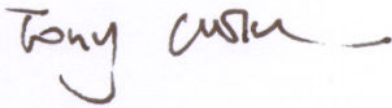


To: Members of the Planning & Regulation Committee

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

Monday, 25 October 2010 at 11.30 am

County Hall



Tony Cloke
Assistant Head of Legal & Democratic Services

October 2010

Contact Officer: **Graham Warrington**
Tel: (01865) 815321; E-Mail:
graham.warrington@oxfordshire.gov.uk

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

Membership

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

Councillors

Alan Armitage
Tony Crabbe
Anda Fitzgerald-O'Connor
Jenny Hannaby
Ray Jelf

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

John Sanders
Don Seale
John Tanner

Notes:

- **Lunch will be available at County Hall at 1.00 pm.**
- **Date of next meeting: 6 December 2010**

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

The duty to declare ...

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

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

Whose interests are included ...

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

When and what to declare ...

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

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

Taking part if you have an interest ...

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

"Prejudicial" interests ...

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

What to do if your interest is prejudicial ...

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

Exceptions ...

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

Seeking Advice ...

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

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

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 16)

To approve the minutes of the meeting held on 13 September 2010 (**PN3**) and to receive for information any matters arising therefrom.

4. **Petitions and Public Address**
5. **The sorting and transfer of builders skip waste within existing scrap metal yard, Whitecross Metals, Wootton - Application No 10/01449/CM** (Pages 17 - 28)

Report by Interim Head of Sustainable Development (**PN5**) .

This is an application for a construction and demolition waste transfer station. The proposal is located on a site that is currently used for processing scrap metal and End-of-Life Vehicles (ELV). The proposal is located within the Green Belt. The application site is 0.5Ha. The proposal does not involve the erection of any buildings or any concrete bays. The application seeks to process 5,000 tonnes of construction and demolition waste per year and would result in approximately 10 – 14 vehicle movements daily. These movements would not result in an overall increase of HGV movements at the site since they would replace existing movements at the scrap yard. The main issues for this proposal are whether it is appropriate development in the Green Belt, waste management issues, traffic and impact on local residential amenity.

The development would contribute to sustainable waste management and help to drive waste up the waste hierarchy. This proposal maintains the openness of the Green Belt and does not conflict with other Green Belt policy in that the location of such a facility close to or within urban areas is preferable to one in the open countryside. It is considered that potential impacts from noise and dust can be adequately mitigated by using conditions.

It is RECOMMENDED that planning permission for the development proposed in Application No 10/01449/CM be granted subject to conditions to be determined by the Interim Head of Sustainable Development but to cover matters set out below:

1. ***Complete compliance***
2. ***Development to commence within three years of permission.***
3. ***Working hours as proposed including HGV access***
4. ***Maximum height of stockpiles.***

5. **Noise limits.**
6. **Dust suppression.**
7. **No waste other than inert construction and demolition waste to be imported.**
8. **No crushing.**
9. **Maximum throughput of 5,000 tonnes per annum.**
10. **Details of surface water drainage to be determined prior to commencement of development.**

6. Installation and use of a fixed screen at Ardley in-vessel composting facility, Ashgrove Farm, Ardley - Application No 10/0127/CM (Pages 29 - 34)

Report by Interim Head of Sustainable Development (**PN6**).

This is a retrospective application for a permanent screener which is used for the screening of compost material. This screener would replace a temporary mobile screening plant that was originally permitted with the In-Vessel Composting application in January 2009. The permanent screener is 44.3 metres in length and 7 metres high at its maximum point. The screen is mounted on a concrete base and is green in colour. The main issue for this proposal is whether the need for this permanent screener outweighs the visual impact to the open countryside. The existing site has a visual impact on the open countryside. This application for a permanent screener is likely to have a major visual impact on this area, albeit it is on a site where larger buildings linked to this operation have already been permitted. However, the applicant has demonstrated that there is a need for the permanent screener and that it is in the most suitable location on the site. This amounts to an overriding need which outweighs any visual impact to the open countryside.

It is RECOMMENDED that planning permission for the development set out in Application No 10/01274/CM be granted subject to conditions to be determined by the Head of Sustainable Development but to cover matters set out below:

1. ***Complete compliance with application details.***
2. ***Development must commence within three years of permission.***
3. ***Working hours to match existing:***
 - (a) ***07:00 – 18:00 Mondays to Fridays***
 - (b) ***08:00 – 16:00 Saturdays.***
 - (c) ***08:00 – 14:00 Sundays***
4. ***Materials and finishes to match the existing on the screener.***
5. ***Noise Limits***

7. Relevant Development Plan and other Policies (Pages 35 - 40)

Report by Interim Head of Sustainable Development (**PN8**).

This report sets out policies for each of the applications at Items 5 and 6 above and should be regarded as an Annex to each report.

8. **Application for: the construction and operation of an energy from waste (EfW) facility together with associated office, visitor centre and bottom ash recycling facilities, new access road and weighbridge facilities and the continuation of non hazardous landfill operations and landfill gas utilisation with consequent amendments to the phasing and final restoration landform of the landfill, surface water attenuation features and improvements to the existing household recycling facility (Pages 41 - 150)**

Report by Head of Sustainable Development (PN8).

The report describes a second application by Viridor to build an Energy from Waste (EfW) plant at the Ardley Landfill site near Bicester. A similar application was refused planning permission by this Committee in October 2009. An appeal was lodged against that decision and a Public Inquiry was held in July this year. The Secretary of State's decision on the Inquiry proposal is expected in January 2011.

This latest application is essentially for the same type of development although the applicant has indicated a willingness to accept a condition limiting any permission given to the operational life of the facility.

The report includes an Annex outlining the responses received to the application from both consultees and third parties and sets out the views and recommendation of the Interim Head of Sustainable Development.

It is RECOMMENDED that subject to legal agreements to cover the following matters:

- (i) route of all large HGVs to/from the M40 via the B430 through Ardley;***
- (ii) provision of a construction travel plan – all vehicles to be routed to/from M40 via B430 through Ardley;***
- (iii) provision of an operational travel plan, with £1k monitoring fee;***
- (iv) provision of a pedestrian crossing on the B430 in Ardley;***
- (v) commitment to submitting an application to divert bridleway 27;***
- (vi) funding for improvements to the Rights of Way network;***
- (vii) long term maintenance of the restored landfill;***
- (viii) public access to the old quarry face;***

the planning application for the development described in planning application 10/00849/CM be approved subject to conditions to be determined by the Interim Head of Sustainable Development but to cover matters to include the following:

- (1) detailed compliance; (in accordance with submitted plans/documents);***
- (2) detailed duration – 3 years;***
- (3) consent limited in duration to 35 years from the date of facility becoming operational;***
- (4) notwithstanding Condition 3, if the plant ceases to be used for a period of more than 36 months a scheme for demolition and removal of the building, and subsequent restoration to be submitted and agreed;***
- (5) no waste to be treated until link to electricity grid is completed;***
- (6) construction works not to start until construction of new access begun;***
- (7) no traffic movements (apart from staff working at the EfW plant) except***

during between:-

7 am – 7pm Mondays to Fridays;

7 am – 1pm Saturdays and

on 12 nominated Saturdays 1pm-4pm (hours to be agreed) Sundays (there shall be no more than 10 vehicle movements on Sundays)

- (8) notwithstanding Condition 7, hours of operation of site for receipt of waste from OCC Household Waste Recycling sites to be agreed;**
- (9) hours of operation of Household Waste Recycling Facility to be agreed;**
- (10) construction hours to be agreed;**
- (11) EfW may operate continuously but no outside operations except during hours agreed under Condition 7 (other than for essential maintenance etc);**
- (12) submission and implementation of a scheme to ensure that the waste treated is residual;**
- (13) plan to be agreed for incinerator bottom ash operations;**
- (14) details of changes for bridleway 27 provision on definitive line and implementation if line not diverted;**
- (15) implement approved flood risk assessment and site drainage plan;**
- (16) agree details of groundwater and surface water drainage plan;**
- (17) agree plan for external lighting;**
- (18) details of design and location of CCTV cameras to be submitted and agreed;**
- (19) no external lighting outside hours permitted for traffic movements except for site safety and security;**
- (20) recording of dinosaur footprints;**
- (21) maximum of 500,000 tpa of waste to site until landfill completed;**
- (22) maximum of 2,000 tonnes of waste to site each day until landfill ends;**
- (23) restoration/landscape plan to be submitted and agreed;**
- (24) tree retention/protection measures to be agreed;**
- (25) no removal of trees/hedgerows during bird breeding season;**
- (26) pest control measures to be agreed;**
- (27) with exception of Household Waste Reception Site, no waste other than that associated with EfW plant to be sorted/stored on site for disposal elsewhere;**
- (28) any gates/fences that are damaged to be repaired;**
- (29) no mud on highway;**
- (30) no reversing beepers (or other means of audible warning) to be used other than white noise;**
- (31) all plant/machinery etc. to use equipment that minimises noise;**
- (32) prior to commissioning of EfW plant, a Combined Heat and Power (CHP) feasibility review to be submitted and approved. Any scheme approved to be implemented;**
- (33) signage on B430 to be agreed prior to occupation of EfW plant;**
- (34) fencing details to be agreed;**
- (35) schedule of external materials to be used to be agreed;**
- (36) details of leachate treatment plant to be agreed;**
- (37) access details/arrangements to be agreed after landfill operations completed;**
- (38) details of wheel washing proposals to be agreed;**
- (39) location of landfill gas wellheads and collection mains to be agreed;**
- (40) surface water drainage details to be agreed;**
- (41) landfilling to cease by 2019;**
- (42) household waste recycling facility to be removed by end of 2018;**

- (43) if landfill operations cease for a 12 month period at any time before landfilling is completed, reinstatement and restoration scheme to be submitted and agreed;**
- (44) hours of use for landfill operations to be agreed;**
- (45) phasing of landfill/restoration to be in accordance with approved plans;**
- (46) details of soil storage bunds to be agreed;**
- (47) topsoil to be retained on site. Details of working of any imported soils to be agreed;**
- (48) depth and quality of soils above capping layer to be agreed, soils to be handled only in dry weather conditions;**
- (49) aftercare scheme to be submitted and agreed;**
- (50) skip storage restricted to Household Waste Recycling facility or at location to be agreed;**
- (51) all Oxfordshire MSW shall be processed through the plant;**
- (52) no waste to be imported or processed other than from Oxfordshire or from adjoining authorities;**
- (53) records of daily tonnage, origin and nature of waste to be kept.**

Informative:

Local Liaison Meeting to discuss EfW operations to be established.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Friday 22 October 2010 at 10.00 am** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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Agenda Item 3

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 13 September 2010 commencing at 2.00 pm and finishing at 5.40 pm

Present:

Voting Members: Councillor Steve Hayward – in the Chair

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

Other Members in Attendance: Councillor Lynda Atkins (for Agenda Item 6)
Councillor Ian Hudspeth (for Agenda Item 9)

Officers:

Whole of meeting G. Warrington and R. Hanson (Corporate Core)
R. Dance and G. Arnold (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
5, 7 & 8	N. Woodcock
6	A. Divall
9	J. Hamilton
10	T. Islam
11	C. Hodgkinson
13	R. Goodlad

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

12/09 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apology

Temporary Appointment

Councillor Anda Fitzgerald-O'Connor
 Councillor George Reynolds
 Councillor Ray Jelf

Councillor Stewart Lilly
 Councillor Tim Hallchurch
 Councillor Bill Service

13/09 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

<i>Item</i>	<i>Councillor</i>	<i>Interest</i>
6. Wallingford School – Application No R3.0176	Bill Service	Predetermination. South Oxfordshire District Council Cabinet Member for Leisure. Councillor Service advised that he would leave the meeting for the duration of the item.
8. Community Centre, Bampton – Application R3.0103/10	Don Seale	Personal. Councillor Seale advised that although he had had some involvement he considered that he had not compromised his ability to participate independently in any decision on this application.
9. Soldiers of Oxfordshire, Fletchers House, Woodstock –	Tim Hallchurch	Personal. Member of the Oxfordshire Yeomanry Association

Steve Hayward	13. Application for a Village Green at Witney meadows Country Park, Witney	Prejudicial. Owner of a property at 90 Blakes Avenue, Witney. He advised that he intended to vacate the Chair and leave the meeting for the duration of the item.
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14/09 MINUTES
(Agenda No. 3)

The minutes of the meeting held on 27 July 2010 were approved and signed.

Stonehenge Farm, Northmoor - Mr Dance advised that the Inspector's decision was imminent.

15/09 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

The following requests to address the meeting had been agreed:

<i>Speaker</i>	<i>Item</i>
Mrs Beth Allmark)
Mr Oldham)
Mr Lester	) 6. Wallingford School all weather
Neil Boddington	) pitch – Application R3.0176
2 student representatives from)
Wallingford School)
Councillor Lynda Atkins)
 Charles Webster	 8. Bampton Community Centre – Application R3.0103/10
 Nick Caldwell	) 9. 'Soldiers of Oxfordshire' -
Councillor Ian Hudspeth	) Application R3.0058/10
 Harry Waters	) 10. Crowmarsh Battle Farm –
Gemma Crossley	) Application P10/W0877/CC
 Steve Howell	) 13. Application to register Witney
Owen Edwards	) Meadows Country Park as a Village
	) Green

16/09 INSTALLATION OF A MODULAR CLASSROOM BUILDING FOR A TEMPORARY PERIOD OF 5 YEARS AT ST CHRISTOPHER'S CHURCH OF ENGLAND PRIMARY SCHOOL, TEMPLE ROAD, OXFORD OX4 2ET - APPLICATION NO R3.0081/10

(Agenda No. 5)

The Committee considered (PN5) an application for the installation of a double modular classroom for a period of 5 years.

Some concern regarding lack of parking enforcement and parking on zig-zag lines. The Committee noted that any proposal to make the latter enforceable through an experimental traffic order would need to be considered by the Cabinet Member for Transport.

RESOLVED: (on a motion by Councillor Owen, seconded by Councillor Tanner and carried unanimously) that subject to a unilateral undertaking being agreed as part of any permission to ensure that a contribution was made towards the provision of improved pedestrian and cycle facilities in the local area Application No. R3.0081/10 be approved subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. The development must be carried out strictly in accordance with the particulars contained in the application and the plans.
2. Commencement of the development within 3 years.
3. Temporary building to be removed by 30 September 2015.
4. Update the School Travel Plan to take account of the new development.
5. Provision of additional secure and covered cycle parking.
6. Submission and agreement of a construction traffic management plan (to include contractors working hours, delivery times of materials and site compound, routing details and a banks person for deliveries).
7. External walls to be dark green in colour.
8. Retained trees to be protected during construction works.

Informatives:

School Travel Plan informative – The school to consult with Travel Plans team.

