved under their condition.

9. With the exception of trees to be removed to form the new access the existing trees along the boundaries of the site (as shown on approved plan 3/10) shall be retained. For a period of 20 years from the completion of restoration of the landfill any trees removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by their permission shall be replaced with trees and bushes of such size and species as may be approved by the Waste Planning Authority, in the planting season immediately following any such occurrences.
10. No removal of trees or hedgerows to create the new access shall take place between 1 March and 31 July inclusive in any year.
11. All haul and access roads and storage heaps shall be sprayed with water sufficient to prevent dust or windblown material being carried onto adjoining properties during dry weather conditions.
12. With the exception of the HWRC, as shown on approved plan 3/14, no waste materials, other than those associated with the treatment process at the Energy from Waste Plant, shall be sorted or stored on site for disposal at some other location.

[13. Not used]

14. Any gate or fence destroyed or damaged during operations permitted or required by their permission shall be replaced or repaired within one month of the waste planning authority informing the operator, in writing, that any replacement or repair should take place.
15. No mud shall be deposited on the public highway.
16. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicles, other than those which use white noise.
17. All vehicles, plant and machinery operated within the site shall use equipment that minimises noise output.

[18. Not used]

The EfW plant

19. No waste shall be processed at the EfW plant until construction of the new access road, shown as 'access road' on approved plan 3/6 rev C, has been completed. Thereafter no access to the EfW plant shall take place except via the new access road.
20. Prior to commissioning of the EfW plant, a Combined Heat and Power (CHP) Feasibility Review, assessing potential commercial opportunities for the use of heat from the plant, shall be submitted to and approved by the Waste Planning Authority. The Review shall provide for the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the plant as part of a good quality CHP scheme (as defined in the CHPQA Standard issue 3 January 2009 which sets out the definitions, criteria and methodologies for the operation of the UKs CHP Quality Assurance (CHPQA) programme), or any superseding or amending standard, and for the provision of subsequent reviews of such commercial opportunities as necessary.
21. No occupation of the EfW plant shall take place until the works on the B430, including provision of signage, as shown on approved plan 3/15, have been implemented.
22. No waste shall be burnt in the EfW plant until the electric cable link from the Plant to the National Electricity Grid has been constructed and is capable of transmitting all the electrical power produced by the Plant. Thereafter, except during periods of maintenance and repair and unless required to do so by the National Grid no waste shall be processed by the plant unless power is being generated.
23. Unless the Energy from Waste plant is not operating the Energy from Waste plant shall accept for delivery and process all of Oxfordshire's municipal waste that is delivered to it.
24. No waste shall be burnt in the EfW plant until a plan showing the layout and operation of the Incinerator Bottom Ash Operations has been submitted and approved in writing by the waste planning authority. No incinerator ash operations shall take place except in accordance with the

approved plan.

25. Development and operation of the EfW plant shall not take place except in accordance with the flood risk assessment and mitigating measures in item 13B and the site drainage plan in item 4A both as set out in the additional information in support of the planning application and environmental statement reference 409.0036.00349 dated March and July 2009.

[26. Not used]

27. The EfW plant may operate continuously but no activities shall take place outside the building except during the hours authorised in condition 6, other than for essential maintenance and staff shift changes.
28. A scheme showing how bridleway 27 shall be accommodated back on its original definitive line in a safe manner including how it would cross the access road and bridge the attenuation pond shall be submitted to the waste planning authority not later than 31 December 2016. Any scheme that is approved shall be implemented once the approved temporary diversion ends unless bridleway 27 has been otherwise permanently diverted in accordance with any other confirmed diversion order.
29. No construction works for the new access road or for the EfW plant shall take place until a scheme for the recording of the dinosaur footprints in phases 1a, 1b, 3, 3a, 3b and 5, as shown on approved plan 3/4 rev A, has been submitted to and approved by the waste planning authority. The construction works shall not then take place except in accordance with that approved scheme.
30. No fencing or other means of enclosure of the energy from waste plant shall take place except in accordance with a scheme that shall have been agreed in writing by the Waste Planning Authority.
31. Details of the location, height, design, sensors, hours of operation and luminance of external lighting for the energy from waste plant (which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways), shall be submitted to and approved in writing by the waste planning authority before any external lighting is used on site. Any scheme that is approved shall be implemented for the life of the site.
33. Prior to commencement of building works to the EfW plant samples of all external materials shall be submitted to and agreed, in writing, by the waste planning authority. Only the agreed external materials shall be used in the building works.

The Landfill

34. By 31 December 2019 landfilling at the site shall finish and except for the infrastructure required for the management of landfill gas all associated buildings, plant and machinery shall be removed from the site.
35. Notwithstanding the previous condition, the HWRC shall be removed and the site of the facility shall be prepared for landfilling by 31 December 2018.

36. In the event of a cessation of landfill operations, for a period exceeding twelve months, at any time before the landfilling is completed, a reinstatement and restoration scheme shall be submitted in writing to the waste planning authority for approval within six months of the expiry of the twelve month period. The scheme shall provide revised details of final levels, restoration, capping, landscaping and a timescale for the implementation of the scheme and each element within it. The approved scheme shall be implemented within twelve months of approval of the scheme.
37. Plans showing the design, elevations and location of the Leachate Treatment Plant located immediately north of the household waste recycling plant shall be submitted to the waste planning authority for approval within 6 months of the date of their permission. Any plan that is approved shall be implemented within a year of that approval.
38. The leachate treatment facility shall be used for the processing and treatment of landfill leachate which has been generated by the Ardley Fields Farm Landfill Site and for the leachate generated by the IBA facility. At no time shall any other leachate, effluent or liquor be imported to the facility for processing or treatment.
39. Following the cessation of leachate generation of the Ardley Fields Farm Landfill Site, the surrender of the Waste Management licence (or any superseding or amending licensing regime) or within six months of the leachate treatment facility failing to be operated for any twelve month period the facility shall be decommissioned and demolished and the site restored in accordance with approved plan within the following twelve months.
- [40. Not used]
41. No landfill operations authorised by their permission, including vehicles entering or leaving the landfill, shall take place except between the following times:
0700 to 1800 hours on Mondays to Fridays; 0700 to 1300 hours on Saturdays; and on 12 nominated Saturdays 13.00 hours to 16.00 hours.
No landfill operations shall take place on Sundays and Bank or Public Holidays.
42. After 31st December 2019 no access shall take place to the site except via the access road, as shown on approved plan 3/8 rev D.
43. No import of waste shall take place along the access road to the landfill, as shown on approved plan 3/8 rev D until the location and details of wheel washing equipment have been submitted to and approved by the waste planning authority. Any plans that are approved shall be implemented before any waste is transported to the landfill along the access road.
44. Landfill gas well heads and collection mains shall be located such that they do not impede drainage and cultivation of agricultural soils. The crown of pipes of these well heads shall not be within the top metre of the

agricultural soils.

45. The phasing of landfilling and restoration shall take place in accordance with approved plans 3/4 rev A, 3/5 rev C and 3/6 rev D to 3/8 rev D.
46. Details of surface water drainage works for the restored site shall be submitted to the waste planning authority for approval within one year of the date of their permission. Any details that are approved shall be implemented as part of the restoration works on each phase of restoration.
47. No lighting shall be used on the landfill except that required to satisfy health and safety regulations in accordance with a scheme submitted to and approved by the waste planning authority.
48. All soil storage bunds intended to remain in situ for more than six months or over the winter period shall be grassed over with a seed mixture, and weed control and other necessary maintenance shall be carried out, in accordance with a scheme to be approved by the waste planning authority. Such scheme shall be submitted within six months of the date of their permission and any scheme that is approved shall be implemented within one month.
49. Topsoil shall be retained on site. The better quality topsoil shall be used only for the areas restored to agricultural use.
50. The depth of soils above the capping layer shall not be less than 1 metre and a soil layer of at least 1.5 metres shall be provided beneath areas where trees are to be planted.
51. Soil handling, cultivation and trafficking over the top and subsoil materials shall not take place other than in dry weather conditions and when the soils are dry and friable.
52. No imported soils or soil making materials shall be brought to the site for the purpose of restoration unless:
 - (a) they are stored in an area agreed in writing by the waste planning authority;
 - (b) they are identified by the waste planning authority in writing as suitable for use in restoration; and
 - (c) they are free of large solid objects greater than 15cms in diameter.
53. No materials other than inert soils and subsoils free of materials in excess of 150mm in any dimension (as they are likely to hinder the future cultivation of the site) shall be deposited on the site within the top metre of the site.
54. Imported soils, or overburden and subsoils stripped from the site shall be placed in the naturally occurring sequence and spread evenly in layers to a settled uniform depth of at least 80 cms. There shall be no stone, clinker, rubble or other waste materials over 150mm in size in any dimension within the subsoil horizon. Each layer shall be ripped to its full depth and any waste appearing on the surface shall be removed.

55. Topsoil previously stripped from the site or imported shall be spread evenly to a minimum depth of 20 cms over the reinstated subsoil so as to form the final approved contours.

56. Land for agricultural use shall then be prepared to a state suitable for seeding by grading and cultivation.

57. No HGVs shall enter or leave the Household Waste Recycling Centre except between:

08.00 – 17.00 Mondays to Fridays

08.00 – 13.00 Saturdays

And 13.00 – 16.00 on 12 nominated Saturdays per year, the dates of which shall be agreed in writing by the Waste Planning Authority in advance.

There shall be no vehicle movements on Christmas Day, Boxing Day or New Years Day.

In regard to vehicles other than HGVs, the Household Waste Recycling Centre shall not operate except between:

8.00 hours to 17.00 hours Mondays to Sundays

8.00 hours to 20.00 hours Thursdays between 1st April and the 30th September inclusive

There shall be no operations on Christmas Day. Boxing Day or New Years Day

58. An aftercare scheme outline strategy shall be submitted for the written approval of the waste planning authority within six months of the date of their permission. It shall cover the areas restored to woodland and to agriculture. With respect to agriculture the strategy shall provide for:

(a) the physical characteristics of the land to be restored, as far as it is practical to do so, to what they were when the land was last used for agriculture as would satisfy the requirements of paragraph 3(1) of Schedule 5 of the 1990 Act;

(b) aftercare phasing of land to be demarcated, identifying the start date of aftercare following restoration of each phase;

(c) a five year period of aftercare in accordance with Annex A of MPG7, specifying the steps to be taken and the period during which they are to be taken, and who will be responsible for taking those steps. The scheme shall include provision of a field drainage system and provide for an annual meeting with the waste planning authority; and

(d) a detailed annual programme, in accordance with Annex A of MPG7 to be submitted to the waste planning authority.

With respect to woodland the strategy shall provide for

(e) an annual assessment of tree losses, during the establishment period and arrangements for replacements to be provided;

- (f) continuing and effective weed control, throughout the establishment period, management and removal of tree shelters, stakes, tree ties and fencing, all in accordance with current best practice;
- (g) ongoing protection measures from deer, rabbits, hares, grey squirrel populations, insects and other pest species; and
- (h) a programme for thinning the woodland, as may be necessary to ensure that it develops in a way that the objectives of planting will be realised.

Any scheme that is agreed shall be implemented within the period agreed in the scheme.

59. Before the end of one year from the date of their permission, and every subsequent year during the aftercare period, the landfill operator shall provide the waste planning authority with a detailed annual programme for the written approval of the waste planning authority including:
- (a) proposals for managing the land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months; and
 - (b) a record of aftercare operations carried out on the land during the previous 12 months.
60. The storage of any skips on the land shall only be incidental to the use of the HWRC and shall be confined to an area as shown on approved plan 3/14.
61. No development shall take place until a local liaison panel has been established in accordance with details to be submitted to and approved in writing by the waste planning authority. The details shall include terms of reference and frequency of meetings of the panel. The panel shall meet in accordance with the approved details.
62. If for any reason other than for extended maintenance or repair, the EfW facility ceases to be used for a period of more than 36 months, a scheme for the demolition and removal of the building and the related infrastructure (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access roads) shall be submitted for approval in writing to the Council. Such a scheme shall include:
- (i) details of all structures and buildings which are to be demolished;
 - (ii) details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise ;
 - (iii) timing and phasing of the demolition and removal;
 - (iv) details of the restoration works; and
 - (v) the phasing of restoration works.