School Accommodation - The school be advised that investigations should be carried out into the provision of a permanent solution to their long-term accommodation needs before this consent expires.

Archaeology– If archaeological finds occurred during development, the County Archaeologist should be notified in order that he might visit the site and advise as necessary.

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

17/09 CONSTRUCTION OF A 91.4M X 55M ALL-WEATHER ASTROTURF PITCH TO INCLUDE: INSTALLATION OF 6 X 15M HIGH STEEL FLOODLIGHT COLUMNS; ASSOCIATED RUN-OFF AND WARM UP AREAS; ERECTION OF 3M HIGH PITCH PERIMETER FENCING; TEMPORARY STORAGE CONTAINER AND ASSOCIATED WORKS. TEMPORARY CONTRACTOR'S ACCESS IS PROPOSED VIA CASTLE STREET. (APPLICATION AMENDED TO PROVIDE FURTHER INFORMATION ON THE EXTENT OF THE DEVELOPMENT PROPOSED) - WALLINGFORD SCHOOL, ST GEORGE'S ROAD, WALLINGFORD OX10 8HH - APPLICATION NO R3.0176

(Agenda No. 6)

The Committee considered (PN6) an application for the construction of an all-weather astroturf pitch at Wallingford Secondary School.

Councillor Service left the meeting for the duration of this item.

Mrs Allmark referred to concerns of local residents regarding increased noise. The development was inappropriate in this location and if approved use should be limited to school hours. Wallingford already had a similar facility and this represented unnecessary duplication.

Mr Oldham referred to a letter from the head teacher of Wallingford school in which he had set out the school's objectives with regard to this development. He would prefer to see use limited to school hours with any additional use restricted to certain events and conditions of use strictly enforced.

Mr Lester was the nearest resident to the site and had concerns regarding the lack of adequate screening between his property and the site of the pitch. He was anxious that children were given every sporting opportunity although that provision should not be at such a detrimental cost to local residents.

Mr Boddington speaking in support of the proposal confirmed that many of the concerns expressed by residents were familiar ones with regard to this sort of development. However, the school had attempted to address issues of noise, by providing acoustic fencing and limiting proposals for community use. However, he asked the Committee to consider extending community use from 3 pm as recommended in the officer's report to 5 pm.

Responding to a question from Councillor Armitage he confirmed that although 15 meters had been regarded as the optimum height for floodlighting columns new technology now enabled baffles to be fitted inside the lights which meant that columns could be reduced to 13 meters without adversely affecting levels of light pollution. Automatic timing mechanisms would also be fitted.

The two Wallingford school students outlined the importance of the facility to the school by allowing more time for sport throughout the year. Use of the alternative facility at Hithercroft was unsustainable both in terms of cost and the reduced time available having taken into account travel time to and from the site. The school had

minimised the impact on the local community through changes to the location of the pitch, lighting, noise attenuation and sanctioned surveys for bats and archaeological remains. The school needed improved sporting facilities and an all weather pitch would provide an opportunity for pupils to participate on a more frequent basis and offer Wallingford yet another sporting asset. Young people continually received bad press regarding behaviour, which was often unfair but this facility would offer a regular outlet for activities.

Responding to a question from Councillor Crabbe they confirmed that the school had used the facility at Hithercroft but travelling to and from the site had reduced actual sport related time.

Councillor Atkins recognised the differing views on this application and whilst the concerns of residents were real the school had done a great deal to address those concerns and continued to do so as evidenced by the addition of acoustic fencing. She confirmed that Wallingford Town Council now supported the proposal and felt that the importance of and benefits to be gained from the facility to the thousands of pupils who would use it over the years to come outweighed local concerns.

Mr Divall presented the report and confirmed that the amendment to Condition 19 (as requested by Mr Boddington) to extend use on Saturday to 5pm could be met within the terms of the original application.

The Committee also noted the comments of the Wallingford sports trust as detailed in the addenda regarding the impact that community use of the Wallingford school development could have on the Hithercroft sports centre together with the response of the Interim Head of Sustainable Development.

Councillor Sanders expressed concern principally over community use, light pollution, lack of screening, height of light columns and noise particularly at weekends. He moved and Councillor Seale seconded that Application R3.0176 be approved subject to community use ending at 1 pm on Saturdays with no Sunday use.

An amendment by Councillor Mrs Fulljames to add a further condition 22 as set out in the addenda sheet was accepted by the mover and seconder of the motion.

A further amendment moved by Councillor Hannaby, seconded by Councillor Lilly that use on Saturdays be extended to 5 pm was carried by 7 votes to 6.

Mr Dance advised that the accepted amendment to extend use to 5 pm would mean that Condition 20 – “that there shall be no use of the floodlights during Saturdays and Sundays” would not be enforceable as lights would be required during the winter months.

Accordingly the deletion of Condition 20 was accepted by the mover and seconder of the motion.

A further amendment duly seconded to preclude use on Bank Holidays was lost by 8 votes to 7 (on the casting vote of the Chairman).

The substantive motion was then put to the Committee and –

RESOLVED (by 12 votes to 1): that Application No. R3.0076/10 be approved subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying (as amended) subject to conditions covering matters below.
2. That the development shall commence within 3 years of the date of the permission.
3. That no development shall take place until the trees on the site which are to be retained and which are adjacent to or within the development area, have been protected during building operations by means of a protective fence around the edge of the canopy of the trees.
4. Prior to the commencement of the development a Construction Traffic Management Plan must be submitted and approved. This shall include details of the routes used by Heavy Goods Vehicles accessing the site and final details of visibility splays to be provided for the temporary vehicular access.
5. Prior to the commencement of the development written consent must be obtained from the relevant Highways Area Office for works to the temporary vehicular access.
6. On completion of the development the temporary vehicular access shall be reinstated to the satisfaction of the Local Highway Authority.
7. Within six months of the first use of the all-weather pitch the school shall review and update their Travel Plan to take account of the proposed development.
8. On the completion of the development the temporary contractor's access road and ancillary construction works shall be removed and the playing field land shall be reinstated to a playing field to a quality at least equivalent (or better) than the current quality.
9. On the completion of the development details of the layout of all winter and summer sports pitches to be laid out on the schools playing fields shall be submitted and approved.
10. The construction of the pitch should only take place between September and February.
11. Prior to the commencement of the development the final location, size and colour of the temporary storage container shall be submitted and agreed.
12. The development permitted shall only be carried out in accordance with the Flood Risk Assessment submitted with the application.
13. The applicant shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site.
14. No development shall commence on site without an appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority.
15. Prior to the use of the floodlights a lighting assessment shall be submitted which demonstrates that lighting sources (i.e. bulbs and reflectors) shall not be visible from beyond the boundary of any adjacent residential properties and light trespass into the windows of any light sensitive premises (e.g. residential premises) shall not have vertical illuminance greater than 5 lux.

16. Prior to the first use of the floodlights details of automatic timing equipment shall be submitted and agreed. The timing equipment shall ensure that the floodlights are automatically switched off no later than 9pm.
17. The height of the floodlights shall not exceed 13 metres.
18. The hours of use of the all-weather pitch for school purposes shall be between 8.30am and 6.00pm Monday to Friday (including school holidays).
19. The hours of use of the all-weather pitch for community purposes shall be between 6.00pm and 9.00pm Monday to Friday and between 9.00am and 5.00pm Saturdays (including school holidays). No use during Sundays.
20. Submission, agreement and implementation of a community use management agreement plan prior to the first use of the all-weather pitch.
21. Prior to commencement of the development details of an acoustic fence to be erected between the all weather pitch and the school's southern boundary shall be submitted and agreed. All agreed fencing shall be erected prior to the first use of the all weather pitch.

Informatives:

The lighting column to be relocated on Castle Street shall be done so at the applicant's expense.

18/09 CONVERSION OF AN EXISTING MODULAR BUILDING WITH THE ADDITION OF ANOTHER BAY SECTION TO PROVIDE A CHILDCARE BASE AT BARLEY HILL COUNTY PRIMARY SCHOOL, LUDSDEN GROVE, THAME OX9 3DH - APPLICATION NO R3.0076/10

(Agenda No. 7)

The Committee considered (PN7) a proposal to erect a single storey extension to an existing temporary building in order to provide a pre school facility on the Barley Hill primary school site.

RESOLVED: (on a motion by Councillor Nimmo-Smith, seconded by Councillor Hallchurch and carried unanimously) that Application R3.0076/10 be approved subject to conditions to be determined by the Interim Head of Sustainable Development to include the following matters:

1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions covering matters below.
2. That the development should commence within 3 years of the date of the permission.
3. That the hours of use of the building for pre-school use should be between 9am – 3.30pm, Monday to Friday only.
4. That no development should take place until the trees on the site which were to be retained and which were adjacent to or within the development area, had been protected during building operations by means of a protective fence around the edge of the canopy of the trees.

5. Prior to the commencement of the development a Construction Traffic Management Plan should be submitted and approved. No contractors access via Ludsdon Grove.
6. Prior to the commencement of the development the external colour of the extension and a scheme for repainting the existing temporary building should be submitted and agreed. The extension and the existing temporary building should be painted prior to its first use.
7. Prior to the commencement of the development the final details of the free-standing canopy should be submitted and agreed.
8. Prior to the commencement of the development the final details of new fencing and gates should be submitted and agreed.
9. Within six months of the use of the extension the school should review and update their Travel Plan to take account of the proposed development.
10. That the adjacent covered cycle parking should be retained in its current position.

Highways Informative:

The school be encouraged to, in consultation with the Local Highway Authority, investigate the possibility of providing additional and/or clearer signage at the entrance to Denbigh Road. Any agreed additional signage should be implemented prior to the use of the extension.

19/09 ERECTION OF 2 SINGLE STOREY EXTENSIONS TO PROVIDE ADDITIONAL YOUTH CENTRE AND COMMUNITY FACILITIES. CREATION OF 6 ADDITIONAL CAR PARKING SPACES (INCLUDING 1 DISABLED SPACE); DEMOLITION OF AN EXISTING WALL; ERECTION OF NEW 1.8 METRE HIGH FENCING; CREATION OF NEW FOOTPATH AND INTERNAL ALTERATIONS AT COMMUNITY CENTRE, CHURCH VIEW, BAMPTON OX18 2NE - APPLICATION NO. R3.0103/10

(Agenda No. 8)

The Committee considered an application for the construction of two single storey extensions to the existing community building to provide new and improved facilities at Bampton community centre.

Charles Webster commended the scheme to the Committee. It would provide much needed accommodation for both young and old and advised that the impact of the building would be lessened by offsetting it to the south. There were no changes proposed to parking arrangements or hours of current use.

Councillor Seale considered this a highly desirable new facility. However, in order to respond to local needs he felt that the Parish Council should be given responsibility to manage hours of use of the building. He moved and Councillor Lilly seconded that the officer recommendation as set out in the report be approved but with the following amendment to condition 20 "Hours of use for all users – 6 am to 12.00 pm (midnight). Hours of use for individual users to be agreed by the Parish Council".

The motion was put to the Committee and –

RESOLVED: (unanimously) to approve Application Number R3.0103/10 subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. The development must be carried out strictly in accordance with the particulars contained in the application and the plans.
2. Commencement of the development within 3 years.
3. Submission and agreement of external materials.
4. Submission of fencing details.
5. Submission of full details of external doors and windows and sample of paint/stain colour.
6. Submission and agreement of stonework to the proposed plinth.
7. Refurbishment and internal alterations to be carried out as shown on approved plans.
8. New works to be carried out in materials to match adjoining fabric unless shown on approved plans.
9. Submission of tree root protection zone details
10. Submission of hard and soft landscaping scheme.
11. Implement landscaping
12. If any bats were found at any point, all work should cease immediately and the Protected Species Officer contacted immediately.
13. If any contamination was found at any point, all work should cease immediately and a remediation strategy should be submitted, agreed and implemented.
14. Submission and agreement of a construction management plan.
15. Submission and agreement of a car park management scheme. Any scheme approved to be implemented for functions and events at the centre.
16. Manoeuvring and parking areas to be constructed, laid out, surfaced and drained in accordance with sustainable drainage details (SUDS).
17. Submission, approval and implementation of cycle parking details
18. Submission and approval of full lay-by details.
19. Undertaking of an archaeological watching brief.
20. Hours of use for all users - 6.00am – 12.00pm (midnight). Hours of use for individual users to be agreed by the Parish Council.

Vegetation removal informative – No trees or vegetation to be removed during the bird breeding season.

Contamination informative – Any visibly contaminated or odorous materials to be investigated.

20/09 DEMOLITION OF THE PRATTEN BUILDING AND ERECTION OF A BUILDING, INCLUDING A BASEMENT, TO PROVIDE A NEW MUSEUM FOR 'THE SOLDIERS OF OXFORDSHIRE' AT FLETCHER'S HOUSE, PARK STREET, WOODSTOCK - APPLICATION NO R3.0058/10

(Agenda No. 9)

The Committee considered (PN9) an application to construct a new two storey building (with basement) in the grounds of the Oxfordshire Museum at Woodstock.

Nick Caldwell commended the proposal to the Committee. It offered an important addition to the museum adding 500 sq metres of space and first floor gallery for three dimensional viewing of exhibits which formed an essential element of the scheme.

Councillors Mrs Fulljames, Councillor Seale and Councillor Hallchurch all felt the proposal enhanced the current building.

Councillor Armitage had reservations regarding the design of the first floor which he felt detracted from the current building and the surrounding wall immediately adjacent to it, which was also listed.

RESOLVED: (on a motion by Councillor Mrs Fulljames, seconded by Councillor Sanders and carried by 12 votes to 3) to approve Application No. R3.0058/10 for the demolition of the Pratten Building and erection of a building, including a basement, to provide a new museum for the Soldiers of Oxfordshire; at Fletchers House, Park Street, Woodstock subject to conditions to be determined by the Head of Sustainable Development, but to include the following matters:

- (1) Detailed compliance – amended plans submitted.
- (2) Development to commence in 3 years.
- (3) Samples of all external materials to be agreed.
- (4) Landscaping scheme (including tree replacement) to be submitted.
- (5) Landscaping scheme to be implemented.
- (6) Tree/hedgerow protection during construction works.
- (7) Impact on walnut tree to be established, with mitigation measures to reduce impact, to be agreed.
- (8) Archaeological watching brief to be undertaken.
- (9) Any trees to be felled to be removed outside bird breeding season.
- (10) If any protected species were found, all work to cease and mitigation strategy agreed before work recommenced.
- (11) Construction management plan to be submitted, agreed and implemented for duration of works.
- (12) Glazing details (to include, extent of obscure glazing) to be submitted for north elevation of first floor gallery.