The demolition and removal of the building and the related infrastructure and subsequent restoration of the site shall thereafter be implemented in accordance with the approved scheme.

Time Limit

63. Within 35 years of the date that the plant becomes operational, the use of the plant for the incineration of waste shall cease. Within 24 months of the cessation of waste incineration all buildings, structures, plant, equipment, areas of hardstanding and access roads comprising and associated with the energy from waste plant shall be demolished and removed from the site and the land shall be restored in accordance with the restoration plan approved under condition 64.

Scheme for demolition

64. Within 34 years of the date that the plant becomes operational, or if the Energy from Waste facility ceases to be used for a period of more than 36 months, for any reason other than for extended maintenance or repair, whichever is sooner, a scheme for the demolition and removal of the building and the related infrastructure (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access roads) shall be submitted to the Waste Planning Authority for approval in writing. Such a scheme shall include:

- (a) details of all structures and buildings which are to be demolished;
- (b) details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise;
- (c) timing and phasing of the demolition and removal; and
- (d) details of the restoration works; and the phasing of restoration works.

The demolition and removal of the building and the related infrastructure and subsequent restoration of the Site shall thereafter be implemented in accordance with the approved scheme.

Definitions

65. Within one month of the commissioning phase commencing and within one month of the commissioning phase ending and the plant becoming fully operational the operator shall inform the Waste Planning Authority in writing of the date that the commissioning phase of the plant commenced and the date that commissioning phase ended and the operation of the plant commenced.

CCTV Monitoring

66. Details of the location and design of CCTV facilities capable of recording the direction from which HGVs enter the site and the number plates of those vehicles shall be submitted to and approved by the Waste Planning Authority. The approved CCTV facilities shall be constructed and operational before HGVs use the new site entrance or before HGVs associated with construction works use the existing access and shall be retained at those accesses as long as they are used by HGVs accessing the landfill or Energy from Waste Plant.

Flooding

67. Within 18 months of the date of the permission a surface water and

groundwater management scheme for the Energy from Waste site, based on sustainable drainage principles and on an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Waste Planning Authority. Any scheme which is approved shall be fully implemented prior to completion of construction.

68. No excavation of foundations for the Energy from Waste site shall commence until details of the temporary surface water and groundwater management scheme required during the construction phase of the Energy from Waste site has been submitted to and approved in writing by the Waste Planning Authority. Any scheme which is approved shall be fully implemented.

Treatment of Oxfordshire's municipal waste

69. Unless the Energy from Waste plant is not operating the Energy from Waste plant shall accept for delivery and process all of Oxfordshire's municipal waste that is delivered to it.

Annex 3 – Environmental Statement

1. The application is accompanied by an Environmental Statement, covering traffic, air quality and climate change as specified in the Scoping Opinion.
2. The traffic chapter concludes that there would be an estimated increase of 10 movements per day, 2 related to removal of by-products and 8 from import of waste. This is calculated to be less than a 1% increase in baseline traffic flows and therefore impacts are not considered to be significant.
3. The air quality assessment concludes that the increase in emissions due to additional vehicle movements would be less than 1% of the relevant air quality objectives. It concludes that there would be no likely damage to Ardley Cutting and Quarry SSSI. Cumulative effects are considered and it is concluded that there is not a risk of potentially significant effects as a result. Impacts on human receptors are assessed as negligible.
4. The climate change section includes a full carbon assessment. It concludes that the proposed increase in capacity would deliver significant additional carbon benefits through diverting waste from landfill.

Annex 4 - European Protected Species

European 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 a 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.

The habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

The recommendation:

European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

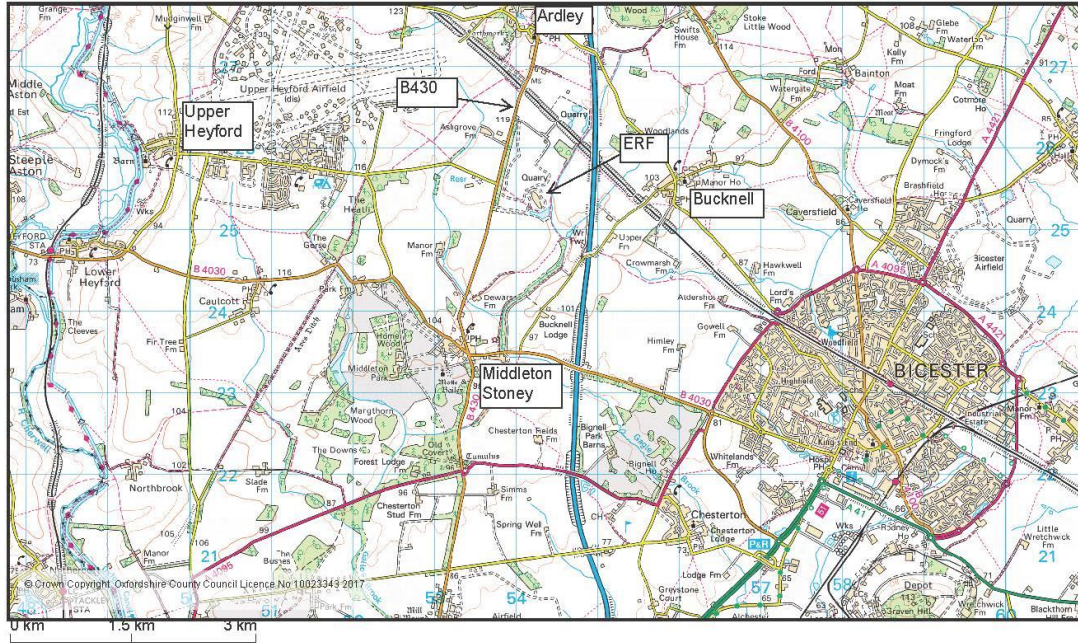
Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

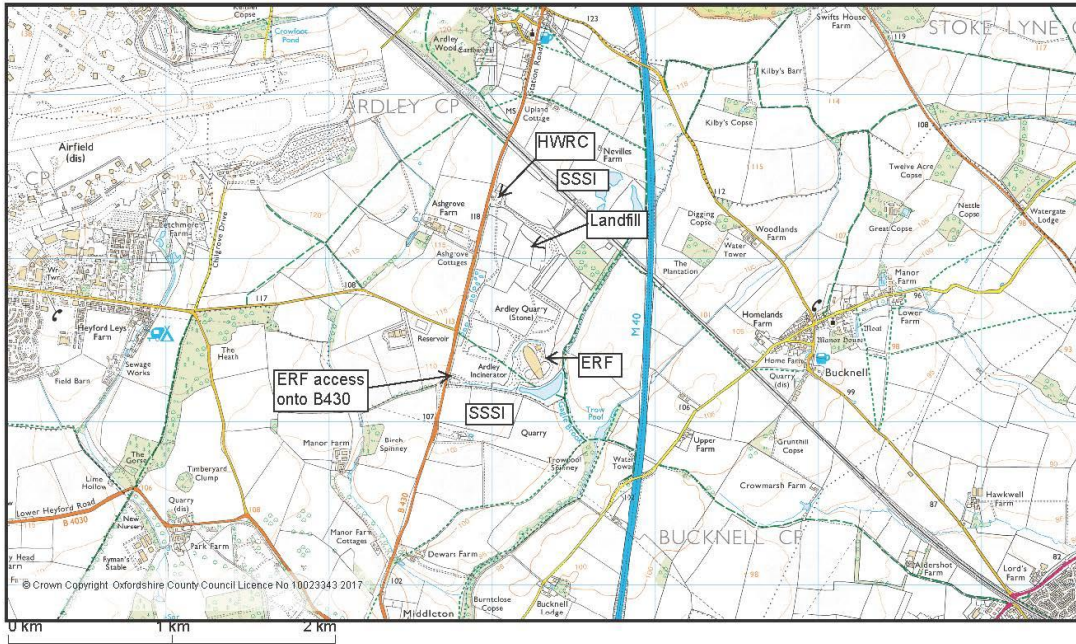
In this case there was a formal pre-application meeting which informed the application. No issues arose that required amendments to the proposal. However, the applicant was kept informed of comments which were made in relation to the application.

Plan 1



Scale 1:46873

Oxfordshire County Council, Spectrum Software



Scale 1: 23436

Oxfordshire County Council, Spectrum Software

For: PLANNING & REGULATION COMMITTEE – 8 JANUARY 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum

Division Affected: Eynsham
Contact Officer: David Periam **Tel:** 07824 545378
Location: Sheehan Recycled Aggregates Plant site Dix Pit, Stanton Harcourt, Witney OX29 5BB
Application No: MW.0073/17 **District Ref:** 17
Applicant: Sheehan Haulage and Plant Hire Ltd
District Council Area: West Oxfordshire DC
Date Received: 15 September 2017
Consultation Period: 28 September – 19 October 2017

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Analysis and Conclusions

Recommendation Summary:

Approval.

Part 1 – Facts and Background

1. The application was originally reported to the meeting of the Planning & Regulation Committee on 27 November 2017 when consideration of the application was deferred to allow further negotiation with the applicant. This followed comments made by Councillor Charles Mathew who suggested that consideration be given to a staged increase such that permission would be granted for an initial increase of 137,500 tonnes per annum with a further increase dependent on some suitable mechanism to assess the impact of additional HGV movements using the B4449 through Sutton. A further consideration was whether the site operator's HGV movements records could

be required to be provided to the County Council on a regular basis by planning condition.

2. Following further correspondence, the applicant has advised that they are not prepared to consider a staged approach to the proposed tonnage increase. Whilst they accept that the road through the village is narrow, they point out that it must be recognised that it is designated as an advisory local lorry route by the County Council and has been assessed, in a thorough, independent and impartial traffic report, to have more than sufficient capacity to accommodate the additional traffic. Furthermore the small increase in traffic numbers which the proposal would generate was objectively assessed to have an almost negligible impact on residents. It is stated that the existing routeing agreement not to pass through the Sutton during peak hours is taken extremely seriously and is operated in full compliance.
3. The applicant advises that since the 27 November, they have discussed the application further with Councillor Mathew and, whilst his concerns are understood, there is an urgent need to increase recycling rates and to reduce the number of vehicles taking waste much further afield for disposal, as required by your Council's own planning policies, and to create more jobs. Consequently the applicant is unable to agree to reduce the level of increase for a temporary period to assess the impact when it is already known that the proposed volume of increased traffic, representing a maximum 3% of the total volume of traffic, would have a negligible impact. The applicant would, however, accept a condition requiring the full tracking details for its own vehicles to be submitted to the Council on a three monthly basis or as often as is required.
4. The applicant would also support a new initiative to construct the Sutton bypass funded by house-building, industry and government and would be happy to join with all operators in the Witney and Stanton Harcourt mineral and waste industries in lending their support to such an initiative.
5. In response to this, Councillor Mathew has advised that he regrets that the applicant is unwilling to move from their determination to seek an input into the site of 175,000 tonnes per annum up from 100,000 and although he is not of the opinion that this is locally desirable, he had suggested a staggered approach by introducing 137,500 tonnes for a period in order to be able to monitor the traffic effect on the B4449. He advises that he will pursue the Sutton Bypass project and set up progress as soon as he is able. He is grateful for the applicant's support in this matter and believes that his and others' contributions will smooth the funding considerably. He is unable to support the traffic report as showing the full increase as negligible, insignificant and imperceptible - the result would ensure an HGV through Sutton every average four and a half minutes. He advises that the Parish Council will continue strenuously to oppose the increase requested and that due consideration to local amenities and safety has not been given.

Part 2 – Analysis and Conclusions

Comments of the Director for Planning and Place

7. The further exchange of comments between the applicant's agent and the officers and with Councillor Mathew is summarised above. As set out in the original application report, there is no objection from the Highway Authority to the application on highway safety grounds and for planning permission to be refused on amenity grounds it would be necessary to demonstrate that the additional vehicle movements proposed, which would be outside peak hours, would have a significant and detrimental impact over and above the existing situation which has been considered previously to be acceptable. Whilst I have considerable sympathy with the concerns of local residents and which have been expressed by Councillor Mathew, I remain of the view that a refusal of planning permission on this ground could not be sustained on appeal. I would however accept the suggestion that should planning permission be granted, an additional condition be attached requiring that records of all HGV movements generated by the site including daily traffic numbers and full tracking details for those vehicles in the control of the applicant, be provided to the Waste Planning Authority on a quarterly basis.
8. With regard to the Sutton Bypass, whilst the applicant's willingness to lend its support to this is welcomed, the County Council as Highway Authority has advised that the Council's current position is that this scheme is not being progressed: It is not in LTP4, nor the capital programme; the scheme is unfunded and there is no apparent source to fully fund; and it would require third party land. As there is no project planned by the Council it would not be reasonable to receive monies from the applicant towards the provision of a bypass under section 106 of the 1990 Act.
9. It is not therefore considered that provision of the Sutton Bypass can be pursued further directly in relation to consideration of this application. However, I would recommend that the Chairman write to the Cabinet Member for Environment advising that it has been raised by Councillor Mathew in commenting on this application and advising of the applicant's expression of interest in working with other parties to help secure it.
10. The applicant has already expressed willingness to fund improved road signage at the junction of the Blackditch with the B4449 such that an additional advisory sign would be provided advising of the need for HGVs entering and leaving the application site not to pass through Sutton at peak hours and this is being pursued with the Highway Authority. I have also asked the applicant's agent to approach his client regarding whether there may be a willingness to contribute towards pedestrian safety measures such as additional pavements alongside the B4449 through Sutton if these could be safely accommodated. I will update the committee orally on this at the committee meeting.

Conclusions

11. The development proposed in application no. MW.0073/17 is acceptable. Therefore planning permission should be granted subject to the requested revised wording of condition 6 an additional condition requiring the submission of HGV movement records quarterly and with all other conditions continuing to apply other than as may be amended by Non-material amendment application no. MW.00889/17.

Recommendation

12. The Planning & Regulation Committee is **RECOMMENDED** that:

- (a) Application MW.0073/13 be approved subject to:

- (i) the existing conditions including the amendment made under Non-material amendment application no. MW.00889/1 to condition 6 reading as follows:

No more than 175,000 tonnes of waste shall be imported to the site in any calendar year. Records of imports, sufficient to be monitored by the Waste Planning Authority shall be kept on site and made available to the Waste Planning Authority's officers on request. Separate records shall be kept on site of any topsoil or other soil materials imported solely for use in the restoration of the Controlled Reclamation Site permitted subject to planning permission no. MW.0141/16 (16/04159/CM); and

- (ii) an additional condition requiring that the operator's records of heavy goods vehicle movements to and from the site including daily traffic numbers and tracking details for those vehicles controlled by the operator be provided to the Waste Planning Authority on a quarterly basis.

- (b) that the Chairman of the Planning & Regulation Committee write to the Cabinet Member for Environment advising that provision of the Sutton Bypass has been raised by Councillor Mathew in commenting on this application and advising of the applicant's expression of interest in working with other parties to help secure it.

SUE HALLIWELL
Director for Planning and Place

December 2017

For: PLANNING & REGULATION COMMITTEE – 8 JANUARY 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Two applications related to M&M Skips at Worton Farm:

- 1. Section 73 application for non-compliance with conditions 1 and 4 of permission no: 09/00585/CM (MW.0108/09) for waste recycling and transfer facility, to allow re-shaping of site bunding to enable additional car parking provision.**
- 2. Use of land for storage of empty skips.**

Division Affected: Kidlington South

Contact Officer: Kevin Broughton **Tel:** 07979 704458

Location: M & M Skip Hire Ltd, Worton Farm, Worton, Yarnton, OX29 4FL

Applicant: Oxfordshire County Council

Application Nos: MW.0091/17 (Bund reshaping and car parking) and MW.0090/17 (Skip storage)

District ref Nos: 17/02164/CM (Bund reshaping and car parking) and 17/02153/CM (Skip storage)

District Council Area: Cherwell

Date Received: 5 October 2017

Consultation Period: 26 October 2017 – 16 November 2017

Contents:

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

Recommendations:

- **Part 1 – Facts and Background**

Location (see site plan Annex 1)

1. The M&M Skip operation is located 0.5km north of the A40 and 2km north west of Oxford.
2. The sites are part of a group of waste related operations, and mineral operation within the Oxford Green Belt. The Oxford Meadows Special Area of Conservation (SAC) lies to the south of the site just beyond the A40.
3. The main M&M skip site is on the north eastern side of the existing uses. To the north is a railway line on an embankment, to the south is the existing mineral working and to the west is an Anaerobic Digestion Plant and an area for aggregate recycling. The site is screened from the surrounding area by existing bunds and planting. The widest bund is on the western side of the site.
4. The existing and proposed Skip Storage area is to the south west of the existing uses, on the concrete pad formerly used as a composting site. To the north west is the existing Anaerobic Digestion plant, and to all other directions is open farmland and restored mineral working. The site has been previously granted temporary planning permission for composting which expired at the end of 2010. In 2012 temporary planning permission was granted for skip storage on the site in anticipation that the future of the site would be more certain at a later stage of the Minerals and Waste Local Plan. Under the current permission the use of land for the storage of skips is required to cease and the concrete hard standing to have been broken up and removed by 31st December 2017.
5. The nearest sensitive properties are: 500m to the north east beyond the railway line, and 450m to the west.

Details of the Developments

Reshaping of Bund and Additional Car Parking

6. The proposed development is to cut back parts of the perimeter site bunding adjacent to the existing staff car park and west of the covered bays to provide formal parking for 75 cars, 63 for staff, and 12 for visitors. Car parking at the site has been semi-formal, and has spilled onto the adjoining mineral working plant site area.
7. All re-grading of the bunding would avoid the mature trees adjacent to the site entrance, and the poplar trees behind the bays would be retained.
8. There would be no change to the height of the bunding.

9. In addition the existing perimeter (galvanised chainlink) fencing on the southern boundary of the site is proposed to be replaced and moved out in part to coincide with the permitted boundary of the waste recycling facility. This would then provide additional space for visitor car parking adjacent to the weighbridge office. The new fencing would be 2.0 metre high 'V' mesh and coloured green to match that of the neighbouring anaerobic digestion facility.
10. The proposed site plan shows additional buildings to that on the approved plans and this would need to be rectified prior to the approval of the documents. The applicant states that the development would have no greater impact on the openness of the Green Belt and therefore would be classed as development that is not inappropriate in the Green Belt. However the following reasons for approving the application have been put forward in the application:
 - There would be no outward change in the appearance of the bund.
 - It would enable the recycling operation to run more efficiently.
 - It would regularise the spilling of car parking onto adjoining land.

Retention of Skip Storage

11. The applicant proposes to permanently retain the skip storage operations for the following reasons:
 - The application site had already benefited from planning permission for an in-vessel composting site, though the permission had by then expired, the in-vessel composting proposal not having been pursued in favour of the anaerobic digestion facility;
 - The need to safeguard and expand existing waste management use within the central Oxford area;
 - The environmental benefits of the co-location of waste management facilities;
 - The excellent transport connections of the site;
 - The close proximity of the site to the source of the waste and the point of use of the recycled product;
 - The lack of alternative non-Green Belt sites close to the source of waste;
 - The appropriate separation of the site from sensitive properties to protect them from potential disturbance;
 - The need for more waste recycling capacity and therefore need to retain existing facilities;
 - Supporting the recovery of nationally identified priority waste materials where significant savings in greenhouse gases are made by their diversion from landfill;
 - The use of previously developed land (or redundant farm buildings and their curtilage) rather than a greenfield site;
 - Compatible land uses of a mineral processing plant and organic waste treatment facility on adjoining land; and
 - Lack of harm to the visual amenity of the Green Belt.

12. Further information was requested about the link between the Recycling site and the skip storage. The applicant stated that:
- The skips (and containers) are used to collect the waste and deliver it to the recycling operation.
 - If not needed at another customer's site it is stored until required. This might require storing for a few days to meet customer demand.
 - Containers (in addition to being used to collect waste) are also used to take segregated materials off site.
 - There would be no waste recycling business without the skips/containers used to collect the waste (and transport the sorted materials).
 - There are times when the skips and containers are not in use - though need to be available for use as soon as required, and pending that point they have to be stored somewhere.
 - Before the current site was used, empty skips were stored within the main yard, but as the nature of the business has developed, with new processes and improved segregation, space has become tight and the skips cannot be stored there.
 - The site is conveniently located along the haul road for skip lorries to pick up the empty skips on their way out of the facility.

Part 2 – Other Viewpoints

Representations

13. There has been one third party representation from a neighbouring site operator which expresses support for both applications. They welcome the application for the bund reshaping and additional car parking as it will reduce parking on the haul road and improve safety of vehicles entering their own site. They also welcome the continuation of the skip storage operation, as it minimises movements around the access to their own site, and they believe it to be a vital part of the M&M skip operation.

Consultations

14. Cherwell DC (Planning) – No objection to either application
15. Yarnton PC – no objection to application MW.0091/17, but HGVs should not use Yarnton as a through route.
16. Cassington Parish Council – no objection to application MW.0090/17.
17. Natural England – no comment on application MW.0090/17.
18. Oxford Green Belt Network – no comments on either application.
19. OCC Highway Authority – no objection to either application.

20. OCC Archaeology – no archaeological constraints on application MW.0091/17.
21. OCC Ecology – no objection to either application but in relation to application MW.0091/17, notes that there is no tree planting on the south side of the site as required on approved plans.
22. OCC Arboriculture – In relation to application MW.0091/17, due to impact on trees located within the proposed car parking location – more information is needed in the form of a BS 5837:2012 Trees in relation to design, demolition and construction report. No objections in relation to MW.0090/17.
23. OCC Environmental Strategy Officer – no objections but in relation to MW.0091/17 initially requested a number of conditions be attached. Most of these concerns were addressed by further information from the applicant.
24. OCC Rights of Way – no objection to either application.

Part 3 – Relevant Planning Documents

Relevant planning policies (see Policy Annex to the committee papers)

25. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
26. The relevant Development Plan policies are:

Oxfordshire Minerals and Waste Core Strategy (OMWCS)

- W1: Oxfordshire waste to be managed
- W2: Oxfordshire waste management targets
- W3: Provision for waste management capacity and facilities required
- W4: Locations for facilities to manage the principal waste streams
- W5: Siting of waste management facilities
- C1: Sustainable development
- C5: Local environment, amenity and economy
- C7: Biodiversity and geodiversity
- C8: Landscape
- C10: Transport
- C12: Green Belt

Cherwell Local Plan 2031 (CLP)

- PSD1: Presumption in Favour of Sustainable Development
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 9: Protection of the Oxford Meadows SAC
- ESD 10: Protection and Enhancement of Biodiversity and the Natural

Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 14: Oxford Green Belt

The NPPF and NPW are also relevant material considerations.

• **Part 4 – Analysis and Conclusions**

Comments of the Director for Planning and Place

27. Policy C1 of the OMWCS states that a positive approach will be taken to waste management applications reflecting the presumption in favour of sustainable development. That presumption is also set out in Policy PSD1 of the CLP. The proposed development should therefore be granted planning permission unless there are overriding policy or material considerations.
28. The main issues for these applications are Green Belt, the effect on the Oxford Meadows Special Area of Conservation (SAC), location and need for waste facilities, and landscape.