21/09 ERECTION AND OPERATION OF AN ANAEROBIC DIGESTION FACILITY AT CROWMARSH BATTLE FARM, PRESTON CROWMARSH, WALLINGFORD BY AGRIVERT LIMITED - APPLICATION P10/W0877/CC

(Agenda No. 10)

The Committee considered (PN10) an application for a permanent Anaerobic Digestion facility for the processing of food waste at Crowmarsh Battle farm.

Harry Waters advised that this was 1 of 5 applications which would eventually serve the County. The figure in paragraph 16 should have read 4,200 households.

Gemma Crossley advised that the facility would not be constructed immediately and asked the Committee to allow some flexibility by extending Condition 2 to 5 years.

Also the Company would like to assess a number of options with regard to access (Condition 14).

Responding to questions Mr Waters:

- confirmed that an energy crop was used to provide a more stable mix as green waste was difficult for the process to digest.
- the open windrow operation would not increase in size but would be moved to a different part of the site.
- advised that options were being investigated to use energy produced locally.

The Committee noted two officer amendments to paragraph 13 of the report:

Line 2 "11.5" to read "13.5" and in line 7 "3" to read "5".

Responding to Councillor Service Mr Islam confirmed that screening would be provided to the north and north east between the site and the married quarters at Benson before the facility was in operation.

Councillor Crabbe had grave concerns regarding access onto A4074. The routeing agreement had not worked adequately in the past and something more robust was needed. He moved and Councillor Nimmo-Smith seconded that the officer recommendation be agreed subject to amending Condition 14 to include "measures to prevent right turning traffic onto A4074".

The motion was put to the Committee and –

RESOLVED: (unanimously) that subject to a routeing agreement to ensure that vehicles turned left out of and into the site Application P10/W0877/CC be approved subject to conditions to be determined by the Head of the Sustainable Development dealing with matters including those set out below.

1. Compliance condition
2. Commencement date – within 5 years
3. Operating hours to be agreed
4. Organic waste only to be treated
5. Fertiliser to be used on surrounding fields only as proposed in application
6. Lighting details to be submitted
7. Existing vegetation to be protected and retained
8. Planting scheme to be implemented
9. Effective silencers to be provided on plant, machineries and vehicles
10. External building materials to be agreed
11. Movement Access plan within the site to be submitted
12. Travel Plan to be submitted
13. Parking and Manoeuvring Areas to be retained
14. Vehicles access design onto the A4074 to incorporate measures to prevent right turning traffic onto A4074.
15. Site signage to be agreed and displayed

16. Noise control measures to be implemented
17. Mitigation measures detailed within the Flood Risk Assessment (FRA) to be carried out.
18. Scheme to dispose of surface and foul drainage to be submitted and agreed.
19. Elevations of gas engine building to be submitted
20. No mud on the public highway
20. A water bowser to be used
21. Maintenance of screening bunds
22. Odour control scheme to be submitted in the event of any complaints.
23. Clearance of any vegetation in accordance with time agreed
24. Organising and implementing an archaeological watching brief

EA Informative:

Issues of odour control, pest and vermin control and gas safety to be dealt with through the Waste Management Licence.

22/09 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT

(Agenda No. 11)

The Committee considered an update on the regular monitoring of minerals and waste planning permissions and progress on enforcement cases.

Ronald Wyatt spoke with regard to matters at Waterstock Golf Course since the High Court judgement on 5 May 2010. He referred to problems identifying the original contours of the land and difficulties identified by an independent contractor appointed by his company to comply with the enforcement order. It had become apparent on setting out the work to be done that the reduced excavation required by the plan would seriously compromise footpaths, bridleways and current works on the site prevented that. His company took the position very seriously and was doing what it could to carry out the terms of the order. He advised that around 200 lorry loads totalling 4,000 tonnes of waste in the form of hardcore and sub soils had been taken off site in August and September 2009 and waste transfer notes had been provided to the County Council. That amount was in addition to the 40,000 tonnes of waste already removed. He invited the Committee to visit the site to see the improvements made.

Mr Hodgkinson addressed matters raised during debate.

RESOLVED: that the Schedule of Compliance Monitoring Visits in Annex 1 and Schedule of Enforcement Cases in Annex 2 to PN11 be noted.

23/09 RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES .

(Agenda No. 12)

No action required on this paper.

24/09 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER THE WITNEY MEADOWS COUNTRY PARK, FARM MILL LANE, WITNEY AS A TOWN OR VILLAGE GREEN

(Agenda No. 13)

The Committee had before it the detail of the opinion of the Inspector appointed to consider an application to register Witney Meadows Country Park, Farm Mill lane, Witney as a Town or Village Green under the Commons Act 2006.

The Chairman vacated the Chair and left the meeting for the duration of the item. Councillor Mrs Fulljames took the Chair.

Mr Howell speaking for the highway authority as lead objector to the application reaffirmed that throughout the process a distinct separation had been maintained between the roles of the County Council as highway authority and registration authority. The highway authority had not felt that an Inquiry had been required but due process had been allowed to take its course with a 6 day inquiry and detailed submissions from respective Counsels. All of this demonstrated a thorough investigation. With regard to the letter from the applicant he considered that all the issues raised had been covered by the Inspector and commended the recommendation to the Committee.

Owen Edwards highlighted Witney as a thriving town and it was vital to ensure open space was maintained to counter balance that growth. This area was very important and a unique hay meadow. No other similar areas were available near to the Town Centre. He questioned why further advice had not been sought before the report had been brought before the Committee and suggested that if further advice had been sought on these issues it would have demonstrated fairness. The Inspector had only published his decision on 1 September and he questioned the haste in bringing this matter to the Committee in the space of only 2 weeks. The matter could be subject to further challenge.

Mr Goodlad confirmed the separation of roles within the County Council and that the highway authority had been treated as a third party. The legal test had shown that it had not been used as of right. He had considered that further opinion had not been needed and that the decision reached by the Inspector was sound.

RESOLVED: (on a motion by Councillor Mrs Fulljames, seconded by Councillor Armitage and carried by 12 votes to 0) to reject the application to register as a new Town or Village Green that plot of land known as Witney Meadows Country Park, Farm Mill Lane, Witney in Oxfordshire as indicated clearly on "Application Map A" to an application submitted by Mr Owen Edwards dated 5 February 2009.

..... in the Chair

Date of signing

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Division(s): Wootton

PLANNING & REGULATION COMMITTEE – 25 OCTOBER 2010

THE SORTING & TRANSFER OF BUILDERS SKIP WASTE WITHIN EXISTING SCRAP METAL YARD

Report by Interim Head of Sustainable Development

Location: Whitecross Metals, Whitecross, Wootton, Abingdon, Oxon, OX13
6BS

Applicant: S.R. Williams & Sons Ltd

Application No: 10/01449/CM

District Council Area: Vale of White Horse

Introduction

1. A scrap metal yard has existed at the current Whitecross Metals site since the 1940s and has been owned and occupied by Mr S Williams since 1966. The company running the site is S.R. Williams & Sons Ltd and Mr S Williams himself lives in the adjoining property to the north of the site, 47 Whitecross. The scrap business has been affected by the economic recession and the company wishes to diversify on a small scale into the sorting and transfer of builder's skip waste which would operate alongside the current scrap yard use.

Location

2. The Whitecross Metals site is located on the B4017 between Wootton and Abingdon at the northern end of the small settlement of Whitecross.

The Site and Its Setting

3. The site is accessible from Wootton Road (B4017) and backs onto an area of agricultural land on the eastern end of the site. A belt of trees following the boundary wall provides screening of the site from the agricultural land.
4. Adjacent to the southern boundary of the site lies in a residential development dating from the 1960s – it was therefore built some time after the scrap yard was established. The closest neighbour to the site

is the immediately adjoining property at the southern end of the site, No.67 Whitecross.

5. The existing site occupies approximately 0.5 Ha and comprises an open yard area (0.35 Ha) together with buildings at the front and rear of the site. The site office and weighbridge are located close to the site entrance on the northern boundary. The site is managed and controlled from the site office near to the site entrance onto White Cross Road. The area of Whitecross, including the scrap yard site, is located within the Oxford Green Belt.
6. The site currently operates as a scrap yard and under a waste management licence it is able to process up to 200 tonnes per day of metals and 100 tonnes per day of engines and machinery etc. Since 1999 the site has accepted and treated End-of-Life vehicles – the license allows for an annual throughput of 25,000 tonnes.

Background Information and History

7. The Whitecross Metals site began use as a scrap yard before the introduction of comprehensive planning controls in 1948 and has been accepted by the planning authorities through subsequent approval of ancillary buildings at the yard. The most recent permission was for a replacement workshop in 1988 that introduced planning conditions regulating the hours of operation and height of stockpiles.

Details of the Development

8. The proposed activity would involve the unloading of skips, sorting of materials and their subsequent removal for re-use, recycling or landfill. The application states that no processing of material would take place as part of the development, only the acceptance and storage of waste. The materials that the applicant proposes to sort at the site would comprise builders waste that incorporates the following waste types:

Concrete
Bricks and blocks
Timber
Glass
Soils
Metals
Plastics

The skips would be brought to the site by skip lorry and, although skip size may vary, they would mainly be the '6 yard' skips used at smaller building projects.

9. The skip lorries would arrive via the site entrance and deposit the materials in the designated sorting area at the rear of the site, this would make up around 0.07 Ha of the open floor space. Materials

would be sorted into large skips positioned along the rear boundary wall in preparation for recycling or landfill. The permission would be for an annual maximum of 5,000 tonnes and it is anticipated that this would break down into the equivalent of 100 tonnes per week/20 tonnes per day.

10. The applicant expects that the transfer and removal of builders waste would generate the equivalent of an average of around 10-14 lorry movements per day. However, the applicant argues that these would not be additional movements, but would substitute for movements otherwise associated with the scrap yard. There are no proposed alterations to the access of the site.
11. The proposed operating hours would be from 8:00am-4:30pm Monday to Friday only. The applicant states that vehicles may nevertheless enter the site at any time.

Consultation Responses and Third Party Representations

(21 day consultation period expired 03 September 2010)

Vale of White Horse District Council

12. No planning objection.
13. The Environmental Health officer comments that there will be noise generated from the loading/unloading of skips and the mechanical sorting of waste. However, no problems are foreseen as there is no history of complaint from noise and there is no material change in the circumstances at the site.

Wootton Parish Council

14. The parish council believes the proposal will increase noise and dust in a residential area and therefore recommends refusal.

Oxford Green Belt Network

15. Difficult to apply the usual Green Belt test of loss of openness. There may be an issue of loss of visual amenity. Whether or not the proposal amounts to inappropriate development would probably depend on whether the addition of the sorting business counts as inappropriate development for planning purposes and we are unsure about that given the encouragement that is given by government to waste matters these days, even in the Green Belt. Intensification of the yard may be considered un-neighbourly if it leads to increased levels of noise, dust and traffic. Residential amenity is an important consideration in this location given that one of the recognised land use objectives of GB

policy are to enhance landscapes near where people live (PPG2, paragraph 1.6).

Environment Agency

16. No objection subject to the imposition of a condition requiring details of surface water drainage to be approved prior to the commencement of development.

County Ecologist

17. No objections from a biodiversity point of view.

Transport Development Control

18. No objections. There is sufficient space on site for vehicles to turn and egress in forward gear on to the B4017. There is no record of accidents within the last 5 years on the B4017.

Thames Water

19. No objections on waste or water grounds

Third Party Representations

20. 11 objections have been received from third parties. They raise the following matters of concern:

Traffic

- Increased volume of traffic at peak times on Whitecross/Wootton Road.
- The Council should cap the number of HGV movements.
- Reassurance that Whitecross will not be used by HGVs waiting to enter the site or turning round.
- Three accidents have occurred outside the scrapyards, two of them fatal.
- There have been two fatalities on the stretch of road next to the site. The accidents did not involve vehicles associated with the site.
- There has not been a reduction in the number of lorries due to the recession.
- The B road is not suitable for more HGVs.
- Many people – including school children – cycle along the main road.
- No limitation to the times that HGVs can use the site.
- The main road is also a frequent bus route.

Noise

- 'Pounding' machinery keeps people awake.
- Why was a noise survey not warranted?
- Noise would exacerbate problems already being felt by the events at the airfield and the opening of the Harley Davidson shop.

Dust

- Windows would need to be kept shut and fears that washing could not be hung outside.
- Dust could have an adverse effect on quality of life.

Visual Impact

- Height of the existing scrap metal stockpile is an eyesore.
- Blue container is far above the wall height. A green dragon now accompanies it.
- Previous Sealand containers were removed but other old containers have appeared.
- Question why the containers at the boundary walls are allowed to become a permanent feature.
- There is a height limit for scrap but it is routinely exceeded.

Other

- Complaints have previously been lodged with Vale of White Horse District Council and Oxfordshire County Council but to no avail.
- Who would be monitoring the volume, noise and dust?
- Who would be monitoring legislation?
- The contents of skips could contain other material such as food which could attract rats and mice, as well as asbestos.
- Houses alongside the scrapyards are lower in value and any new proposals would lower the value further.
- The yard should not be allowed to take on a second use.
- There would be a need for expansion due to increased economic activity and it will be difficult to stop expansion as a precedent has been set.
- Planning permission has been granted after 1988 (as the statement reads): to convert a dwelling into storage space granted within the last two years.
- Large crane heads are not desirable for the Green Belt or residential area.
- Site is not near to source of waste and is in the Green Belt.
- MWLP policy W4 prohibits development in the open countryside. The site is on the edge of open countryside.
- This type of operation should take place on an industrial site.
- Residential development may be more appropriate at this site given the renewed emphasis on housing provision.

Relevant Development Plan and other Policies

21. The development should be assessed against the policies of the Development Plan taking into account any material considerations. The Development Plan for this area comprises the saved policies of the Oxfordshire Minerals and Waste Development Framework 1996 (MWLP) and the Vale of White Horse Local Plan 2011 (VOWHLP).
22. The key policies relating to this development are (i) development in the Green Belt (ii) waste management (iii) transport and (iv) impact of operations on local residents.
23. Relevant policies are: (i) Green Belt: relevant guidance is contained within Planning Policy Guidance 2: Green Belts (PPG2), Planning Policy Statement 10: Sustainable Waste Management (PPS10), VOWHLP policy GS3 (ii) waste management: PPS10 and MWLP policy W3 (iii) transport: MWLP policy W3 and VOWHLP policy DC5 (iv) impact on local residents: MWLP policy W3 and VOWHLP policy DC9.
24. The relevant policies are available in full in the accompanying Annex (see Item PN7).

Comments of the Interim Head of Sustainable Development

25. The key planning issues are i) whether the development is acceptable in the Green Belt ii) waste management iii) transport, and iv) impact on residential amenity.