Green Belt

29. Policy C12 of the OMWCS states that proposals that constitute inappropriate development in the Green Belt, will not be permitted except in very special circumstances. Policy ESD 14 of the CLP further states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF and NPPG. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.
30. Both the proposed bund removal and car parking, and the provision of a skip storage operation constitutes inappropriate development in the Green Belt in that neither the construction of a car park, nor a skip storage site are a type of development listed in the NPPF as not inappropriate. The proposals should each therefore only be permitted in very special circumstances.
31. The removal of the bund and car parking would involve the removal of part of a bund which is itself also inappropriate development in the Green Belt and so the development would not lead to additional inappropriate development, rather it would be a change in the type of inappropriate development. The additional parking of vehicles would reduce the amount of parking on the haul roads and around the gates of the operations. In my view the lack of harm to the purposes of the Green Belt combined with the improved safety would amount to very special circumstances in this case.

32. The submitted plans show additional development on the site above that which was permitted by the application to which this Section 73 permission relates. The applicant has claimed that these changes are covered by permitted development rights. In view of the Green Belt location, a condition should be added to remove those permitted development rights and the site plan amended to show only the buildings approved on the previous permission. This would not retrospectively remove any permitted development rights nor would it preclude an application being submitted for the development not permitted, but it would ensure that development not contemplated by this application is not approved.

33. The skip storage operation is not a waste operation and is only being considered by the County Council as planning authority in this case because it affects the restoration of the wider permitted quarry within which it lies. The temporary skip storage permission recognises this and so has a condition requiring the removal of plant, machinery and hard standing at the end of the permission and submission and implementation of a restoration scheme (NB this scheme was required to be submitted by 31st December 2016 but has not been received).

34. The temporary, and proposed permanent skip storage is conveniently located near to the skip waste recycling operation because the skips could no longer be stored on the site. Once the skips have been emptied they are removed from the recycling facility on the lorries either to go to another client or to be stored until needed.

35. There are clearly economic advantages to the operator of having the skip storage near the recycling site, but there is no evidence to suggest that the skip storage forms an essential part of the operation of the site which would render it unable to operate from this Green Belt location if the skips were stored elsewhere. Indeed the storage of skips has been removed from the recycling site to allow for other changes to increase efficiency. There are also sustainability advantages in terms of reducing the overall distance travelled by skip vehicles. However, for inappropriate development to be permitted in the Green Belt, a very high bar has to be met. Whilst this committee has previously taken the view that there were, at the time, very special circumstances for the waste recycling operation to be sited at this Green Belt location, and also subsequently for temporary skip storage, I do not consider that the case has been made for this to now extend to the proposed permanent skip storage. The committee report, addenda and minutes of the the previous decision (MW.0122/12) are shown in annexes 1, 2 and 3 respectively. Whilst the applicant has set out a number of reasons why they believe very special circumstances exist to approve the current application for permanent skip storage, in my view none of these reasons on its own or taken together demonstrate that there is an over-riding need. In this case Very Special Circumstances have not been demonstrated.

The Effect on the Oxford Meadows SAC

36. Policy ESD 9 of the CLP states that developers will be required to demonstrate that the development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality. These proposals would be some 500m north of the site, and between them and the site would be a significant area of restored land that was previously subject to mineral extraction. The extraction was carried out and restored in a way that did not affect the Oxford Meadows, and the proposed relatively minor developments would not have any impact.

Location and need for Waste Facilities

37. Policy W1 of the OMWCS sets out the forecast amount of commercial and industrial waste to be managed in Oxfordshire as 0.54mtpa in 2016 rising to 0.58mtpa by 2031. Policy W2 of the OMWCS seeks to achieve 65% recycling of non-hazardous commercial and industrial waste by 2026, and 70% inert waste recycling by 2031. Policy W3 of the OMWCS states that provision will be made for at least 145,400tpa of additional non-hazardous waste recycling capacity by 2021, rising to at least 326,800tpa by 2031. The OMWCS does not quantify the requirement for inert waste recycling but policy W3 takes a positive approach towards additional capacity being permitted, with no ceiling on the level that may be provided.
38. These policies point to the need for additional waste recycling facilities. However no additional recycling facilities are proposed as part of these applications. The additional car parking is ancillary to the existing waste recycling facility, and the skip storage is an open storage use that may make operations easier and for the applicant but does not directly contribute to additional waste management.
39. Policy W4 of the OMWCS states that strategic waste management facilities (i.e. over 50,000tpa) should normally be located close to Bicester, Banbury, Oxford Abingdon and Didcot. The existing waste facility is stated in its approved documents as expecting approximately 120,000 tpa but has no restriction on throughput.
40. As stated the proposals would not lead to additional waste facilities. The proposed changes to the bund on the existing waste site would help keep a strategic facility that is located close to Oxford. The proposed skip storage would not be a waste use, and is not supported by these policies.
41. Policy W5 of the OMWCS states that priority will be given to siting waste management facilities on land that: is already in waste management or industrial use; is previously developed, derelict or underused; is at an active mineral working or landfill site; involves existing agricultural buildings and their curtilages; or is at a waste water

treatment works. It also states that waste management facilities may be sited on other land in greenfield locations where this can be shown to be the most suitable and sustainable option.

42. The reduction of the bund is for the creation of other ancillary uses on the existing waste site. Although not specifically for the creation of a waste facility it is for the further facilities at a waste site and is in accord with policy W5.
43. The creation of a permanent skip storage operation is on land that is not in existing waste management or industrial use, not in a permanent use at least. The current temporary permission expired at the end of 2017. The site is subject to a restoration condition and is therefore not considered to be previously developed land as defined in the NPPF. The land is near to an existing active mineral site and most of the site itself is shown on the latest section 73 mineral permission for the site (MW.0158/15) as "existing wood recycling operation", but part of the site on the southwestern end is subject to the revised restoration under that permission. The site is not in the curtilage of existing buildings, and is not on a waste water treatment works. Therefore even if the site were construed to be a waste facility because it was closely related to the existing waste site, it would not accord with policy W5 of the OMWCS.

Landscape

44. Policy C8 of the OMWCS states that proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character. Policy ESD 13 of the CLP states that opportunities will be sought to secure the enhancement of the character and appearance of the landscape. Many of the initial concerns in relation to landscape with regard to application no. MW.0091/17 have been agreed by the applicant, however there are some details that remain unresolved, but they could be dealt with by attaching a condition to application no MW.0091/17 requiring the landscape details to be approved prior to the development taking place.

Other Issues

45. Policy C5 of the OMWCS requires that proposals for minerals and waste development demonstrate that they will not have an unacceptable adverse impact on: the local environment; human health and safety; residential amenity and other sensitive receptors; and the local economy.
46. Neither of the application proposals, with the conditions set out in this report would have an unacceptable impact on the local environment. For the proposed car parking, it would have some benefits in terms of human health and safety because the cars would have safer parking.

The proposed development is sufficiently distant from sensitive receptors that the proposed use would not have a significant impact on them. The proposed car parking and the skip storage would be beneficial to the operator, but would not have a significant impact on the local economy. The proposal would therefore not conflict with policy C5 of the OMWCS.

47. Policy C7 of the OMWCS seeks a net gain in biodiversity as does policy ESD 10 of the CLP. In relation to application MW.0091/17, the proposed development includes additional bat and bird boxes, but the specific numbers and location are not specified. Both applications include a planting scheme. A condition requiring at least two bird/bat boxes in locations to be agreed could be added to application MW.0091/17 if permission were given. With such a condition the proposed development would be compliant with policy C7 of the OMWCS and policy ESD10 of the CLP. In relation to application MW.0090/17 there would be no loss or gain in biodiversity. In this case that would not be an overriding reason to refuse the application.
48. Policy C10 of the OMWCS states that minerals and waste developments will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps. The proposed developments both have good access on to the A40 and are therefore compliant with policy C10.
49. Policy ESD 7 of the CLP states that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. The proposed developments did not include SUDS schemes. A condition requiring drainage details of the proposed car parking area, and to the skip storage area could be included in any permissions given.

Conclusions

MW.0091/17

50. The proposed development changes to the bund and the provision of additional car parking as set out in application MW.0091/17 would provide some improvements to the operation of the facility. It is on the site of an existing inappropriate use in the Green Belt, and with the conditions discussed would not have a significant impact on the local landscape. It would have some minor benefits in terms of biodiversity provision. The application should therefore be approved subject to conditions that include:
 - Detailed Compliance
 - Development to be carried out within 3 years.
 - Details of landscaping to be approved.

- Details and location of at least two bat and bird boxes to be approved.
- Drainage details to be approved.

Further conditions would follow from the review of the conditions on the current permission.

MW.0090/17

51. The proposed permanent skip storage facility is inappropriate development within the Green Belt for which no very special circumstances have been demonstrated. The application should therefore be refused for that reason.

RECOMMENDATION

52. It is **RECOMMENDED** that:

- (a) **planning permission for application no. MW.0091/17 be approved subject to conditions to be determined by the Director of Planning and Place to include the following:**

- **Detailed Compliance**
- **Development to be carried out within 3 years.**
- **Details of landscaping to be approved.**
- **Details and location of at least two bat and bird boxes to be approved.**
- **Drainage details to be approved.**
- **Permitted development rights removed.**

- (b) **planning permission for application no MW.0090/17 be refused. It would be inappropriate development in the Oxford Green Belt and no very special circumstances to justify making an exception had been demonstrated. The application would therefore be contrary to policy C12 of the Oxfordshire Minerals and Waste Core Strategy, policy ESD 14 of the Cherwell Local Plan 2031 and National Planning Policy Framework paragraphs 87, 88 and 90.**

SUSAN HALLIWELL
Director of Planning and Place

December 2017

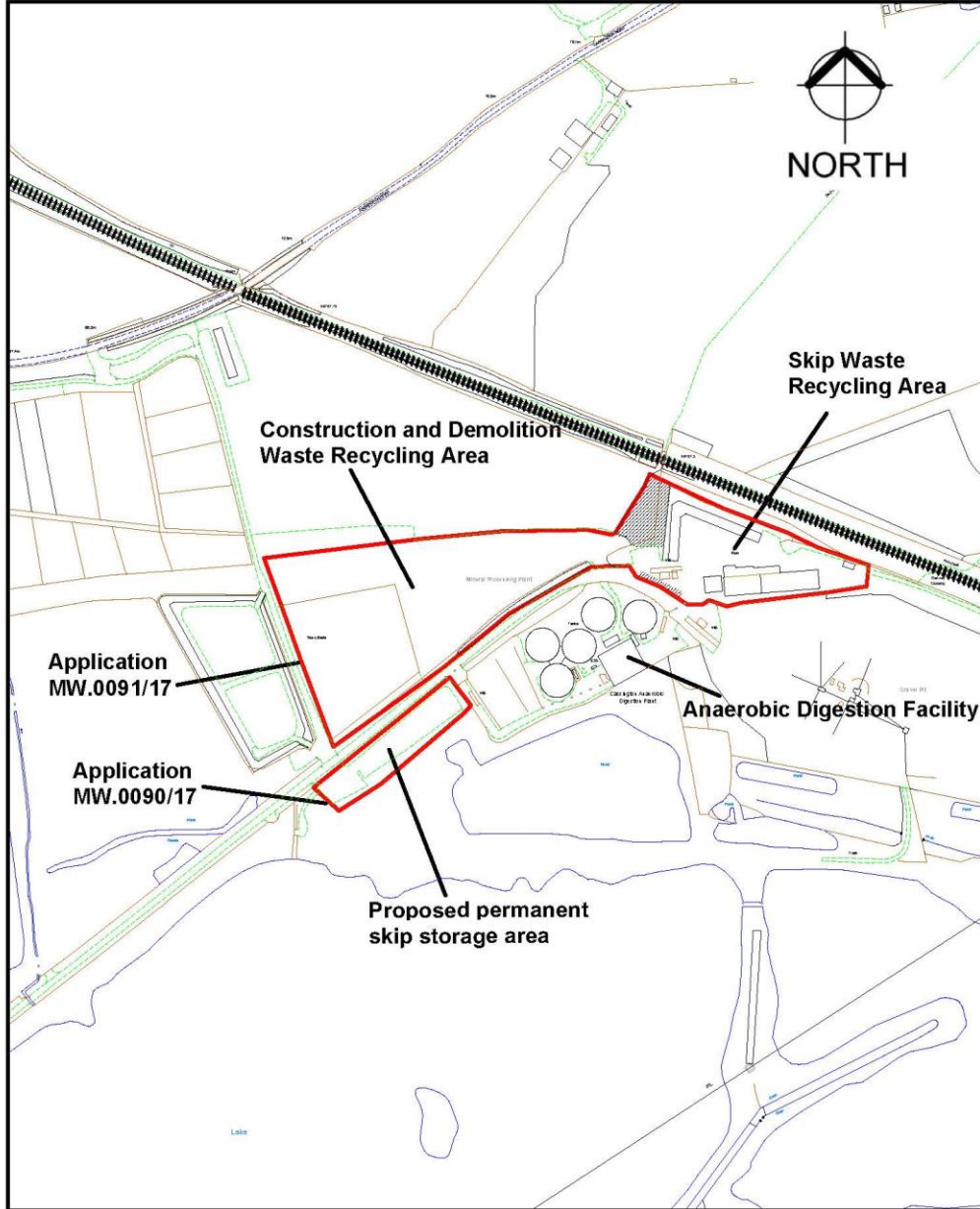
European Protected Species

The habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service, which the applicant took advantage of in this case updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. Additional information on the plans and in the supporting statement were sought from the applicant on Green Belt and Landscape issues which aided the assessment of the applications in terms of Green Belt and other policies.