(i) Development in the Green Belt

26. This development falls under the category of an engineering operation and as such is inappropriate development unless it can be demonstrated that the openness of the Green Belt has not been adversely affected and the proposal does not conflict with the purposes of including land in the Green Belt. The proposal would not result in the expansion of the site further into the Green Belt or into the open countryside. It would rather be an intensification of use of the existing site. Existing screening already mitigates the visual impact of the site on the open countryside. I do not consider, therefore, that the openness of the Green Belt would be affected by these proposals. The proposal also reflects the guidance in PPG2 in that it does not conflict with the purposes of including land within the Green Belt which are:
 - Preventing urban sprawl
 - Preventing towns merging
 - Safeguarding the countryside from encroachment
 - Preserving the setting of historic towns
 - Assisting urban regeneration by encouraging the recycling of derelict land.

27. The site is small scale and would enable the demand from a local market to be met. Providing the proposals are acceptable in terms of amenity, there is benefit in allocating such activity within or close to urban areas, near to the source of waste and avoiding locations in the open countryside. This proposal helps to limit the distances travelled by HGVs given that the development is intended to serve this local area. PPS10 acknowledges that certain types of waste facility are required to be sited within Green Belts.
28. In my view the proposal accords with PPG2 and VOWHLP policy GS3 and the principles of PPS10.

(ii) Waste Management

29. This proposal would be complementary to the current operation of the site as a scrap yard. The co-location of two similar waste operations would, in my opinion, increase the efficiency and sustainability of the onsite sorting and processing of materials and would utilise previously developed land.
30. The proposed transfer station would allow for the sorting and storage of builder's skip waste and facilitate its removal for recycling. This would therefore represent a diversion of waste from landfill and promote recycling, moving waste up the waste hierarchy. The proposal therefore is consistent with sustainable waste management principles in PPS10.
31. The small scale of the proposed operation means it would only be economic to service a local market. The location of the site within Wootton and near to Abingdon and Cumnor is convenient to receive waste materials from local markets. In my view, therefore, the proposal complies with MWLP policy W3 (b).

(iii) Transport

32. A number of objections have been raised associated with this issue. However, the total number of HGV movements proposed is relatively small, approximately 10 – 14 daily. This type of facility does not usually experience steady vehicle flow like this, but instead experiences peaks and troughs in terms of their vehicle movements due to fluctuating demand. This will have an impact on the proposed average HGV movements. A condition can be used to limit the annual throughput of the site. However, I do not propose to impose a condition limiting daily HGV movements for the reasons described above. Transport Development Control Officers have raised no objections to this proposal in terms of highway safety. I consider, therefore, that the proposal accords with VOWHLP policy DC5.

(iv) Impact on residential amenity

33. The existing site has a visual impact on neighbours as it is not particularly well screened from adjoining properties. The area of the site that is proposed to be used for this proposal is currently screened by the scrap metal stockpile and machinery. This does not provide permanent screening due to fluctuations in the height of the scrap metal stockpile. The visual impact of this proposal can be mitigated by imposing conditions to limit the height of the builders' waste stockpile. The proposal therefore accords with VOWHLP policy DC9.
34. A number of objections have been received regarding the impact of noise arising from this proposal. The VOWH Environmental Protection Officer does not consider that the proposal would cause undue problems with noise since there are no processing operations and the number of HGV movements is relatively small. In my view the proposal should not lead to an exacerbation of the existing circumstances at the site. Conditions can be imposed to control the noise levels that occur as a result of this proposal, should planning permission be given. Conditions could also be imposed to limit the working hours to restrict HGV movements to and from the site, if planning permission is given.
35. A number of objectors are concerned about the impact of dust. Proposals involving construction and demolition wastes have the potential to generate dust. However, the proposed location of the waste storage and relatively small annual throughput without any processing of the materials should reduce any significant impacts from dust. Conditions can be imposed if planning permission is given to require dust suppression measures at the site. The district environmental protection officer does not object to the proposal.
36. In terms of noise and dust, I consider that the proposal is consistent with MWLP policy W3 (c).

Other issues

37. A number of other issues have been raised by third parties. I have addressed these below:

Previous complaints relating to tall containers

38. County Council Planning Enforcement Officers became aware of potential breaches of planning permission in December 2006, involving the installation of 6 large shipping containers and a green-coloured container adjacent to the boundary wall of the neighbouring property. These breaches were investigated and the 6 shipping containers were removed. Officers are aware of the installation of a blue/green container and are currently investigating this possible breach of planning permission.

Concerns over the contents of imported wastes

39. The types of waste that could be imported to the site can be controlled through conditions if planning permission is given. The Environment Agency would also control the materials that are brought into the site through an Environmental Permit.

Potential residential development at the site

40. Any proposals for residential development on this site would be the subject of a separate application to the District Council for determination.

Expansion of the site

41. At present there have been no discussions relating to the expansion of the site beyond diversifying operations that are the subject of this application.

Reduction in the value of adjacent houses

42. This is not a planning consideration. What is important in planning terms is that residential amenity is properly protected.

Conclusion

43. The proposal is sited in the Green Belt but would not prejudice its openness and does not conflict with the purposes of including land in the Green Belt. The location of this facility within the existing scrap yard site has benefits over an open countryside location and HGV distances would be limited. The proposal therefore accords with PPG2, PPS10 and VOWHLP policy GS3.
44. The proposal would contribute to the promotion of waste as a resource and move it up the waste hierarchy in accordance with sustainable waste management principles within PPS10.
45. This proposal should not give rise to any significant impacts through increased traffic, noise and dust. I consider that the proposal accords with MWLP policy W3 and VOWHLP policy DC5.
46. The existing site has a visual impact on neighbouring properties. The visual impact of the proposal is reduced as it is screened by the existing scrap metal operations. Conditions can be used to limit the height of the builders' waste stockpiles. I therefore consider that the proposal accords with VOWHLP policy DC9.

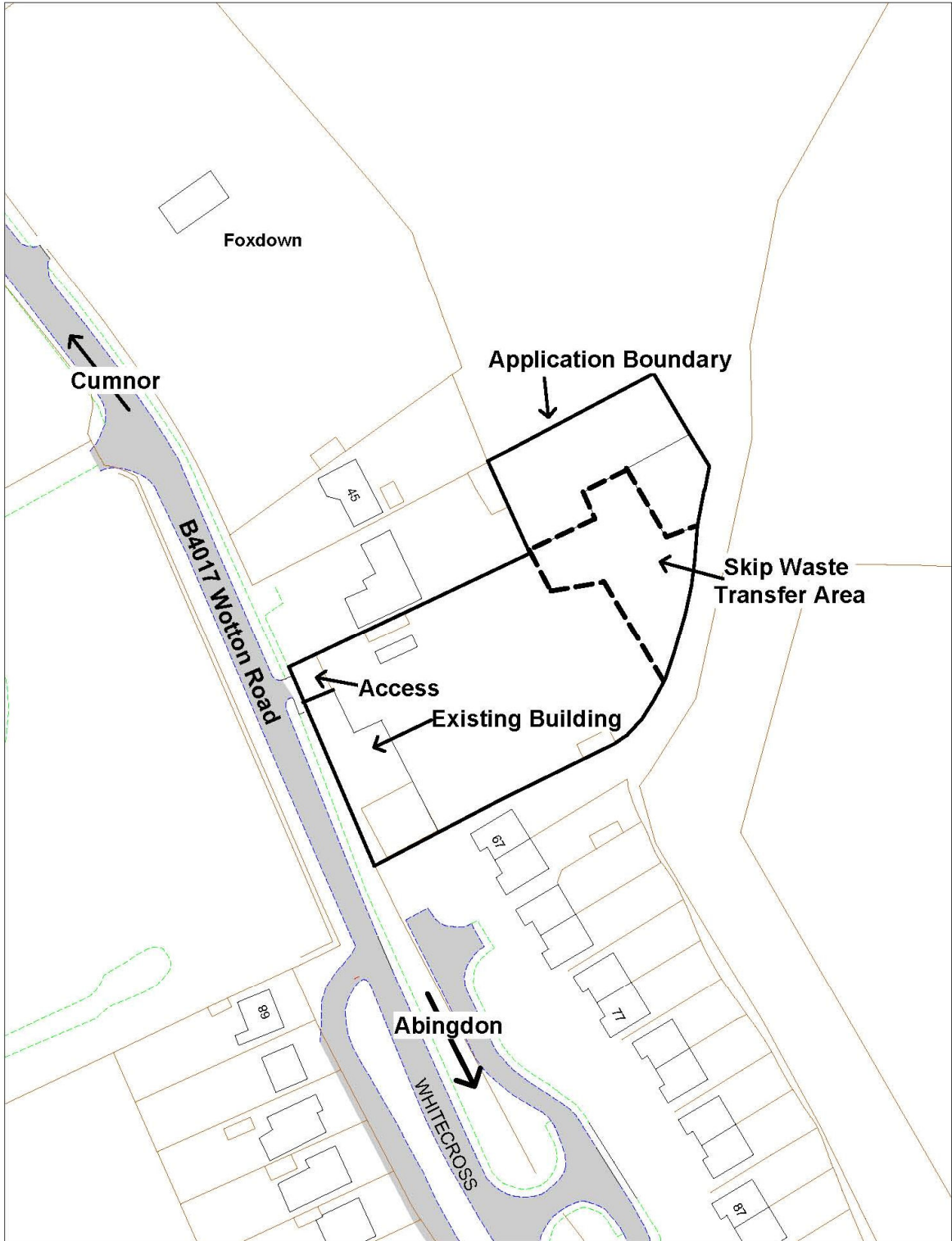
RECOMMENDATION

47. It is **RECOMMENDED** that planning permission for the development proposed in Application No 10/01449/CM be granted subject to conditions to be determined by the Interim Head of Sustainable Development but to cover matters set out below:
1. Complete compliance
 2. Development to commence within three years of permission.
 3. Working hours as proposed including HGV access
 4. Maximum height of stockpiles.
 5. Noise limits.
 6. Dust suppression.
 7. No waste other than inert construction and demolition waste to be imported.
 8. No crushing.
 9. Maximum throughput of 5,000 tonnes per annum.
 10. Details of surface water drainage to be determined prior to commencement of development.

MARTIN TUGWELL
Interim Head of Sustainable Development

September 2010

Plan 1



Date: 5/10/10
By: T.Philp

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Contact Officer: James Irvine (james.irvine@oxfordshire.gov.uk)
Tel: 01865 816526

Division(s) : Ploughley

PLANNING & REGULATION COMMITTEE – 25 OCTOBER 2010

INSTALLATION AND USE OF A FIXED SCREEN AT ARDLEY IN-VESSEL COMPOSTING FACILITY, ASHGROVE FARM, ARDLEY

Report by Interim Head of Sustainable Development

Location: Ashgrove Farm, Camp Road, Ardley.

Applicant: Agrivert Limited.

Application No: 10/01274/CM

District Council Area: Cherwell District Council

Introduction

1. Planning permission for In-Vessel Composting at Ashgrove Farm was granted in January 2009. The applicant, Agrivert Ltd, has now submitted a retrospective planning application for a permanent screener to replace the currently permitted mobile screening plant.

Location (Plan 1)

2. The application site is located 300 metres to the west of the B430, approximately 1.5 kilometres (0.9 miles) south of the village of Ardley, 1.5 kilometres (0.9 miles) east of Upper Heyford and 2 kilometres (1.2 miles) north of Middleton Stoney.

The Site and Its Setting

3. The site is situated in the open countryside. A covered reservoir lies adjacent to the site on the east. The site is set approximately 90 metres back from the road to Upper Heyford. A hedgerow runs along the northern and eastern edges of the site. The site is bordered by bunds that are 3 metres in height. The nearest dwelling is Ashgrove Farm Cottage which lies 550 metres to the north east of the site.
4. No footpaths or sites of ecological interest are affected by the proposal.

Background Information and History

5. The applicant was granted temporary planning permission for open windrow composting in November 2006. Further permanent planning permission was granted in January 2009 to allow for In-Vessel Composting to take place. The site has planning permission to process 35,000 tonnes of green waste per year and to produce 14,000 tonnes of compost annually. Further planning permission was granted in November 2009 for widening of the access road, increase in height of the composting tunnel walls and modifications to the dimensions of the waste reception building.

Details of the Development

6. The applicant is seeking retrospective planning permission for additional plant at the site which has replaced the currently consented mobile compost screener. This proposal is for a permanent fixed screener which is designed to screen mature compost, removing oversize material and contaminants with the aim of improving the final compost product. The applicant states that the permanent screener would run from mains electric rather from a generator and is almost maintenance free.
7. The applicant states that positioning the permanent screener in the location proposed on site would allow for improved circulation of vehicles within the site.
8. The permanent screener is located just inside the bund on the eastern boundary of the site. It is 44.3 metres in length and 7 metres high at its maximum point. The screen is mounted on a concrete base and is green in colour.

Consultation Responses and Third Party Representations

(The consultation period ran 19 August–10 September 2010)

Cherwell District Council

9. Object to the proposal by reason of height, siting and prominence which is contrary to MWLP policy W5 and CLP policies C7 and C28. The proposal would draw attention to the non-agricultural nature of the overall operation which has previously been less obvious or harmful. The environmental health officer has made no comments.

Middleton Stoney Parish Council

10. The Parish Council initially objected to the proposal on the following grounds:
 - Further visual intrusion is unwelcome.
 - The Parish Council is unwilling to agree any further planning permissions until recent problems with odour have been remedied.

11. However, having now had the opportunity to read the covering letter submitted with the application (which they originally were unable to do so) and also having undertaken a visit to the site, they have subsequently withdrawn their objection to the application.

Ardley with Fewcott Parish Council

12. No response received at the time of writing this report.

Thames Water

13. No response received.

Environment Agency

14. No objection.

Natural England

15. No objection.

Transport Development Control

16. No objection.

County Archaeologist

17. No comments to make.

County Ecologist

18. No objection.

Representations

19. No third party representations have been received.

Relevant Development Plan and other Policies

20. This development should be assessed against the policies of the Development Plan taking into account any material considerations. The Development Plan for this area comprises the saved policies of the Oxfordshire Minerals and Waste Development Framework 1996 (MWLP), the Cherwell Local Plan 1996 (CLP) and the Non-Statutory Cherwell Local Plan 2011 (NSCLP). All relevant policies are listed in the policy annex (see Item PN7).
21. The key policies for this development relate to visual impact on the open countryside and the need for the development.

22. The policies to be considered are: MWLP policies W3, W4, W5, policies C7 and C28 of the CLP and policy EN34 of the NSCLP.

Comments of the Head of Sustainable Development

23. The key planning issues to address are whether the need for the permanent screener outweighs the visual impact to the open countryside.

Need and Visual Impact

24. The existing site (and associated buildings) at Ashgrove Farm already has planning permission. In considering the original application in May 2009 the Committee determined that need for this waste development outweighed the impact that permanent buildings of this scale would have on this area of open countryside. The screener as erected has an adverse visual impact on the open countryside, albeit of modest impact since the screen is located close to the existing main building on site (and is 7m at its highest point compared to 10.9m of the existing building). This issue has been raised as a main concern by Cherwell District Council.
25. The main consideration with this proposal therefore, is whether the need for the screener is such that it outweighs the impact to the open countryside. In my view, the location of the screener could have been better placed within the site if it had been installed at the time that the original buildings were constructed. However, this did not occur because the original intention was to make use of a temporary mobile screener which would have been brought onto the site at regular intervals to process the waste material. However, it has become clear to the applicant that a permanent screener would allow for a more efficient and effective operation on the site.
26. I accept the arguments put forward by the applicant that the screener leads to a more efficient operation and produces higher quality compost with less residual material incorporated within it, and that the location of the screener does afford good access for the material to be exported to its end use.
27. Although the permanent screener will have more of a visual impact than the original temporary screener, I consider that the applicant has demonstrated that there is a need for this permanent screener in this location and I consider that this outweighs the modest adverse impact that it has upon the surrounding open countryside. In my view, therefore, the requirements of MWLP policy W3 and W4 have been met.
28. Middleton Stoney Parish Council has raised an objection to this proposal on the grounds that the process on site has generated unacceptable odour. The concern relating to smell is not directly related to the consideration of this current application for a permanent screener. However, I have spoken with the applicant who says that there is a high proportion of food waste currently being accepted at the site and this is what is generating the smell. This should reduce upon commencement of operations at the Worton Farm anaerobic digestion facility (which has just been commissioned for use and will expressly

take food waste, reducing the proportion that will come to the Ashgrove Farm site) and should reduce the likelihood of odour emanating from the site at Ashgrove Farm. Cherwell District Council Environmental Health Officers have also been made aware of these issues but have not opposed this particular development. Officers will monitor the odour issue and if necessary can require through existing condition that additional odour reduction measures be implemented.

Conclusion

29. The existing site has a visual impact on the open countryside. This application to retain the permanent screener will have a modest additional impact on the immediate local area, albeit in the context of larger buildings which house the main activity which have already been permitted. As such the development is contrary to CLP policies C7 and C28 and NSCLP policy EN34.
30. However, in my view the applicant has demonstrated that there is a need for and benefit to be gained from the permanent screener and that it has been placed in the most suitable operational location on the site. This, in my view, amounts to a need which overrides the adverse visual impact to the open countryside. The proposal is consistent with MWLP policies W3 and W4.

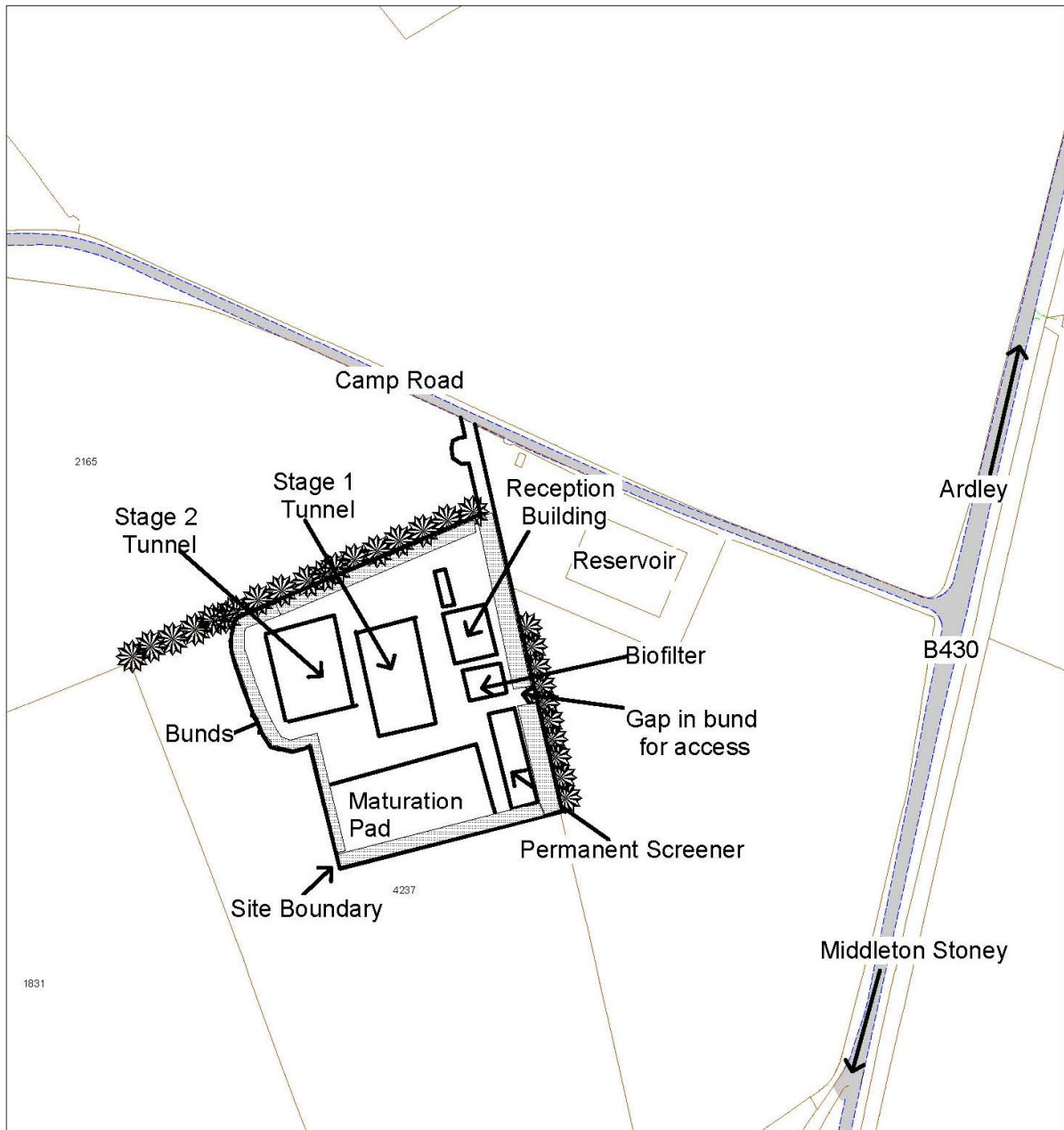
RECOMMENDATIONS

31. **It is RECOMMENDED that planning permission for the development set out in Application No 10?01274/CM be granted subject to conditions to be determined by the Head of Sustainable Development but to cover matters set out below:**
 1. **Complete compliance with application details.**
 2. **Development must commence within three years of permission.**
 3. **Working hours to match existing:**
 - (a) **07:00 – 18:00 Mondays to Fridays**
 - (b) **08:00 – 16:00 Saturdays.**
 - (c) **08:00 – 14:00 Sundays**
 4. **Materials and finishes to match the existing on the screener.**
 5. **Noise Limits**

MARTIN TUGWELL
Interim Head of Sustainable Development

September 2010

Plan 1



Date: 6/10/10
By: T.Philp

PLANNING & REGULATION COMMITTEE – 25 OCTOBER 2010

RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES

Report by Interim Head of Sustainable Development

This paper is the Annex referred to in Items PN5 and PN6

Cherwell Local Plan – November 1996

POLICY C7

Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

POLICY C28

Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

Non-Statutory Cherwell Local Plan 2011

POLICY EN34

The Council will seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:

- (i) cause undue visual intrusion into the open countryside;
- (ii) cause undue harm to important natural landscape features and topography;
- (iii) be inconsistent with local character;
- (iv) harm the setting of settlements, buildings, structures or other landmark features;
- (v) harm the historic value of the landscape.

Vale of White Horse Local Plan 2011

POLICY GS3

Development (including the change of use of land and engineering and other operations) will only be permitted if it does not conflict with the purposes of

including land in the green belt and if it preserves its openness and the special character of Oxford and its landscape setting.

Subject to the above criteria new building will only be allowed for the following purposes:

- (i) agriculture or forestry;
- (ii) small-scale facilities essential for outdoor sport, recreation, cemeteries and other uses of land which preserve the openness of the green belt;
- (iii) limited extension, alteration or replacement of existing dwellings. An extension to or the replacement of a dwelling will not be permitted if it exceeds the following limits:
 - a) existing dwellings with a floorspace of less than 80 square metres – up to 50% of the original volume of the dwelling (excluding outbuildings);
 - b) existing dwellings with a floorspace of 81-120 square metres – up to 40% of the original volume of the dwelling (excluding outbuildings);
 - c) existing dwellings with a floorspace greater than 121 square metres – up to 30% of the original volume of the dwelling (excluding outbuildings); and
- (iv) limited infilling between existing build development in the villages of Farmoor, Shippon, South Hinksey, Sunningwell, Wootton Old Village and Wytham, as defined on the proposals May. Residential infilling will be limited to schemes of 1 or 2 dwellings unless it is for social housing for the local community in accordance with policy H18.

Proposals for the conversion and adaptation of existing buildings should not have a materially greater impact than the existing or previous use on the openness of the green belt or the purposes of including land in it.

The visual amenities of the green belt will be protected from development within or conspicuous from the green belt which might be harmful by reason of its siting, scale or design.

POLICY DC5

Proposals for development will only be permitted provided that:

- (i) safe and convenient access will be provided both within the site and to and from the adjoining highway network for all users including those with impaired mobility, and for all modes of transport;
- (ii) the road network can accommodate the traffic arising from the development without causing safety, congestion or environmental problems;
- (iii) adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning;
- (iv) adequate and safe provision will be made for parking vehicles and cycles;
- (v) off-site improvements to the highway infrastructure (including traffic management measures), cycleways, footpaths and the public transport

- network can be secured where these are not adequate to service the development; and
- (vi) the scheme is designed to minimise the impact of vehicles and give priority to the needs of pedestrians, cyclists, the users of public transport and those with impaired mobility.

POLICY DC9

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

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

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

Policy W3 Proposals for re-use/recycling will normally be permitted provided that:

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

Policy W4 Proposals for re-use/recycling and ancillary processes will not normally be permitted in the open countryside unless:

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

Policy W5 In all cases waste treatment plant, buildings, machinery and stockpiles must be properly screened from the surrounding landscape. Such screening- by landscaping or other means - should be in place before any waste stockpiling or treatment begins.

Policy PE18 In determining applications covered by this Plan the County Council will:

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

Planning Policy Guidance 2: Green Belts

- Paragraph 1.5: There are five purposes of including land in Green Belts:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns from merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- Paragraph 3.2: Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.
- Paragraph 3.12: The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt (bullet point 1 above).

Planning Policy Statement 10: Sustainable Waste Management

- Paragraph 3: Regional planning bodies and all planning authorities should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies that:
 - help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;

- provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;
- help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994;
- help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;
- reflect the concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness;
- protect green belts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission;
- ensure the design and layout of new development supports sustainable waste management.

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Contact Officer: Mary Thompson Tel: 01865 815901

Division(s) affected: Ploughley

PLANNING & REGULATION COMMITTEE – 25 OCTOBER 2010

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

Report by Interim Head of Sustainable Development

Location: Ardley Landfill Site, Ardley Fields Farm, Ardley

District Council area: Cherwell

Application No: MW0078/10 10/00849/CM

Introduction

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

Context

2. A planning application for a similar facility at this site was submitted to Oxfordshire County Council in 2008 and considered at Planning & Regulation Committee on 19 October 2009 (a copy of that report – including the addendum tabled - is attached as Annex 4 for information). The report recommended that the application be approved, subject to conditions and legal agreements.
3. However, after due consideration the application was refused by the committee (minute no. 57/09). The reasons for refusal were as follows:

- The development proposed would represent a permanent building in the countryside which is contrary to policies C7, C8, C9 of the Cherwell Local Plan, and policies EN30, EN31, EN34 and D10a of the non statutory Cherwell Local Plan.
 - The Council as Planning Authority is not persuaded that the need for a facility on this scale to divert waste from landfill is sufficient to outweigh the effects of the proposal on the countryside in this locality.
4. The proposal covered by this application is for essentially the same type of development. The applicant has stated that they are willing to accept a condition limiting permission for the development to the operational life of the facility. This would address the reasons for refusal of the previous application.
 5. In July 2010 there was a Public Inquiry into the refusal of planning permission for the previous application. The Secretary of State will make the decision on that application and this is expected in January 2011.
 6. Counsel has confirmed that this Committee can determine this application independent of the process associated with the previous application.

Details of the Development

7. The principal element of this application remains as before - i.e. the construction of an Energy from Waste (EfW) facility designed to process up to 300,000 tonnes per annum of Municipal Solid Waste (MSW).
8. The principal change compared to the previous application is the applicant's willingness to accept a condition restricting the planning permission to the operational life of the facility – taken to be 35 years – in order to overcome concerns about a permanent building in the open countryside.
9. Another minor change relates to the landfilling and ultimate restoration of the site (primarily the southern part of the landfill site where the changes should help reduce the loss of landfill void capacity).
10. During the course of processing the previous application the applicant agreed to enter into a developer agreement controlling the source of waste to the development. However, in dealing with this application it is proposed that this issue is addressed through the imposition of planning conditions based on the need for the facility and the policy principle of subsidiarity.
11. In a minor alteration to the previous application, it is proposed that the landfill site will continue to accept asbestos, as it does at present.
12. The supporting statement for the development states that it would provide the equivalent of 21% of the electricity currently consumed by homes and businesses in the Cherwell area. Although there is no change from the

previous application in this respect, the applicant highlights it as a material consideration that it considers was not fully taken into account when the previous application was determined.

13. This second application has been the subject of a period of public consultation. A summary of both consultation responses and representations from members of the public can be found in Annex 1.
14. Consultees were invited to re-send their comments from the consultation on the first application along with any further comments on the differences between the two applications. Accordingly consultation responses received in response to the previous application are reproduced as Annex 2 of this report.
15. In September 2010 the Environment Agency confirmed that they would grant an Environmental Permit for the Energy from Waste facility proposed on the Ardley site. Their decision was based on a detailed assessment of the proposal and took into account responses to a consultation on the proposal. The Agency has conveyed their decision to local community members and partner organisations directly.

Comments of the Interim Head of Sustainable Development

16. As with the original application for an EfW facility at Ardley, this proposal has generated many objections. Many of the representations received repeat their objections from the earlier application. Assessing the representations that have been submitted, the principal issues in this case, as before, remain:
 - (i) The need for the development;
 - (ii) The transport impact of the development, and
 - (iii) The impact of the development on the countryside.