MW.0091/17 & MW.0090/17 Worton Farm



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For: PLANNING & REGULATION COMMITTEE – 22 OCTOBER 2012

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

Development Proposed:

Use of land for storage of empty skips.

Division Affected: Yarnton, Gosford & Water Eaton

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

Location: M & M Skip Hire Ltd, Worton Farm, Yarnton,
OX29 4EB

Applicant: Mandy Constance, Worton Farms Ltd

Application No: MW.0122/12

Application received date: 30 July 2012

Consultation Period: 9-31 August 2012

District Council Area: Cherwell

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 approved.

Part 1 – Facts and Background

The site and setting (see Plan 1)

1. The site forms a small part (0.58 hectare) of the larger Worton Farm site and in particular M&M Skip Hire Ltd's waste recycling facility, which provides for both skip waste and construction & demolition waste.
2. The company also used to run a composting and soil blending facility on this and adjoining land under planning permission no. 04/00512/CM & 04/0449/P/CM (dated 25 May 2004). An anaerobic digestion (AD) plant was, however, constructed two years ago (under planning permission no. 08/01781/CM dated 19 October 2009) which is fully functioning over part of the composting site and has replaced composting operations.
3. Recently planning permission no. 11/01355/CM (dated 16 November 2011) has been granted for new bays to be constructed within the main M&M yard immediately adjacent to the AD plant, for the separate storage of sorted waste products and recycled end products, including materials, such as green waste, soil, compost and mulch that were previously accommodated on the remaining area of the former composting site – this application site. The remnants of this material are now being transferred to the main M&M recycling site.
4. The empty skips themselves (as well as the parking of skip lorries overnight) are currently stored within the sand & gravel quarry itself immediately to the east of the AD facility and south-east of the main M&M site, because there is insufficient room for them in the re-modelled recycling site itself.

History of the Site

5. The last permission for the quarry itself [10/01929/CM] which was granted 16 March 2011 extended the extraction period to 31 December 2015, the restoration period to 31 December 2017 and the aftercare period to 31 December 2022. Minerals are not currently being extracted but, given the above time periods, the continued storage of skips in the quarry is undesirable from Hanson's point of view as quarry owners and is in any case not a long-term proposition. The aggregate washing plant in the quarry was also used until recently to recycle excavated material from the BMW Cowley site and this recycled aggregate is still being stored in the quarry under permission 11/00946/CM dated 21 May 2012.
6. The original 2004 composting permission no. 04/00512/CM and 04/0449/CM was a temporary permission that expired on 31 December 2010 and a restoration scheme was required to be submitted and implemented within 6 months of that date including the removal of the concrete hard standing from this application site. However, the use of the site for composting has only stopped very recently and no restoration

scheme has been submitted. During the evidence gathering phases of the Minerals & Waste LDF in 2008 the applicants nominated this site as one suitable for further waste management operations to complement those already taking place on the adjoining land – because it has an existing concrete hard standing. They state that such development would, however, require funding which is unfortunately not available in the shorter term, given the investment that has just taken place in the main yard. Consequently they propose that in the meantime (for a temporary period of 5 years) a sensible use of the area would be for the storage of empty skips. Within this time the Allocations DPD would be finalised and a decision be made on the site's future, either for some alternative waste use or for restoration.

Proposed Development

7. Planning permission is therefore being sought to use the remaining area of the former composting site for the storage of empty skips for a temporary five year period.

Part 2 – Other Viewpoints

Representations

8. No representations have been received to this application.

Consultations

9. Cherwell District Council: Objects on grounds of inappropriate development in the Green Belt which would affect its openness and for which very special circumstances are not considered to outweigh the harm that would be caused. As such the proposal is considered to be contrary to the NPPF, Policy CO4 of the SE Plan, and Policy GB1 of the adopted Cherwell Local Plan. This application is accordingly on this Committee agenda.

Environment Agency: No objection to the proposals on flood risk grounds. This is on the basis that the development platform has been raised to a level of 60mAOD which has previously been agreed as being above the modelled 1in100 year plus climate change flood level. As such, the flood zone classification in this area is considered to be inaccurate.

Natural England: This application lies within 800 metres of the Pixey and Yarnton Meads Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that it is not likely to have an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application, as submitted.

Transport Development Control: The application is unlikely to have a significant highway impact. No objections.

County Ecologist: From an ecological perspective, the site of the proposed skip storage is very unlikely to support any protected species. It is mainly concrete and has been subject to a lot of disturbance over recent years. Therefore, no surveys are required and the proposal will not have an adverse impact on the local wildlife, any more than the other activity on site currently does. In terms of landscape impact, the development lies within greenbelt, but on land which is already developed and it comprises a change of use which does not appear to be more visually intrusive than what is already there. It would, however, benefit from additional screening.

The following have also been consulted but have not replied: West Oxfordshire District Council (as immediately adjoining LPA), Yarnton Parish Council, Thames Water, Waste Management Team, Rights of Way Officer, CPRE, Open Spaces Society, Ramblers Association.

Part 3 – Relevant planning documents

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

10. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
11. The Development Plan for this area comprises:
 - The South East Plan (SEP), relevant policies: CO4, W17
 - The saved policies of the Oxfordshire Minerals and Waste Local Plan (OMWLP), relevant policies – W3, W4, W5, PE5, & PE11.
 - The Cherwell Local Plan (CLP), relevant policies: GB1
12. 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.
13. The Oxfordshire Minerals and Waste Core Strategy (OMWCS) has not yet been adopted. However, the public submission document was approved by Council on 3 April 2012. This plan is at an advanced stage

and is therefore an important material consideration that should be given significant weight. The relevant policies are – W5, W6, C3, C6, & C8.

14. The National Planning Policy Framework (NPPF) and Planning Policy Statement 10 (Planning for Sustainable Waste Management, March 2011) are also material considerations.

Part 4 – Analysis and Conclusions

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

15. Key planning issues are –
 - i) Is the proposal inappropriate development in the Green Belt and, if so, are there ‘very special circumstances’ that nonetheless justify its approval?
 - ii) Are the landscape and other impacts of this temporary change of use acceptable?

Green Belt Policy

16. Paragraph 87 of the NPPF makes clear that inappropriate development should not be approved in the Green Belt except in ‘very special circumstances’. The NPPF itself does not include waste development in the list of developments that are not inappropriate in Green Belts. PPS10 (paragraph 3, bullet point 6) states that Green Belts should be protected but also states that recognition should be given to the particular locational needs of some types of waste management facilities as well as their wider environmental and economic benefits.
17. SEP policy C04 states that development in the Green Belt will only be permitted if it maintains its openness and does not conflict with its purpose or harm its visual amenities.
18. The proposal does not involve any new build development but is for a change in use of the land. The proposal is to use the concrete hard standing for skip storage with the smaller western lower part of the site, outside the concrete apron, as a lorry turning area. Nevertheless there is little doubt that waste development - in this case the storage of empty skips in connection with nearby waste development (that would on its own be a Class B8 Business storage use) – would be inappropriate development in the Green Belt, which is why the application was publicised as a ‘departure’.
19. Paragraph 79 of the NPPF states: *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.”* Openness essentially means undeveloped. Development obviously includes physical buildings and structures and it can also of course refer

to changes of use, both in terms of its definition in the principal Act and specifically in this Green Belt policy context. In this case the concrete hard standing was allowed under the 2004 temporary composting permission on which there remains a restoration condition including the removal of this hard standing. In any case the openness of the Green Belt would not as a matter of fact be maintained on this site if it was used for storing skips. This adds weight to the conclusion that it is inappropriate development in the Green Belt

20. So although the proposal is inappropriate development does it nevertheless demonstrate 'very special circumstances' sufficient to warrant approval?
21. Will this proposal harm the visual amenities of this part of the Oxford Green Belt? The wider site is located within a thick triangle of land between the main railway line to the north and the A40 to the south and beyond the large restoration lakes. The site itself is not particularly visible from either the railway line (300m to the north-east) or the A40 (450m to the south). Worton Farm itself, belonging to the applicant, is the nearest dwelling approximately 600m to the north-west. The nearest houses in the villages of Cassington and Yarnton are approximately 1.1Km to the west and 750m to the east (beyond the railway line) respectively. The skips would certainly be no higher than the piles of compost or recyclable materials that were until recently stored at the site and as such would have no greater impact. It is not considered, therefore, that there would be any detrimental visual impact to this part of the Green Belt. However, it is considered that this site would benefit from some additional landscape screening to the south by way of an additional tree screen and this is required by condition below.
22. The application site has already benefited from planning permission for the recycling of waste, both for the former (temporary) green waste composting site and by means of the grant of planning permission no. 07/00851/CM for an in-vessel composting site, albeit this permission has now expired. (The in-vessel composting proposal was subsequently not pursued in favour of the anaerobic digestion facility). The use proposed is also temporary and any permission would not be a precedent for any subsequent built development proposals, which would be considered entirely on their merits in relation to the development plan extant at the time.
23. The SEP is consistent with PPS10 and also provides guidance on what 'very special circumstances' may exist to justify waste management facilities in the Green Belt. SEP Policy W17, which sets out the criteria for the location of waste facilities, states that priority should be given to expanding suitable sites with an existing waste management use and good transport connections, and that waste management facilities should not be precluded from the Green Belt. Paragraph 10.56 of the supporting text to this policy explains that this is because of the proportion of land covered by such designations and the pattern of high

density development. Paragraph 10.56 further suggests that factors that may justify a Green Belt location could be lack of suitable alternative sites and proximity to urban areas and the source of waste. These issues are mirrored in the OMWCS.

24. The following factors are therefore considered to be the very special circumstances that justify the approval of this application:

1. Locational needs:

- The priority identified in the SEP and OMWCS for safeguarding and expanding sites in existing waste management use with appropriate infrastructure, specifically including the wider Oxford area in the OMWCS.
- The environmental benefits of the co-location of waste management facilities.
- The excellent transport connections of the site.
- The close proximity of the site to the source of the waste and to the point of use of the recycled product.
- The lack of alternative non-green belt sites close to the source of waste and in accordance with Policies W5 & W6 of the OMWCS.
- The appropriate separation of the site from sensitive properties to protect them from potential disturbance.

2. Wider environmental and economic benefits:

- The urgent need for more waste recycling capacity and therefore the imperative to retain existing facilities.
- Supporting the recovery of priority waste materials identified by the Government as those where significant savings in greenhouse gases can be realised by their diversion from landfill.
- The use of previously developed land in the Green Belt (or redundant farm buildings and their curtilage) rather than a greenfield site.