The need for the development

17. The Oxfordshire Joint Municipal Waste Management Strategy has been developed by the Oxfordshire Waste Partnership – a partnership of the County and District Councils that was formed in 2003 and which has operated as a formally constituted joint committee since 2007. Each authority is represented on the Partnership at member level by their environmental portfolio holder.
18. The Strategy was developed following an extensive strategic review of waste management in Oxfordshire. That review evaluated the options available to the County as a whole for the collection and treatment and/or disposal of waste to ensure that the most appropriate solution is adopted. The Strategy was agreed by the Oxfordshire Waste Partnership in July 2006 and has been endorsed by each constituent member authority.
19. The Joint Waste Management Strategy has the waste hierarchy at its core and sets stretching targets for increased recycling and composting. With the delivery of improved waste collection services, improved waste recycling

centres and the treatment of food waste the Partnership is well on its way to delivering the Strategy.

20. This success has been achieved on the back of investment in a network of infrastructure that enables the Waste Management Strategy to be delivered.
21. Through the Partnership work will continue to ensure that measures designed to reduce, reuse, recycle or compost waste remain effective. However, the Strategy recognises that even with the most optimistic view on what can be achieved there will still be residual waste that needs to be dealt with. Delivery of a residual waste treatment facility is therefore the final piece in the network of infrastructure required to deliver the overall Strategy.
22. The Strategy emphasises the importance of husbanding the remaining landfill capacity to ensure it is available well into the future to dispose of wastes not suitable for treatment.
23. In addition, under the Landfill Allowance Trading Scheme (LATS) the County Council must either reduce the amount it landfills every year, face being penalised financially if it fails to meet its targets or purchase allowances from another authority (if they are available). While the County Council currently has a surplus of LATS allowances, it will soon move into deficit, requiring allowances to be purchased from other authorities.
24. It is within this context that Policy 9 of the Joint Waste Management Strategy states that: 'The Oxfordshire Waste Partnership will provide a system for recovering value from residual wastes in order to meet Landfill Allowance Trading Schemes Targets.'
25. The need for a residual waste treatment facility has therefore been set out and agreed in principle through the Joint Waste Management Strategy. Once in place as part of the network of waste infrastructure, the provision of such a facility will enable us to exceed the LATS targets and increase diversion from landfill to 95%.
26. Notwithstanding the revocation of the South East Plan, the National Waste Strategy remains in place. Thus the emphasis on landfill as a means of last resort remains a key driver of the national policy framework. The Oxfordshire Joint Waste Management Strategy is consistent with the principles of the National Waste Strategy. I therefore consider that it remains the appropriate policy framework within which to consider this application.
27. The waste projections used for the previous application concluded that there was a need for a facility capable of processing 291,000 tonnes per annum (tpa) of Municipal Solid Waste (MSW) and Commercial and Industrial (C&I) waste in Oxfordshire.
28. That figure was revised in June 2010 as part of the work associated with the planning inquiry into the previous application; a revised figure of 237,400 tpa being agreed upon. Although the revised figure shows a reduction in the

residual waste capacity required in Oxfordshire, it is based on lower growth rates due to the current economic climate. It should not therefore be taken as an indication of the longer term requirement.

29. Therefore in my view the need for a residual waste treatment facility is well evidenced and the policy framework well defined. I accept that the applicant has set out a strong, evidence based argument that shows how the proposal meets that identified need and delivers the facility required in order to deliver the Joint Waste Management Strategy.

The transport impact of the development

30. The access arrangements to the site remain broadly similar to the previous application - a new access onto the B430 will be created in the south west corner of the site to serve both the EfW plant and landfill; the existing access will remain in use to serve the Household Waste Recycling Centre and as an access for the landfill operations.
31. Additional information was provided on traffic generation to the planning inquiry. As a result an updated Transport Assessment has been submitted in support of this application, the principal difference being the use of more recent accident data and baseline traffic information. It also takes into account the implications of the proposed Heyford Park development.
32. Given the scale of the development is identical to the previous application the impact on the highway network is similar.
33. I am aware of the concerns of local people regarding this issue; however the County Council's assessment of the updated Transport Assessment has confirmed that there is no objection to the proposal, subject to the imposition of appropriate conditions/agreements dealing with access, routing and hours of operation.

The impact of the development on the countryside

34. Facilities of this nature are generally substantial facilities. It is therefore likely to have some impact. The nub of the refusal of the previous original application was that members of the committee considered that the need for the facility did not outweigh the impact that a permanent development would have in the countryside.
35. Protection of the countryside has been a long standing policy objective in Oxfordshire over the years.
36. I see the purpose of countryside protection as two fold. Firstly it seeks, where possible, to avoid local harm to individual areas of the countryside and to protect local people from the adverse visual and other impacts of built development that they would not expect to find in the countryside. Secondly there is a wider objective which is to seek to preserve the rural integrity of

Oxfordshire as a whole to ensure it remains an attractive environment in which to live, work and play.

37. As an existing mineral extraction and waste management site, the Ardley site has a history of previous use. It was on that basis that it was included in the work to identify potential sites for inclusion in the Minerals and Waste Development Framework.
38. The applicant has argued that there is no better practical alternative for the location of such a facility, and that the alternative sites potentially available are also in the countryside.
39. In the supporting statement the applicant has indicated its willingness to accept a condition restricting the planning permission to the operational life of the facility – taken to be 35 years – in order to overcome concerns about a permanent building in the open countryside.
40. Circular 11/95 (the use of Conditions in Planning Permissions) sets out government guidance relating to the use of planning conditions. It stresses that conditions should only be imposed “where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and the development to be permitted.
41. The Circular provides specific advice on temporary permissions. In deciding whether a temporary permission is appropriate it advises that it is undesirable to impose a condition requiring demolition of a building that is clearly intended to be permanent.
42. The granting of permission for an EfW plant would normally involve the construction of a permanent building. However, in accepting the principle of a condition limiting the development to the operational life of the facility – 35 years – the applicant has acknowledged that it will have a defined life, although it is not willing to specifically make the application one for a temporary permission.
43. If such a condition were to be imposed as part of the planning permission for this development, it would have the effect of ensuring that once the purpose of the facility has run its course, it could be removed and the site restored and returned to a rural landscape. In other words the condition provides a mechanism to ensure that when the special circumstances of the need for the waste facility cease, the building is removed, the harm is removed, and the overall integrity of Oxfordshire’s rural landscape is protected.
44. In those circumstances, in my view the imposition of such a condition is necessary and reasonable.

Development Plan policies

45. Since the previous application was considered in October 2009 the South East Plan has been revoked; its policies no longer apply to the consideration of planning applications.
46. The majority of the South East Plan policies that would have been relevant to this application reflect policies that already exist at either the national or local level (see Annex 3).

Concluding Remarks

47. Officer advice in 2009 in respect of the previous application for a similar facility was for the approval. In my view there has been no change in either the policy context or the development proposal which justifies changing the recommendation for approval.
48. The 'need' for a residual waste facility as an integral element of Oxfordshire's waste management infrastructure is set out in the Joint Waste Management Strategy. This application sets out a clear and convincing case as to how it meets that identified need. It is therefore essential to ensure that the plant does indeed provide the capacity to deal with Oxfordshire's residual waste stream. It is proposed that this is ensured through the imposition of a planning condition.
49. However it is important to recognise the reality that there is a commercial market for the treatment of residual waste; one that does not necessarily respect geographical boundaries. Thus, while the 'need' for the facility is not based upon meeting the waste disposal/recovery targets of adjoining authorities, the physical location of the plant is such that a case can be made to allow some flexibility in this regard. It is proposed that a planning condition is imposed which, whilst it allows some flexibility in regard to the origin of waste treated, ensures that the policy principle of subsidiarity is not undermined.
50. The application would be located in the countryside, although in a location that is an existing mineral extraction and waste management site. However, the removal of the facility after 35 years (enforced through a condition) would avoid any permanent harm to the countryside. The impact of the facility will be temporary and there would be no long term deterioration in the landscape value.
51. As with the previous application the visual impact of the facility on the countryside would be reduced by it being set down into the landfill site, by the surrounding landfill profile both now and when restored, and by tree and shrub planting.
52. As with the previous application there are no objections from those statutory consultees with relevant responsibilities on matters such as flooding, health, pollution and transport as long as appropriate measures are included by

conditions and agreement. More recently the Environment Agency has confirmed that they will grant an Environmental Permit for an Energy from Waste facility located at Ardley. Ecological, geological and rights of way matters can also be satisfactorily dealt with by conditions and agreement.

53. In considering the previous application the Planning & Regulation Committee members took the view that, contrary to the officer's recommendation, the need for this development did not outweigh the permanent harm that the proposal would cause to the countryside.
54. This application specifically addresses that concern through the imposition of a condition that would result in the development being time-limited.
55. My recommendation therefore is for approval of this development.

Recommendation

56. **It is RECOMMENDED that subject to legal agreements to cover the following matters:**
 - (i) route of all large HGVs to/from the M40 via the B430 through Ardley;
 - (ii) provision of a construction travel plan – all vehicles to be routed to/from M40 via B430 through Ardley;
 - (iii) provision of an operational travel plan, with £1k monitoring fee;
 - (iv) provision of a pedestrian crossing on the B430 in Ardley;
 - (v) commitment to submitting an application to divert bridleway 27;
 - (vi) funding for improvements to the Rights of Way network;
 - (vii) long term maintenance of the restored landfill;
 - (viii) public access to the old quarry face;

the planning application for the development described in planning application 10/00849/CM be approved subject to conditions to be determined by the Interim Head of Sustainable Development but to cover matters to include the following:

- 1) detailed compliance; (in accordance with submitted plans/documents);
- 2) detailed duration – 3 years;
- 3) consent limited in duration to 35 years from the date of facility becoming operational;
- 4) notwithstanding Condition 3, if the plant ceases to be used for a period of more than 36 months a scheme for demolition and removal of the building, and subsequent restoration to be submitted and agreed;
- 5) no waste to be treated until link to electricity grid is completed;
- 6) construction works not to start until construction of new access begun;

- 7) no traffic movements (apart from staff working at the EfW plant) except during between:-
 - 7 am – 7pm Mondays to Fridays;
 - 7 am – 1pm Saturdays and
 - on 12 nominated Saturdays 1pm-4pm (hours to be agreed)
 - Sundays (there shall be no more than 10 vehicle movements on Sundays)
- 8) notwithstanding Condition 7, hours of operation of site for receipt of waste from OCC Household Waste Recycling sites to be agreed;
- 9) hours of operation of Household Waste Recycling Facility to be agreed;
- 10) construction hours to be agreed;
- 11) EfW may operate continuously but no outside operations except during hours agreed under Condition 7 (other than for essential maintenance etc);
- 12) submission and implementation of a scheme to ensure that the waste treated is residual;
- 13) plan to be agreed for incinerator bottom ash operations;
- 14) details of changes for bridleway 27 provision on definitive line and implementation if line not diverted;
- 15) implement approved flood risk assessment and site drainage plan;
- 16) agree details of groundwater and surface water drainage plan;
- 17) agree plan for external lighting;
- 18) details of design and location of CCTV cameras to be submitted and agreed;
- 19) no external lighting outside hours permitted for traffic movements except for site safety and security;
- 20) recording of dinosaur footprints;
- 21) maximum of 500,000 tpa of waste to site until landfill completed;
- 22) maximum of 2,000 tonnes of waste to site each day until landfill ends;
- 23) restoration/landscape plan to be submitted and agreed;
- 24) tree retention/protection measures to be agreed;
- 25) no removal of trees/hedgerows during bird breeding season;
- 26) pest control measures to be agreed;
- 27) with exception of Household Waste Reception Site, no waste other than that associated with EfW plant to be sorted/stored on site for disposal elsewhere;
- 28) any gates/fences that are damaged to be repaired;
- 29) no mud on highway;
- 30) no reversing beepers (or other means of audible warning) to be used other than white noise;
- 31) all plant/machinery etc. to use equipment that minimises noise;
- 32) prior to commissioning of EfW plant, a Combined Heat and Power (CHP) feasibility review to be submitted and approved. Any scheme approved to be implemented;
- 33) signage on B430 to be agreed prior to occupation of EfW plant;
- 34) fencing details to be agreed;
- 35) schedule of external materials to be used to be agreed;
- 36) details of leachate treatment plant to be agreed;

- 37) access details/arrangements to be agreed after landfill operations completed;
- 38) details of wheel washing proposals to be agreed;
- 39) location of landfill gas wellheads and collection mains to be agreed;
- 40) surface water drainage details to be agreed;
- 41) landfilling to cease by 2019;
- 42) household waste recycling facility to be removed by end of 2018;
- 43) if landfill operations cease for a 12 month period at any time before landfilling is completed, reinstatement and restoration scheme to be submitted and agreed;
- 44) hours of use for landfill operations to be agreed;
- 45) phasing of landfill/restoration to be in accordance with approved plans;
- 46) details of soil storage bunds to be agreed;
- 47) topsoil to be retained on site. Details of working of any imported soils to be agreed;
- 48) depth and quality of soils above capping layer to be agreed, soils to be handled only in dry weather conditions;
- 49) aftercare scheme to be submitted and agreed;
- 50) skip storage restricted to Household Waste Recycling facility or at location to be agreed;
- 51) all Oxfordshire MSW shall be processed through the plant;
- 52) no waste to be imported or processed other than from Oxfordshire or from adjoining authorities;
- 53) records of daily tonnage, origin and nature of waste to be kept.

Informative:

Local Liaison Meeting to discuss EfW operations to be established.

MARTIN TUGWELL
Interim Head of Sustainable Development

Background Papers:

- Planning application documents and consultation responses – <http://myeplanning.oxfordshire.gov.uk> Search for reference MW.0078/10
- Reports to Planning & Regulation Committee 19 October 2009 (Item no. 57/09) –
 1. 'Planning Applications for Energy from Waste applications Covering Report'
 2. 'The Construction and Operation of an Energy from Waste (EfW) Facility together with Associated Office, Visitor Centre and Bottom Ash Recycling Facilities, New Access Road and Weighbridge Facilities and the Continuation of Non Hazardous Landfill Operations and Landfill Gas Utilisation with Consequent Amendments to the Phasing and Final Restoration Landform of the Landfill, Surface Water Attenuation Features and Improvements to the Existing Household Recycling Facility at Ardley landfill Site, Ardley Fields Farm, Ardley'

Consultation Responses and Representations

1. An extended consultation period was held with a wide range of bodies including 12 Parish Councils and Bicester Town Council. The application and ES were advertised on site and in the Oxford Times. The application was advertised as a departure from the Development Plan. Residents close to the site and everyone who objected to the first application for an EfW plant on this site were notified.
2. Consultees were invited to re-send their comments from the consultation on the first application along with any further comments on the differences between the two applications. Consultation responses received in response to the previous application are reproduced as Annex 2 of this report.

1. Consultation Responses

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

District & Parish Council comments

Cherwell District Council

Object on the grounds that: the analysis of alternative sites is still insufficient and does not provide an adequate basis to consider development which would harm the countryside and that the proposed building and stack would harm the countryside. It would be inappropriate to consider granting permission for this development prior to knowing the outcome of the appeal. If the County Council is minded to approve, it should be subject to the departure procedure and the Secretary of State should be given the opportunity to call it in.

The County Council should consider – the weight to be given to the claim that CHP could be utilised at the Eco-town or elsewhere as it is understood that this would not be economical, the issue of need in the context of the existence of alternative proposals at Sutton Courtenay, whether the development complies with OMWLP policy W3, the highway safety implications of HGV traffic on the narrow bridge. Oxfordshire County Council is asked to ensure that the decision of the planning authority is not unduly influenced by Oxfordshire County Council as waste disposal authority having entered into a contract with the applicants.

Ardley with Fewcott Parish Council

Strong objection. Application is not materially different from the previous one. 30-35 years is long term. Inspector is considering imposing a 20 year life on the facility under the previous application, but this is also a long time. Concern that if the EfW went ahead the M40 would allow further industrialisation of this rural area. Proposed eco-town is not a viable recipient of CHP. Industrial and commercial users would be far more suitable. Future of the eco-town is uncertain but if it did go ahead it could

produce its own energy. Building would be large and incongruous in the rural landscape.

The objection to the original application is appended.

Bucknell Parish Council

First Response –

Concern about the submission of a very similar application before the inquiry for the first application:

- Increased workloads for everyone, especially hits Parishes with limited resources
- Surprised it has been accepted for consideration
- Determination should be delayed until outcome of inquiry
- Would cause a waste of resources if this application is approved before inquiry

Encloses comments made by 19 councils in March 2009.

Second Response –

Questions the differences between this application and the first application, put forward by the applicant. Quotes Audit Commission statements on incineration. Coalition government wishes to be the greenest government. ES does not show impact of the electricity supply line.

Middleton Stoney Parish Council

Objects. Application is not considered to be materially different from the previous application. This dual-tracking breaches regulations. Increase in traffic is unacceptable. Up to date traffic analysis should be submitted. OCC have not stress tested the figures for increase in vehicles. Applicant assumes all vehicles are fully loaded and talks of 202 trips per 12 hour day, which actually means 404 movements. Provide figures showing that daily movements to the site will increase threefold and HGV traffic would be a 60% increase. There would be a deterioration in road safety. Increase in risk of accidents at the railway bridge where two HGVs cannot pass simultaneously. Although Viridor claim that the raised seating position in HGVs would mitigate this, this is not true of RCVs. Middleton Stoney traffic lights are already operating at capacity and this is not dealt with adequately in the application. Figures in the application suggest speeding on the B430. Development would not accord with the proximity principle. Ardley already has high levels of Nitrogen Dioxide concentrations and this increase in traffic would make it worse. There is no need for a facility of this size.

Provides appendices on traffic showing their calculations of present and future HGV generation, the mileage from various sites to the development and a road safety assessment.

Hardwick with Tusmore Parish Council

Objects. Increase in HGV traffic on unsuitable roads. Increased pressure on junctions 9 and 10 of M40, which are already congested. Concern over health risks, especially in the long term. It is environmentally unfriendly in terms of the carbon footprint from the emissions and also from traffic.

Bicester Town Council

Object. Second application does not provide any real advance on the first. The application should be considered in relation to Bicester eco town status. Encloses response to first application.

Stoke Lyne Parish Council

Strongly object for the following reasons:-

Traffic – the local work network cannot support the increased traffic. Oxfordshire Local Transport Plan recommends that the road be downgraded and weight restricted. There would be a considerable visual impact on the area. Concerns regarding health and pollution.

Somerton Parish Council

Object. Previous comments still stand. Since the previous comments were made permission has been granted for development at Upper Heyford, which would bring extra road traffic onto the same road system. Road system is already at capacity. Any incident would cause large overflows of traffic through the village.

Launton Parish Council

Object. Views are in essence as they were for the previous planning application. Comments on previous application enclosed.

Croughton Parish Council

Object. Concerns about adverse impacts on parish environment, particularly in terms of air quality and traffic movements. Significant increase in traffic movements would mean increased problems in terms of pollution, traffic vibrations and accidents. There will also be additional traffic from other developments, such as the eco town at Bicester. Air quality is already poor and increased traffic will make it worse. Questions the wisdom of expending considerable resources on a facility with a short life span.

South Northamptonshire

Object. Concerns have been raised about whether this application is premature in the absence of a Minerals and Waste Development Framework. Would like to see all other possible alternative sites properly and thoroughly assessed through the development framework process. The structures, particularly the stack will be seen from as far north as Aynho, Croughton and Evenly. The development will be a

conspicuous and alien feature in many views, which will be harmful to the character and appearance of the countryside.

Aynho Parish Council

Object. There is very little material difference between the two applications and consequently the original reason for the refusal of the first application should form the basis of a second refusal.

External Consultee Comments

Environment Agency

Representation made on previous planning application continues to apply. Support the inclusion of combined heat and power mechanisms within the application. This will offer an opportunity for energy and heat generated by this facility to be utilised in the local area. Summary of comments from report on first application.

HSE

No comments to make regarding nuclear sites – does not fall within consultation distance.

Southern Gas Networks

No objection. No SGN gas mains in the area of enquiry.

Natural England (NE)

No objection, subject to the inclusion of listed conditions. There are six SSSIs within 10 km of the site. Recommends conditions to cover soil handling, dinosaur footprints and SSSI protection. It is relevant to consider the SSSIs in relation to air quality. However, Natural England consider that on the basis of the information submitted with the application, the integrity of the grassland habitats within these SSSIs is unlikely to be significantly affected.

Agrees with the conclusions of the ES chapter on Landscape and Visual Impact. Some local sites will be impacted. Support the proposed landscape mitigation. Planted vegetation should be native and where possible of local provenance, including for the area of wet woodland. Welcomes the submission of an ecological survey and recommend that in-house ecologist should be consulted.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

An amendment was added to the Environmental Statement during the consultation on the first application. This addressed the potential for air quality impacts on Local Wildlife Sites and hydrological impacts on Trow Pool Local Wildlife Site. This information appears not to have been included in the ES for the second application, and should be.

Comments from previous application should be taken into account. There was no objection following the submission of the additional information referred to above.

Highways Agency

No objection.

MOD Safeguarding

No objection on safeguarding grounds. Recommend that the installation be lit in the interests of air safety. The light should be steady and have a setting of 25 candelas. It should be placed at the highest practicable point and be visible from any angle.

Commission for Architecture and the Built Environment (CABE)

Planning application drawings were considered at an internal review meeting on 14th June 2010. Pleased to comment on this facility and applaud the county's commitment to deliver good design.

Landscape - This plant would be highly visible in its rural setting. The design of the landscape surrounding the building should be of the highest quality and could do more to frame the plant.

Architecture – Proposal falls short of ambition for a well-designed industrial building. Scheme is too varied and the range of shapes and materials detracts from the simple strength such a purpose built structure could have. Question whether an industrial building needs this complexity.

Materials – Guiding principles should be efficiency and long life. Combination of numerous materials and the way they meet could cause difficulty in terms of weathering and maintenance. These details should be conditioned to safeguard the quality of the design.

Oxfordshire County Council Internal Consultee Comments

County Archaeological Services

No objection. Proposals are in an existing worked quarry and so development would not disturb any archaeological features.

Rights of Way, Countryside Service

Appendix 4 (Statement of Improvements to PRow) is welcomed and is generally acceptable subject to a legal agreement regarding the planning obligation and prior approval by the Countryside service of proposed route and treatment of the on-site measures and the details of timing for these works to be undertaken.

The proposed measures regarding the reinstatement of the bridleway along its pre-diversion route through the EfW site and attenuation pond are noted. The efforts to demonstrate the accommodation of the EfW facility to the line of the bridleway by

moving the roundabout and access facility, and the associated fencing and safety/signing seem reasonable.

In terms of the proposed diversion note that the Definitive line of Bridleway 27 runs across the planning site of the EFW. The bridleway is currently diverted via a temporary diversion Order around the edge of the site until 2017 where upon it will revert to its Definitive route.

Transport Development Control

Initial response was to recommend a “holding objection” until an updated Transport Assessment was submitted.

The second response, commenting on the updated Transport Assessment, is that there is no objection in principle subject to the following provisos:

1. The total amount of tonnage to the site should be restricted to that considered in the Transport Assessment.
2. Prior to commencement of work the access arrangements (new priority T-junction access including the right turn lane (Section 278 Agreement works) are to be approved in writing by the Planning Authority and constructed to local highway authority specifications.
3. A financial contribution of £15k (index linked to November 08 Baxter Index) to be secured towards transport infrastructure in Ardley.
4. A financial contribution of £1,000 for Travel Plan monitoring to be secured via a S106 Agreement.
5. A routing agreement to be entered into by the applicant/developer with operating time restrictions.
6. A Travel Plan to be submitted to the Local Planning Authority prior to the first occupation of the EFW facility.
7. Annual tonnage of waste to enter the site is to be limited to 500,000 tonnes with a daily maximum of 2,000 tonnes.
8. Cycle parking to be provided as on submitted plan;
9. Parking to be provided as on submitted plan.

Ecologist Planner

Comments made in relation to the first application continue to apply:

Ecology

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

The main concern is the potential indirect impact of chimney emissions on Ardley Cutting and Quarry SSSI which is only 0.8 km from the proposed EfW plant. The quarry supports a number of protected species including a large population of great crested newts. However, Natural England has no concerns for SSSI, protected species and geodiversity and, therefore, I have no objection.

There are 26 local wildlife sites within a 10 km radius of the site, 3 within 2 km. However, the Environment Agency permit regime will take account of local wildlife sites and protected species and the quality of discharges necessary to protect human health means impacts on wildlife are unlikely.

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

Landscape

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

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

More exotic and non-native species are proposed immediately around the EfW Plant.

I have no objection to these as they will generally be hidden and will not conflict with general landscape character.

Visual Impact

The landscaping could not screen the top of the chimney stack only mitigate some of the visual impact. The stack and plume will be clearly visible and it will remain a permanent feature in the local landscape.

2. Representations

There have been 133 representations from members of the public. This includes one letter of support, the remainder are objections.

The main areas of concern are traffic including safety, congestion and amenity; the countryside location; that the second application should not be considered; that 35 years should not be considered as temporary; air pollution and health risks. The main areas of objection are set out below.

Officer comments are set out in italics below the objections.

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

Traffic – general/congestion

Increased congestion at M40 junction 10; all movements by road as no rail link; congestion on A41

The B430 has sufficient capacity to accommodate traffic from this development. The B430 and motorway junctions are congested only at peak times and when there is congestion on the M40. The proposed development traffic could access at peak times but would not materially add to that congestion or exacerbate its effects as it would represent only 1% of the total traffic on the B430. The Highways Agency is not concerned about the proposed increased levels of traffic on the M40, A34 or A41.

Traffic – B430

Additional lorries on the B430 would be dangerous; the B430 set to be downgraded; local roads are not suitable; already problems of speeding on local roads; HGVs on B430 will encourage other traffic to use minor roads; there are more appropriate HGV routes

The capacity of the B430 is adequate to take the traffic associated with the development. The downgrading of the road classification is a matter for the Local Transport Plan. Traffic related to this development would be subject to the same speed restrictions as other traffic so there is no reason to believe that the development would cause a speeding problem.

Traffic – Impact on Rights of Way

Impact on horse riders accessing local bridleways

The B430 is designed to act as a road for all traffic, including HGVs. Its capacity is adequate to take the increase. If the development is approved then there would be improvements to the local rights of way network.

Traffic – Environmental Impact

Additional lorries cause pollution; increased carbon emissions

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

Traffic – Accident risk

Risk of damage to property; highway safety; high incidence of HGV turn over/accidents; roads too narrow for HGVs especially on railway bridge; dangerous access; carrying hazardous APCR

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

There have not been any accidents at the railway bridge during the life of the landfill site as drivers have good, long visibility when approaching it. Otherwise the B430 is wide enough to accommodate HGVs travelling in both directions. If permission is given the new access arrangement would be designed to ensure it is safe. It should not materially increase congestion on the B430. The transport of hazardous materials such as APCR is covered by other, non-planning, regulations.

Traffic – Condition of road

Increased cost of road repairs; poor road surfaces; mud on pavement and road; rubbish from uncovered lorries

The B430 is not in a bad condition. If permission is given the Council, as Highway Authority, would monitor the site during the construction period in order to secure rectification of any damage caused. HGVs accessing the EfW plant would not pick up dust and dirt. HGVs accessing the landfill would need to use a wheel wash. An appropriate condition to keep mud off the highway would be required if permission is given.

Traffic – Amenity concerns

Noise; low frequency sounds impact on health; vibrations

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

Traffic – Improvements needed

Need for lights; need for crossings; need for street lights; slower speed limits required

The Highways Authority has assessed what is needed to ensure that this development does not have an unacceptable impact in terms of traffic. Should permission be granted, appropriate measures would be secured through a legal agreement.

Traffic – Information inadequate

Lack of traffic assessment; OCC assessment is based on old data

An updated Transport Assessment was submitted with this application as part of the EIA; this has used the most up to date data.

Air Quality and Health Risks

Air pollution – general; health concerns; health impact on young and old in particular; weather conditions could prevent dispersal of emissions; wind will blow emissions to residential areas; already very poor in this area.

Health risks – future generations; not enough is known (long term); old and young.

Technology – unproven safety wise; proven to cause harm; fear of a large scale disaster; higher pollution levels than gas powered station.

Food chain – could get polluted

Pollution – of soil, water and air

The comments all relate to health impacts of the development and air pollution issues. These have been addressed in detail as part of the Environmental Permit application which is considered by the Environment Agency and upon which the Health Protection Agency provide comments. The Environment Agency has now issued an environmental permit for a EfW facility at this location.

Alternatives

Alternative technologies should be considered – non EfW; more up to date EfW; increase in recycling and re-use

These are primarily matters for consideration as part of the procurement process. The planning authority is required to consider and decide the proposal before it.

Location

Close to eco-town – inappropriate; sandwiched between incinerators (one proposed between Edgcott and Calvert); area has suffered enough – wind farm, eco-town; near children's playground; proximity to residential areas; impact on SSSI; poor location to serve rest of Oxfordshire; there are other more suitable locations; industrial process not suitable for rural area/landscape/Greenfield; lack of site assessment; loss of countryside/farmland

The report on the previous application considered the locational aspects of the development at some length. There are some disadvantages in the location in terms of the need for and effects of increased transport and its location in the countryside. An alternative site assessment was submitted with the current application. The development is not located in unduly close proximity to residential areas.