3. Other factors:

- Compatible land uses of a mineral processing plant in the longer term and permanent organic waste treatment facility on adjoining land.
- Lack of harm to the visual amenity of the Green Belt as set out above.
- Previous temporary permission for composting on the site and its use as such and previous (albeit unimplemented) permission for in-vessel composting in 2009.

25. Waste development at the wider Worton Farm site, including the various applications described above, have also been justified on these grounds, and this proposal is relatively minor compared to the main waste uses on the wider site. In short, the site is close to Oxford and its waste arisings, forms part of a complex of waste processing activities and does not harm the visual amenity of the Green Belt. The proposal is therefore considered to demonstrate 'very special circumstances' and comply with relevant development plan policy in respect of the Green Belt.

Environmental Impacts

26. This proposal would not significantly reduce the visual amenity of this part of the Oxford Green Belt, subject to an additional tree screen to the south as set out above.
27. The site is further away from Yarnton than the main M&M site where they were previously stored with permission and therefore any impact from noise or dust will be less and in any case only empty skips would be stored at this site, which in itself is not waste development. There would be no additional traffic impact; the same skip lorries would make the same trips on the A40 and would continue to use the same access to the site to and from the A40. The Highway Authority has no concerns. There are therefore no additional environmental impacts and the proposal complies with OMWLP Policy W3 & OMWCS Policy C3.

Conclusions

28. The proposal for storing skips on this site is part of the existing M&M waste recycling operation and in effect allows the temporary expansion of the business onto this site because the use has outgrown the main recycling site. There would be no harm to the visual amenity of the Oxford Green Belt in this location and no other detrimental environmental impacts. As such the proposal is considered to demonstrate the 'very special circumstances' required by extant national and development plan policy and would, therefore, comprise sustainable development, which should be approved without delay in accordance with paragraph 14 of the NPPF.

Recommendation

19. It is **RECOMMENDED** that planning permission be approved for Application MW.0122/12 to use this land for storage of empty skips, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the matters listed below:

Heads of Conditions

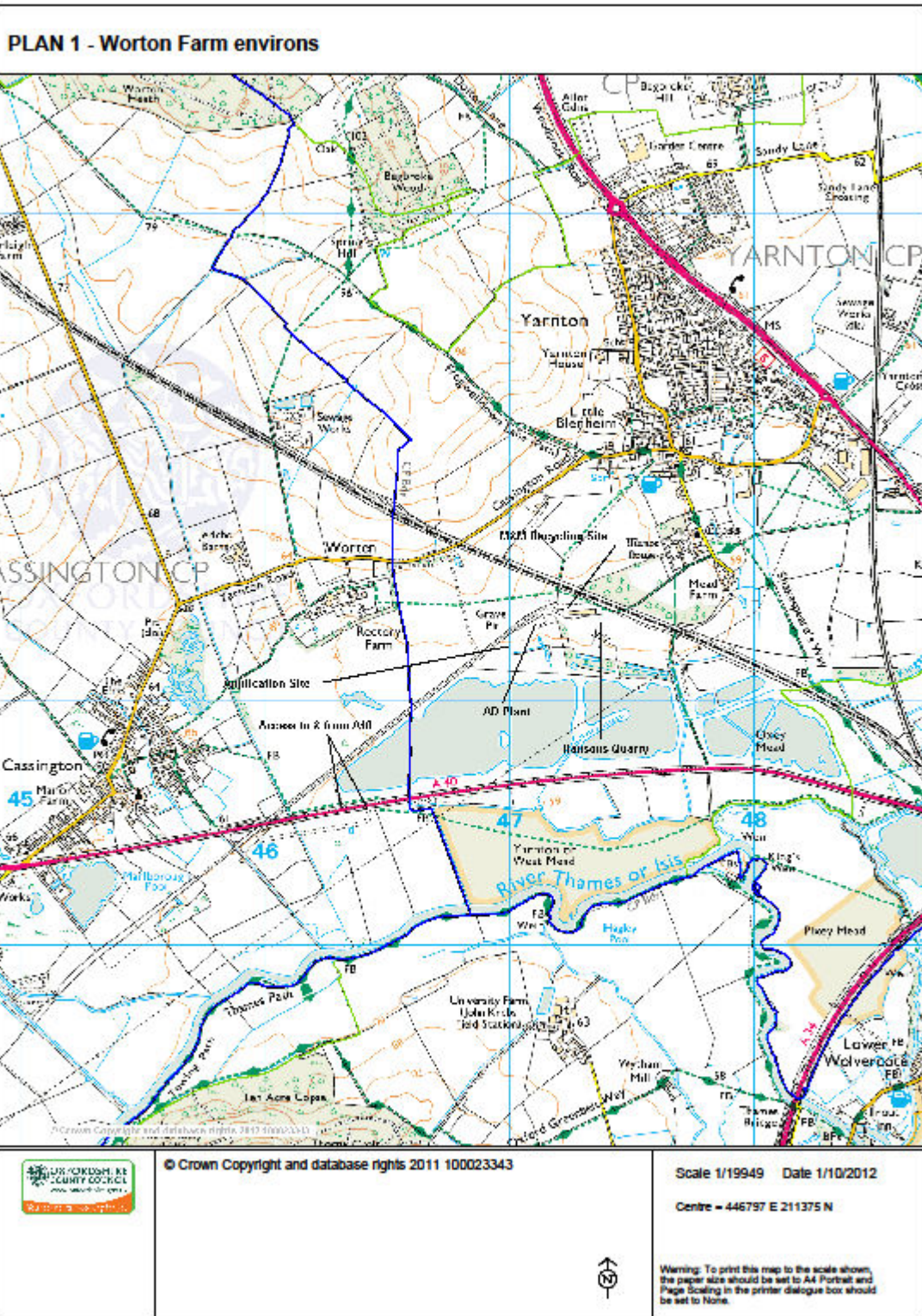
1. Complete accordance with application.
2. Development to commence within 3 years of the date of permission.
3. Temporary permission expiring 31 December 2017 including removal of all skips, plant and stockpiles & breaking up and removal of concrete hard standing .
4. Restoration scheme to be submitted by 31 December 2014 and implemented by 30 June 2018.
5. Hours of operation as per main M&M recycling site.
6. Access only from A40.

7. **No floodlighting other than in accordance with any approved scheme.**
8. **No development prior to submission of additional tree screen landscaping belt and implementation of such within first planting season.**
9. **Silencers to vehicles and plant.**
10. **Haul and internal roads swept clean such that no mud deposited on public highway.**
11. **Skips only to be stored on concrete apron and not in vehicle turning area to western side of the site.**

MARTIN TUGWELL

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

October 2012



Planning & Regulation Committee Monday, 22 October 2012

ADDENDA

1. Apologies for Absence and Temporary Appointments

Apology from

Temporary Appointment

Councillor Anda Fitzgerald-O'Connor Councillor Charles Mathew

Councillor Hilary Hibbert-Biles (Cabinet Member for Growth & Infrastructure) is unable to attend.

4. Petitions and Public Address

<i>Speaker</i>	<i>Item</i>
Suzi Coyne (Agent for Applicant)	5. Worton Farm, Yarnton – Application MW.0122/12
Mrs Dee Hanson-Bailey (Somerville Drive Residents' Association)	9. Bicester Children centre - Application R3.0065/12

6. Use of land for storage of empty skips at Worton Farm, Yarnton - Application MW.0122/12

Additional Representations

The applicant's agent has commented on the report and some of the conditions and considers some changes should be made accordingly. Her summary views, with an officer response, are set out below.

Condition 3 (Temporary consent)

Notwithstanding the existing condition on the 2004 composting permission requiring the removal of the concrete hard standing from the site [*referred to in paragraph 6 of the main report*], the applicant does not accept this requirement because this site was a former railway sidings in the 1960s and early 1970s and

as such was made-up ground that cannot readily be restored to agriculture. The applicant wishes to use it in the future as a waste management site (as requested in response to LDF Policy consultations) but even if it can't the hard standing could be used by the farm itself for agricultural storage.

Officer Comment: Whether or not the site will be allocated in the Allocations DPD as a waste site is a matter of speculation at present, as is whether any planning permission will be forthcoming for such a use. A similar condition was imposed on the temporary 2004 permission and there is no reason not to re-impose such a condition on this temporary permission, especially in view of all the development on the adjoining land since. Extant planning policy is to preserve the openness of the Green Belt and the restoration of this site would achieve that policy. This condition including its requirement to remove the concrete hard standing is therefore appropriate and should be attached to this permission as set out in the report.

Condition 4 (Restoration scheme requirements)

The applicant considers that the requirement to submit a restoration scheme by 31 December 2014 to be unnecessary. This would be some 3 years prior to its required implementation and may not present the most up to date scheme relevant to the circumstances of the site when the permission expires. In addition, if the site does become identified through the Oxfordshire MWDF then unnecessary work and expense would have been required, because the restoration scheme would become superseded by development of the site. She suggests a submission date of 31 December 2016, a year before the expiry of this temporary permission.

Officer Comment: This suggestion is reasonable and it is recommended this condition is altered to require the submission of a restoration scheme by 31 December 2016, rather than 31 December 2014.

Condition 8 (Tree screen requirement)

Since the report was written a satisfactory planting scheme has been submitted in the form of a 5 metre tree and shrub belt at the base of this site. This would consist of 27 no. 2.5-3.0 metre high light standard specimens of Ash, Hazel, Hawthorn, Dogwood & Guelder Rose. The applicant requests this condition be varied to require this scheme's implementation rather than the submission and implementation of a scheme. *This is obviously acceptable and the condition will be revised accordingly.*

The agent has also commented as follows on two parts of the report itself.

In regard to paragraph 5, that Hanson's aggregate washing plant was not used for recycling the material from BMW. The washing plant is currently mothballed and the sand has been dry screened using mobile plant.

Officer Comment: Yes, this is factually correct (although this fact was unclear at the time of writing the report). This does not affect the recommendation.

With regard to paragraph 6, the reason for nominating this site was not the existing concrete hard standing, but was because the principle of developing the land for waste management purposes had been established through the grant of earlier planning permissions. The site nomination area is quite a bit bigger than the concrete hard standing area and follows the footprint of the in-vessel composting area.

Officer Comment: Although this is true, and set out in the Statement accompanying the application, it is worth pointing out that the in-vessel composting permission has now expired (see paragraph 22 of the report) albeit the area the applicant wishes to be nominated in the LDF Allocations document is larger than the concrete hard standing itself. This does not affect the recommendation.

No change is required to the printed recommendation

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Conditions Seminar for Members

Mr Lerner advised that it was hoped to arrange a seminar for members during the morning of 3 December 2012 and prior to the next scheduled meeting of this Committee. Final arrangements would, however, depend on the agenda for that meeting and whether or not site visits were required. He would confirm as soon as possible.

58/12 USE OF LAND FOR STORAGE OF EMPTY SKIPS AT WORTON FARM, YARNTON - APPLICATION MW.0122/12

(Agenda No. 6)

The Committee considered (PN6) a planning application which sought temporary permission for 5 years for the storage of empty skips on concrete hard standing at Worton Farm.

Mrs Coyne did not make a specific submission but had been available to answer questions if necessary.

Responding to questions from members Mr Fagan advised that a condition limiting the height of stacked skips would be unnecessary as it was unlikely that the height would exceed the height of existing piles of material on the site. He further advised that the applicants had nominated this site as suitable for further waste management operations as part of the evidence gathering stage of the Minerals and Waste LDF. However, as the investment required for that was not currently available they had in the meantime submitted an application for the storage of empty skips for a temporary period of 5 years pending a final decision in the Allocations DPD regarding future use of the site.

Mrs Coyne undertook to inform the applicants of safety concerns expressed by the Chairman regarding the gate on the northern side of the site, which was often left open after 6 pm to accommodate late vehicles.

RESOLVED: (on a motion by Councillor Nimmo-Smith, seconded by Councillor Tanner and carried by 13 votes to 0) that planning permission be approved for Application MW.0122/12 to use this land for storage of empty skips, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the matters listed below:

Heads of Conditions

1. Complete accordance with application.
2. Development to commence within 3 years of the date of permission.
3. Temporary permission expiring 31 December 2017 including removal of all skips, plant and stockpiles & breaking up and removal of concrete hard standing .
4. Restoration scheme to be submitted by 31 December 2016 and implemented by 30 June 2018.
5. Hours of operation as per main M&M recycling site.
6. Access only from A40.

7. No floodlighting other than in accordance with any approved scheme.
8. No development prior to implementation of an additional tree screen landscaping belt within first planting season.
9. Silencers fitted to vehicles and plant.
10. Haul and internal roads swept clean such that no mud would be deposited on public highway.
11. Skips only to be stored on concrete apron and not in vehicle turning area to western side of the site.

59/12 APPLICATION TO VARY CONDITION 1 OF PLANNING APPROVAL APF/SUT/1815-CM (FOR THE EXTRACTION OF SAND AND GRAVEL) TO EXTEND THE END DATE OF EXTRACTION FROM 4 AUGUST 2012 TO 30 SEPTEMBER 2017 AND THE END DATE FOR RESTORATION FROM 30 SEPTEMBER 2012 TO 30 SEPTEMBER 2018 AT BRIDGE FARM QUARRY, SUTTON COURTENAY - APPLICATION MW.0126/12

(Agenda No. 7)

The Committee considered (PN7) an application to continue development of a permitted sand and gravel quarry, without complying with the condition which currently required extraction to cease in August 2012 and allow extraction until September 2017 with a further year after that for completion of restoration.

Councillor Mathew considered that current levels in the County's landbank were sufficient and questioned the need for the material. He felt this was a commercial decision by Hansons and should be the subject of a new application.

He then withdrew from the Committee table taking no further part in the discussion or voting thereon.

Mary Thompson confirmed that current figures indicated that the landbank was below the 7 year level required by the NPPF and that loss of this material would require new permissions being granted elsewhere.

Councillor Lilly advised that Appleford Parish Council were not against the application in principle but had questioned the need for the material. There was also considerable concern locally at the retrospective nature of the application. As the current consent had expired on 4 August he suggested that the Company had been dilatory and that some people had been angered by the Company's decision to carry on operating on the assumption that the application would be approved. That seemed to be their usual practice but did not in his view make for good public relations.

Mr Lerner agreed that technically the Company had been in breach but it was difficult to enforce such a breach for such a short space of time and a judgement call had been necessary.

Councillor Sanders considered the application very open ended. He also questioned the need for material, particularly as the operators appeared to have cut back on production for economic reasons and if demand continued to drop it begged the question whether or not extraction would be completed within 5 years.

PLANNING & REGULATION COMMITTEE – 8 JANUARY 2018

POLICY ANNEX (RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES)

Oxfordshire Minerals and Waste Local Plan 1996 – Saved Policies (OMWLP):

POLICY SH2: TRAFFIC IMPACT IN SUTTON

Planning permission will not be granted for mineral extraction or waste disposal, including development which would intensify existing workings, where the development would lead to a significant increase in traffic in Sutton or prolongation of significant traffic intrusion, unless the Sutton bypass has been constructed and brought into use. If necessary, weight restrictions will be placed within the village following construction of the bypass.

POLICY SH3: ROUTEING AGREEMENTS

The County Council will seek routeing agreements with operators in order to limit the use of the A415 through Standlake and southwards over Newbridge. The preferred routes will be the A415 north of Standlake to the Ducklington bypass, or the B4449 via the Blackditch, Sutton and Eynsham bypasses.

Oxfordshire Minerals and Waste Core Strategy

POLICY M1: RECYCLED AND SECONDARY AGGREGATE

So far as is practicable, aggregate mineral supply to meet demand in Oxfordshire should be from recycled and secondary aggregate materials in preference to primary aggregates, in order to minimise the need to work primary aggregates.

The production and supply of recycled and secondary aggregate, including that which improves waste separation and the range or quality of end products, will be encouraged so as to enable the maximum delivery of recycled and secondary aggregate within Oxfordshire. Where practicable, the transport of recycled and secondary aggregate materials (both feedstock and processed materials) from locations remote from Oxfordshire should be by rail.

Provision will be made for facilities to enable the production and/or supply of a minimum of 0.926 million tonnes of recycled and secondary aggregates per annum.

Sites which are suitable for facilities for the production and/or supply of recycled and secondary aggregates at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Permission will be granted for such facilities at these allocated sites provided that the requirements of policies C1 – C12 are met.

Permission will normally be granted for recycled and secondary aggregate facilities at other sites, including for temporary recycled aggregate facilities at aggregate quarries and landfill sites, that are located in accordance with policies W4 and W5

and that meet the requirements of policies C1 – C12, taking into account the benefits of providing additional recycled and secondary aggregate capacity and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.

Sites for the production and/or supply of recycled and secondary aggregate will be safeguarded under Policy M9 and/or W11 and safeguarded sites will be defined in the Site Allocations Document.

POLICY W1: OXFORDSHIRE WASTE TO BE MANAGED

Provision will be made for waste management facilities to provide capacity that allows Oxfordshire to be net self-sufficient in the management of its principal waste streams – municipal solid waste (or local authority collected waste), commercial and industrial waste, and construction, demolition and excavation waste – over the period to 2031.

The amounts of waste for which waste management capacity needs to be provided is as follows:

Forecasts of waste for which waste management capacity needs to be provided 2016 – 2031 (million tonnes per annum)

Waste Type	2016	2021	2026	2031
Municipal Solid Waste	0.32	0.34	0.36	0.38
Commercial and Industrial Waste	0.54	0.56	0.57	0.58

These forecasts will be kept under review and updated as necessary in the Oxfordshire Minerals and Waste Annual Monitoring Reports.

Provision for facilities for hazardous waste, agricultural waste, radioactive waste and waste water/sewage sludge will be in accordance with policies W7, W8, W9 and W10 respectively.

POLICY W2: OXFORDSHIRE WASTE MANAGEMENT TARGETS

Provision will be made for capacity to manage the principal waste streams in a way that provides for the maximum diversion of waste from landfill, in line with the following targets:

Oxfordshire waste management targets 2016 – 2031

		Year			
		2016	2021	2026	2031
MUNICIPAL WASTE	Composting & food waste treatment	29%	32%	35%	35%
	Non-hazardous waste recycling	33%	33%	35%	35%
	Non-hazardous residual waste treatment	30%	30%	25%	25%
	Landfill (these percentages are not targets but are included for completeness)	8%	5%	5%	5%
	Total	100%	100%	100%	100%
COMMERCIAL & INDUSTRIAL WASTE	Composting & food waste treatment	5%	5%	5%	5%
	Non-hazardous waste recycling	55%	60%	65%	65%
	Non-hazardous residual waste treatment	15%	25%	25%	25%
	Landfill (these percentages are not targets but are included for completeness)	25%	10%	5%	5%
	Total	100%	100%	100%	100%

CONSTRUCTION, DEMOLITION & EXCAVATION WASTE	<i>Proportion of Projected Arisings taken to be Inert*</i>	80%	80%	80%	80%
	Inert waste recycling (as proportion of inert arisings)	55%	60%	65%	70%
	Permanent deposit of inert waste other than for disposal to landfill** (as proportion of inert arisings)	25%	25%	25%	25%
	Landfill (as proportion of inert arisings) (these percentages are not targets but are included for completeness)	20%	15%	10%	5%
	Total (inert arisings)	100%	100%	100%	100%
	<i>Proportion of Projected Arisings taken to be Non-Inert*</i>	20%	20%	20%	20%
	Composting (as proportion of non-inert arisings)	5%	5%	5%	5%
	Non-hazardous waste recycling (as proportion of non-inert arisings)	55%	60%	65%	65%
	Non-hazardous residual waste treatment (as proportion of non-inert arisings)	15%	25%	25%	25%
	Landfill (as proportion of non-inert arisings) (these percentages are not targets but are included for	25%	10%	5%	5%

	completeness)				
	Total (non-inert arisings)	100%	100%	100%	100%

* It is assumed that 20% of the CDE waste stream comprises non-inert materials (from breakdown in report by BPP Consulting on Construction, Demolition and Excavation Waste in Oxfordshire, February 2014, page 7). The subsequent targets are proportions of the inert or non-inert elements of the CDE waste stream.

** This includes the use of inert waste in backfilling of mineral workings & operational development such as noise bund construction and flood defence works.

Proposals for the management of all types of waste should demonstrate that the waste cannot reasonably be managed through a process that is higher up the waste hierarchy than that proposed.

POLICY W3: PROVISION FOR WASTE MANAGEMENT CAPACITY AND FACILITIES REQUIRED

Provision will be made for the following additional waste management capacity to manage the non-hazardous element of the principal waste streams:

Non-hazardous waste recycling:

- by 2021: at least 145,400 tpa
- by 2026: at least 203,000 tpa
- by 2031: at least 326,800 tpa

Specific sites for strategic and non-strategic waste management facilities (other than landfill) to meet the requirements set out in in this policy, or in any update of these requirements in the Oxfordshire Minerals and Waste Annual Monitoring Reports, at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Other sites which are suitable for strategic and non-strategic waste management facilities and which provide additional capacity for preparation for re-use, recycling or composting of waste or treatment of food waste (including waste transfer facilities that help such provision) at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will also be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document.

Permission will be granted at allocated sites for the relevant types and sizes of waste management facilities for which they are allocated provided that the requirements of policies C1 – C12 are met.

Permission will normally be granted for proposals for waste management facilities that provide capacity for preparation for re-use, recycling or composting of waste or treatment of food waste (including waste transfer facilities that help such provision) at other sites that are located in accordance with policies W4 and W5 and that meet the requirements of policies C1 – C12, taking into account the benefits of providing additional capacity for the management of waste at these levels of the waste

hierarchy, and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.

Proposals for non-hazardous residual waste treatment will only be permitted if it can be demonstrated that the development would not impede the movement of waste up the hierarchy and that it would enable waste to be recovered at one of the nearest appropriate installations, and provided that the proposal is located in accordance with policies W4 and W5 and meets the requirements of policies C1-C12. Account will be taken of any requirements for additional non-hazardous residual waste management capacity that may be identified in the Oxfordshire Minerals and Waste Annual Monitoring Reports in the consideration of proposals for additional non-hazardous residual waste management capacity for the principal waste streams.

Proposals for disposal by landfill will be determined in accordance with policy W6.

POLICY W4: LOCATIONS FOR FACILITIES TO MANAGE THE PRINCIPAL WASTE STREAMS

Facilities (other than landfill) to manage the principal waste streams should be located as follows:

- a) Strategic waste management facilities should normally be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, as indicated on the Waste Key Diagram. Locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network in accordance with Policy C10.
- b) Non-strategic waste management facilities should normally be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, the other large towns (Witney and Wantage & Grove) and the small towns (Carterton, Chipping Norton, Faringdon, Henley-on-Thames, Thame and Wallingford), as indicated on the Waste Key Diagram. Locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network in accordance with Policy C10.
- c) Elsewhere in Oxfordshire, and particularly in more remote rural areas, facilities should only be small scale, in keeping with their surroundings.

The locations for strategic and/or non-strategic waste management facilities around Oxford, Abingdon, Didcot and Wantage and Grove exclude the Oxford Meadows, Cothill Fen, Little Wittenham and Hackpen Hill Special Areas of Conservation and a 200 metre dust impact buffer zone adjacent to these SACs.

As indicated on the Waste Key Diagram, strategic and non-strategic waste management facilities (that comprise major development) should not be located within Areas of Outstanding Natural Beauty except where it can be demonstrated that the 'major developments test' in the NPPF (paragraph 116), and as reflected in policy C8, is met.

POLICY W5: SITING OF WASTE MANAGEMENT FACILITIES

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

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

Waste management facilities may be sited on other land in greenfield locations where this can be shown to be the most suitable and sustainable option.

POLICY C1: SUSTAINABLE DEVELOPMENT

A positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework and the aim to improve economic, social and environmental conditions of the area.

Planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise. Where there are no policies relevant to the application, or relevant plan policies are out of date, planning permission will be granted unless material considerations indicate otherwise, taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the National Planning Policy Framework; or
- specific policies in the National Planning Policy Framework indicate that the development should be restricted.

POLICY C2: CLIMATE CHANGE

Proposals for minerals or waste development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

Proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on:

- the local environment;
- human health and safety;

- residential amenity and other sensitive receptors; and
- the local economy;
including from:
 - noise;
 - dust;
 - visual intrusion;
 - light pollution;
 - traffic;
 - air quality;
 - odour;
 - vermin;
 - birds;
 - litter;
 - mud on the road;
 - vibration;
 - surface or ground contamination;
 - tip and quarry-slope stability;
 - differential settlement of quarry backfill;
 - subsidence; and
 - the cumulative impact of development.

Where necessary, appropriate separation distances or buffer zones between minerals and waste developments and occupied residential property or other sensitive receptors and/or other mitigation measures will be required, as determined on a site-specific, case-by-case basis.

POLICY C7: BIODIVERSITY AND GEODIVERSITY

Minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity.

The highest level of protection will be given to sites and species of international nature conservation importance (e.g. Special Areas of Conservation and European Protected Species) and development that would be likely to adversely affect them will not be permitted.

In all other cases, development that would result in significant harm will not be permitted unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity). In addition:

- (i) Development that would be likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other development) will not be permitted except where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the Site of Special Scientific Interest and any broader impacts on the national network of Sites of Special Scientific Interest.
- (ii) Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will not be

permitted except where the need for and benefits of the development in that location clearly outweigh the loss.

(iii) Development shall ensure that no significant harm would be caused to:

- Local Nature Reserves;
- Local Wildlife Sites;
- Local Geology Sites;
- Sites of Local Importance for Nature Conservation;
- Protected, priority or notable species and habitats,

except where the need for and benefits of the development in that location clearly outweigh the harm.

All proposals for mineral working and landfill shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity (including fossil remains and trace fossils), including contributing to the objectives of the Conservation Target Areas wherever possible. Satisfactory long-term management arrangements for restored sites shall be clearly set out and included in proposals. These should include a commitment to ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

POLICY C8: LANDSCAPE

Proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts.

Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and high priority will be given to the enhancement of their natural beauty. Proposals for minerals and waste development within an AONB or that would significantly affect an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. Major developments within AONBs will not be permitted except in exceptional circumstances and where it can be demonstrated they are in the public interest, in accordance with the 'major developments test' in the NPPF (paragraph 116). Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

POLICY C10: TRANSPORT

Minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in:

- the safety of all road users including pedestrians;
- the efficiency and quality of the road network; and
- residential and environmental amenity, including air quality.

Where development leads to a need for improvement to the transport network to achieve this, developers will be expected to provide such improvement or make an appropriate financial contribution.

Where practicable minerals and waste developments should be located, designed and operated to enable the transport of minerals and/or waste by rail, water, pipeline or conveyor.

Where minerals and/or waste will be transported by road:

- a) mineral workings should as far as practicable be in locations that minimise the road distance to locations of demand for the mineral, using roads suitable for lorries, taking into account the distribution of potentially workable mineral resources; and
- b) waste management and recycled aggregate facilities should as far as practicable be in locations that minimise the road distance from the main source(s) of waste, using roads suitable for lorries, taking into account that some facilities are not economic or practical below a certain size and may need to serve a wider than local area.

Proposals for minerals and waste development that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, as appropriate, including mitigation measures where applicable.

POLICY C12: GREEN BELT

Proposals that constitute inappropriate development in the Green Belt, will not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Conditions may be imposed on any permission granted to ensure that the development only serves to meet a need that comprises or forms an 'other consideration' in the Green Belt balance leading to the demonstration of very special circumstances.

Cherwell Local Plan 1996 (CLP)

POLICY C1: PROTECTION OF SITES OF NATURE CONSERVATION VALUE

The council will seek to promote the interests of nature conservation. Development which would result in damage to or loss of sites of special scientific interest or other areas of designated wildlife or scientific importance will not normally be permitted. Furthermore, the council will seek to ensure the protection of sites of local nature conservation value. The potential adverse effect of development on such sites will be a material consideration in determining planning applications.

POLICY ENV11: PROPOSALS FOR INSTALLATIONS HANDLING HAZARDOUS SUBSTANCES

Proposals for installations handling hazardous substances will not be permitted in close proximity to housing and other land uses which may be incompatible from the safety viewpoint.

POLICY TR7: DEVELOPMENT ATTRACTING TRAFFIC ON MINOR ROADS

Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.

POLICY TR10: HEAVY GOODS VEHICLES

Development that would generate frequent heavy goods vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted. The Council will resist proposals for the establishment of heavy goods vehicle operating centres where they would create traffic problems or adversely affect the amenity of residential areas or villages.

Cherwell Local Plan 2031 (CLP)

POLICY PSD 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in the Framework indicate that development should be restricted.

POLICY ESD 2: ENERGY HIERARCHY AND ALLOWABLE SOLUTIONS

In seeking to achieve carbon emissions reductions, we will promote an 'energy hierarchy as follows:

- Reducing energy use, in particular by the use of sustainable design and construction measures
- Supplying energy efficiency and giving priority to decentralized energy supply
- Making use of renewable energy
- Making use of allowable solutions.

POLICY ESD 5: RENEWABLE ENERGY

The Council supports renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.

Planning applications, involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact, including cumulative impact, on the following issues, which are considered to be of particular local significance in Cherwell:

- Landscape and biodiversity including designations, protected habitats and species, and Conservation Target Areas
- Visual impacts on local landscapes
- The historic environment including designated and non designated assets and their settings
- The Green Belt, particularly visual impacts on openness
- Aviation activities
- Highway and access issues, and
- Residential amenity

A feasibility assessment of the potential for significant on site renewable energy provision (above any provision required to meet national building standards) will be required for:

- All residential developments for 100 dwellings or more
- All residential developments in off-gas areas for 50 dwellings or more
- All applications for non-domestic developments above 1000^{m2} floorspace.

Where feasibility assessments demonstrate that on site renewable energy provision is deliverable and viable, this will be required as part of the development unless an alternative solution would deliver the same or increased benefit. This may include consideration of 'allowable solutions' as Government Policy evolves.

POLICY ESD7: SUSTAINABLE DRAINAGE SYSTEMS (SuDS)

All development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.

Where site specific Flood Risk Assessments are required in association with the development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems.

In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as LLFA and SuDS Approval Body, and proposals must include an agreement on the future management, maintenance and replacement of the SuDS features.

POLICY ESD9: PROTECTION OF THE OXFORD MEADOWS SAC

Developers will be required to demonstrate that:

- During construction of the development there will be no adverse effects on the water quality or quantity of any adjacent or nearby watercourse
- During operation of the development any run-off of water into adjacent or surrounding watercourses will meet Environmental Quality Standards (and where necessary oil interceptors, silt traps and Sustainable Drainage Systems will be included)
- New development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality
- Run-off rates of surface water from the development will be maintained at greenfield rates.

POLICY ESD 10: PROTECTION AND ENHANCEMENT OF BIODIVERSITY AND THE NATURAL ENVIRONMENT

Protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources
- The protection of trees will be encouraged, with an aim to increase the number of trees in the district
- The reuse of soils will be sought
- If significant harm resulting from a development cannot be avoided (though locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted
- Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated
- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity

- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value
- Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution
- Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably
- A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management

POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

POLICY ESD 14: OXFORD GREEN BELT

The Oxford Green Belt boundaries within Cherwell District will be maintained in order to:

- Preserve the special character and landscape setting of Oxford
- Check the growth of Oxford and prevent ribbon development and urban sprawl
- Prevent the coalescence of settlements
- Assist in safeguarding the countryside from encroachment
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF and NPPG. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities. Proposals for residential development will also be assessed against Policies Villages 1 and Villages 3.

A small scale local review of the Green Belt boundary in the vicinity of Langford Lane, Kidlington and Begbroke Science Park will be undertaken as part of the Local Plan Part 2, in order to accommodate employment needs (see Policy Kidlington 1). Further small scale local review of the Green Belt boundary will only be undertaken where exceptional circumstances can be demonstrated.

West Oxfordshire Local Plan 2011

POLICY BE2: GENERAL DEVELOPMENT STANDARDS

New development should respect and, where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment.

Proposals for new buildings and land uses should clearly demonstrate how they will relate satisfactorily to the site and its surroundings, incorporating a landscape scheme and incidental open space as appropriate.

A landscape scheme accompanying detailed proposals for development should show, as appropriate, hard and soft landscaping, existing and proposed underground services, a phasing programme for implementation and subsequent maintenance arrangements.

Proposals will only be permitted if all the following criteria are met:

Quality of Development and Impact upon the Area:

- a) the proposal is well-designed and respects the existing scale, pattern and character of the surrounding area;
- b) new buildings or extensions to existing buildings are designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining buildings, with local building traditions reflected as appropriate;
- c) the proposal creates or retains a satisfactory environment for people living in or visiting the area, including people with disabilities;
- d) existing features of importance in the local environment are protected and/or enhanced;
- e) the landscape surrounding and providing a setting for existing towns and villages is not adversely affected;
- f) in the open countryside, any appropriate development will be easily assimilated into the landscape and wherever possible, be sited close to an existing group of buildings.

Crime:

- g) good design has been used to help reduce the opportunities for crime.

Energy and Resources:

- h) regard has been given to:
 - i) principles of energy and resource conservation;
 - ii) provision for sorting and storage facilities to facilitate recycling of waste.

POLICY BE3: PROVISION FOR MOVEMENT AND PARKING

Development should make provision for the safe movement of people and vehicles, whilst minimising impact upon the environment. Within built-up areas priority should be given to pedestrians, cyclists and public transport.

Proposals will only be permitted if all the following criteria are met:

- a) safe and convenient circulation of pedestrians and cyclists, both within the development and externally to nearby facilities, with provision to meet the needs of people with impaired mobility as appropriate;
- b) safe movement of all vehicular traffic both within the site and on the surrounding highway network;
- c) provision for the increased use of public transport as appropriate to the scale of development;
- d) provision for the parking of vehicles, including bicycles and motorcycles, in accordance with the standards in Appendix 2.

Development which would have a significant impact on the highway network will not be permitted without the prior submission of a Transport Assessment.

POLICY BE18: POLLUTION

Planning permission will not be permitted for development which could give rise to unacceptable levels of pollution, unless adequate mitigation measures are provided to ensure that any discharge or emissions will not cause harm to users of land, including the effects on health and the natural environment.

POLICY T1: TRAFFIC GENERATION

Proposals which would generate significant levels of traffic will not be permitted in locations where travel by means other than the private car is not a realistic alternative.

Draft West Oxfordshire Local Plan (DWOLP)

POLICY EH6: ENVIRONMENTAL PROTECTION

Proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity. The following issues require particular attention:

Air quality

The air quality within West Oxfordshire will be managed and improved in line with National Air Quality Standards, the principles of best practice and the Air Quality Management Area Action Plans for Witney and Chipping Norton.

Contaminated land

Proposals for development of land which may be contaminated must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination, remedial measures must be identified and satisfactorily implemented.

Hazardous substances, installations and airfields

Development should not adversely affect safety near notifiable installations and safeguarded airfields.

Artificial light

The installation of external lighting and proposals for remote rural buildings will only be permitted where:

- i) the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light;
- ii) the elevations of buildings, particularly roofs, are designed to limit light spill;
- iii) the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation.

Noise

Housing and other noise sensitive development should not take place in areas where the occupants would experience significant noise disturbance from existing or proposed development.

New development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.

Water resources

Proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and important ecological features.

Waste

Planning permission will be granted for appropriately located development that makes provision for the management and treatment of waste and recycling, in accordance with the Oxfordshire Joint Municipal Waste Strategy and local waste management strategy.

POLICY OS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.