Biodiversity

Biodiversity – in breach of wildlife and countryside act

The applicants carried out appropriate biodiversity surveys as part of the Environmental Statement and the results have satisfied English Nature, BBOWT and the Council's ecologist. Proposals for new habitats for protected species have been made for the restored landfill and some of them are already in place on the existing restored landfill. The applicant is willing to enter a 20 year agreement to manage these new habitats.

Combined Heat and Power

Excess heat would be wasted; wouldn't be linked to Eco-town

The applicant suggests the proposed North West Bicester Eco-Town as a potential user of CHP. The lack of more advanced plans for the use of CHP is disappointing.

Visual Impact

Visual impact on landscape – building and stack; impact on historic conservation area; unattractive/inappropriate building design

The proposal for a time limited development – taken to be 35 years - would mean that the visual impact of this development would not be permanent.

Objections specific to second application

Inappropriate to consider second application before appeal decision on previous application; inappropriate to consider as it is very similar to the first, which has been turned down; 35 years should not be considered temporary; new application fails to address old problems

This application has been submitted and should be determined within a reasonable timescale. Legal advice has confirmed that it is not inappropriate to determine this application prior to the appeal decision on the first application.

While the current application is very similar to the previous one, a significant difference is the applicant's willingness to accept a condition limiting the life of the development to 35 years. This is a material change.

A permission with a condition to remove the development at the end of fixed period of time is different to a permanent consent without that restriction.

Concerns about Applicant

Viridor have a lack of experience in this technology; Viridor are likely to apply to extend contract after 35 years.

Viridor are a major waste disposal company and the proposal is for a tried and tested technology. The company must comply with any conditions imposed on any planning permission or Environmental Permit and operations would be monitored. The company has stated its willingness to accept a planning condition limiting the life of the plant to 35 years.

Impact on Recycling

Recyclable waste would be burnt; recycling rates will decrease - will reduce incentive

An EfW Plant would not prevent targets for recycling being achieved; it is designed to deal with residual waste.

Impacts on Amenity

Light pollution; noise from construction and operation; odour; operating hours - 24-7, 365 days per year

The environmental effects of a facility of this type were considered as part of the previous application and it was concluded that they would not result in material objections to the proposal.

Economic Concerns

Commercial endeavour (profit driven); damage to the economy; financial burden on council/taxpayer; conflicts with development plan policies; job creation is poor; long term nature of contract – 35 years no break clause

These matters are not materially relevant to the consideration of the planning application with the exception of the matter of need for the development to be decided in accordance with the development plan unless material considerations indicate otherwise. Assessment of the development plan has been carried out by officers and the outcome is to be considered by the Council's Planning and Regulation Committee.

Size of plant

Too big for County's waste; should be a number of smaller incinerators

The application that has been submitted must be determined on the basis as to whether it is acceptable in planning terms. The suggestion for a number of smaller plants is not supported by any specific planning policy guidance

Objections

District & Parish Councils oppose – would be undemocratic to negate their opinion; local people should not be ignored; objections from bodies including district council, RSPB, BBOWT; other green institutions e.g. Friends of the Earth and Green Peace are opposed

The views of all consultees and members of the public are set out in this document for consideration. The decision must be made in accordance with the Development Plan unless other material considerations indicate otherwise.

Flood risk

The applicant and the Environment Agency (EA) have considered effects on the water environment in detail and have concluded that subject to appropriate planning conditions and licences from the EA there was no objection with regard to effects on the water environment.

Production and transport of hazardous waste ash (APCR)

The transport of ash precipitated from the flue of the EfW plant has been considered in the applicant's Transport Assessment and the Council's Highway Engineers consider that the local roads have sufficient capacity to deal with such transport. The Environment Agency also control the transport of waste and need to be assured that such transport is safe. It is not a matter for the planning application. The landfill near Cheltenham is licensed by the Environment Agency to take the ash which is classed as a hazardous waste. The landfill at Ardley is not licensed to take hazardous waste. The amounts of flue dust that would be created are no so great that there is a clear planning advantage in depositing them in any special cells at Ardley.

Landfill should be restored as planned

The current landfill is expected to last to 2017. If permission is given there will be a reduction in inputs but also a reduction in void, to accommodate the EfW Plant. The resultant life of the landfill would be an additional 2 years. Restoration would take place progressively, as now, but overall restoration would be delayed for two years.

Reduction in house and land prices

The effects on property prices are not a material planning consideration.

Monitoring – not enough, would be scheduled

The points made on monitoring appear to relate to issues that addressed by the Environment Agency as part of the Environmental Permit, rather than by Oxfordshire County Council in relation to monitoring planning conditions. Compliance with matters covered by planning conditions would be monitored by Minerals Waste Monitoring Officers several times per year if permission was granted. Planning conditions should not cover matters which are covered by the environmental permit. The Environment Agency could issue an enforcement notice if any condition on an environmental permit is contravened, or even if they think it likely. The Environment Agency also have powers to take steps to remove a serious risk of pollution or to remedy it and recover the cost from the operator.

Conflict of interest in decision making

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

Public Rights of way would be adversely affected

If permission is given there would be improvements to the Rights of Way network.

Impact of development on dinosaur footprints

This application covers protection of any dinosaur footprints and access to the remaining quarry face. It includes building a visitor centre which if permission is granted, could be used for educating the public on natural history of the area.

Waste would be imported from outside County

It is recommended that the source of waste should be controlled through condition.

Consultation Responses to previous application

The following consultation responses were made in response to the previous application – they were previously presented as an annex to the report considered by this Committee in October 2009.

They are reproduced here given that consultees to the current application were offered the opportunity to resubmit their response to the previous application

Consultation – 1st Round

1. Cherwell District Council

Object on the grounds that:-

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

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

2. Ardley with Fewcott Parish Council

Strong objection on three grounds:-

1. Unsuitable location for this type of waste treatment facility, it is contrary to national, regional and local policy.
 2. the implications for health have not been properly addressed to accord with PPS 10 or PPS 23; and
 3. there are inadequacies in the ES.
- 1a. Inappropriate development in terms of type and location
- The process of selecting locations and types of facilities for Oxfordshire's residual waste has been at best obscure and misleading, contrary to the

requirement for a Waste Development Framework (WDF) and to OCC's stated approach for selecting sites and technologies (appendix B of Waste Sites Development Plan Issues and Options Consultation March 2007).

- OCC was inviting submissions for treatment facilities at the same time as asking the public to comment on site selection. The Parish Council has never been 'informed', 'consulted' or 'involved' in inviting companies to submit tenders for treating residual waste as was promised in the Statement of Community Involvement.
- OCC's website states that consultation on possible waste sites will take place as part of the WDF process. It is a sham. The market has dictated the location and type of facility to be provided.
- If planning permission is granted the public's comments on site selection cannot be incorporated. Lack of transparency has caused distrust and stress.
- The choice of EfW by the market does not take into account future changes in technologies, policies, economics or the benefits of a 'mixed bag' of solutions.
- Both applicants for planning permission (Ardley and Sutton Courtenay) claim their site is best which indicates bias in the site selection process.
- By inviting two companies to propose solutions in a competitive process permission needs to be granted to both to keep competition alive which will be contrary to policies WM1 and WM2 of OSP. If two permissions are granted how will development be stopped at the other in order to comply with WM1 and WM2?
- We understand Viridor will operate an EfW plant even if not awarded an OCC contract by burning C&I waste. They would appeal any refusal. They would bring in waste from other parts of the UK.
- If permission is granted a condition is requested that only Oxfordshire waste be treated to accord with the proximity principle.

1b. Unsuitable technology

- An incinerator only generating electricity wastes huge amounts of heat. The European Commission's thematic strategy on waste prevention and recycling says 'at low efficiencies incinerators might not be more favourable than landfill'.
- Policy W12 of SE Plan says EfW should only be part of an integrated approach with other technologies. An Ardley permission would not allow an integrated approach with other technologies for 25 years.

- OSP policy EG2 says new energy generation plant should include combined heat and power or waste heat recovery.
- OCC's needs assessment in 'Waste Arisings, Capacity and Future Requirement Study: Final Report January 2008' suggests one small residual waste treatment plant now and 4 more small plants by 2022. That would allow different technologies and be compliant with policy W12. One plant would ignore OCC's Needs assessment.
- The potential for heat use does not constitute a 'material consideration'.
- The applicant has not demonstrated in detail users of any heat although they suggest Upper Heyford (2 kms) or Bicester (6 kms). It is questionable whether the suggestions are realistic.
- If permission is granted there should be a condition to provide each house in Ardley with Fewcott, at no cost to the occupants, heat from the EfW.

1c. Unsuitable location

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

main sources of waste – our urban centres. Efficient use of energy in combined heat and power and minimising transport distances and encourage more efficient waste management.

- An Ardley plant could ‘suck-in’ waste and conflict with policy W3 of MWLP which states that motorised journeys should be minimised.
- The fact that the site is under the control of the waste management industry is not a PPS 10 criterion for site selection for waste facilities.
- The 50 employees would have to travel by car contrary to policy E1 of OSP which states development should be in or adjacent to urban areas with good accessibility from residential areas.

1d. Traffic Impacts

- There is no alternative to transport waste other than by road – an unsustainable method. Traffic generation figures of 404 HGV loads a day are based on 180,000 tonnes of waste a year being imported, but the facility would have a capacity for 300,000 tonnes a year so vehicle movements are a gross under-estimation.
- There is insufficient detail on the suitability of the road network, routing agreements and positions of waste transfer stations, contrary to EIA regulations.
- It is contrary to PPS 10 which says consideration should be given to the social fabric of communities and PAs should reduce social inequalities to deliver safe, healthy and attractive places to live.
- Most traffic would pass through Ardley to the serious detriment of the village.
- The increase in vehicles means NO₂ limits in Ardley will be exceeded leading to the declaration of an Air Quality Management Area.
- It is not sensible to route all Oxfordshire’s residual waste on a route already at capacity (M40 between J9 and J10 and the A34).
- There is no meaningful travel plan so is not compliant with G2 of OSP.
- There is no detail associated with IBA aggregates.
- If permission is granted there should be a new stretch of road to the east of Ardley village from J10 to the B430 at the railway. It should be in cutting and with low noise surfacing to the satisfaction of Ardley with Fewcott PC.

1e. Visual Impact

- The EfW building is of an overbearing scale, is not a landmark building but is an ugly, industrial one out of keeping with rolling fields of the area and will have a detrimental effect on conservation areas at Ardley, Fewcott and Middleton Stoney.
- If permission is granted the design and layout should be changed to ensure it is not visible from any location.
- The aerial view is unfortunate and I would not want it to become the Cerne Abbas Giant of the 21st Century, the layout should be changed.
- It is contrary to OSP policy G2 as its scale is inappropriate, harms the character and amenities of the area and does not have a high quality layout.
- It is contrary to OSP policy G5 in that it harms the countryside and OSP policy EN1 in that it will not protect, maintain or enhance landscape character.
- Light pollution will be caused at night in an area that has no major light pollution.
- The landscape scheme is confusing and full details of landscaping should be applied before any permission is granted.

Ecological Impact

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

2. Implications for Health

- As OCC decided 'to ensure an independent assessment of health risks before commissioning any Energy from Waste Facility' 15 January 2009 it had concerns on health aspects of incineration.
- The HPA states 'there is no doubt air pollution (from all sources) can have an adverse effect on the health of susceptible people (young children, the elderly and those with respiratory diseases). Ardley has 121 over 60's and 172 under 16's and a Nursing Home with 35 beds and an active crèche at the Community Hall.

- We support an independent assessment of health risks and consider it is a material consideration as per (PPS 10).
- Viridor do not operate incinerators of this size and will be learning on the job and accidents will be caused. There is no comfort that it can operate safely.
- There is no permit application, against advice in PPS 23 that there should be. There is no indication that the P.C. could review the permit in the timescale of the planning application.

3a. Inadequacy of the ES

There is no consideration of:-

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

3b. Cumulative effects

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

3c. Climate Change

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

3. Bucknell Parish Council

Strong objection.

1. Traffic

- No detail of impact on local roads, which are congested.
- Waste tonnage will increase. Waste should be dealt with locally.
- HGVs frequently overturn on tight roundabouts on J10.
- No assessment of impact on County's waste transfer stations.
- Other developments will add to local traffic.
- Development will increase HGV by 45% on B430.
- B430 is congested and railway bridge cannot be traversed by two HGVs together.
- Congestion on A34 will adversely affect the national economy.
- Congestion at J10 and J9 means increased traffic in Bucknell, more traffic means more congestion on roads without pavements.
- More pollution and emissions, poorer safety.
- Development will add to congestion and further distress to residents.
- Would involve long lorry journeys across the county and beyond.
- Roads into Bucknell do not get serious repairs. Development will compound negative road quality and poor air quality.

2. CHP

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

3. Ecology

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

4. Flooding and Water Pollution

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

- Risk of flooding is high. How will pollution of watercourses be stopped.

5. Emissions

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

6. Fly Ash

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

7. Agriculture

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

8. Recreation

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

9. Buildings

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

10. EIA

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

11. Incineration

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

12. Technology

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

13. Visual

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

14. Other

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

15. Questions

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

- Does incineration make air quality worse and does not contribute to improvement of air quality as suggested by national and local policies?
- Is incineration safe?
- Should there be mandatory continuous automated monitoring data for all pollutants with WID emission limits? Should it be reported online in real time?
- Low emissions can only be achieved if technology is reliable. Can that be guaranteed?
- Are there plans to measure current levels of contamination in the local environment and to monitor them? Who would do it and for how long?
- Has work on distribution of emitted particles in different wind sectors been carried out?
- Who would be responsible if adverse health conditions developed?
- Will breaches in emission limits always result in fines?
- How vulnerable is underlying aquifer to contamination? Who would be responsible if the aquifer was contaminated?
- How soon would the public be notified of a disaster? Would there be an Action Plan to deal with a disaster?
- Is it not contradictory to grant a permit for an incinerator when there are eco-developments proposed nearby?
- There is insufficient analysis of carbon dioxide release. How much CO₂ is being contributed to global warming?
- Will significant local traffic increase take place and consequent pollution?
- Do you agree that CHP is not possible because of lack of connections and that makes the Ardley proposal not economically and environmentally acceptable?
- Do you agree that there has been no demonstration that incineration will not undermine the waste hierarchy?
- Do you agree that incineration has a very low energy efficiency compared with other waste treatment methods?
- Do you agree that incineration destroys materials which could be recycled meaning that more raw materials are used in industry?
- To reduce global warming reduction, reuse and recycling are needed. Is it not time to discourage incineration?
- Can we be assured that Gagle Brook will not be contaminated?
- Can we be assured that there will be no contamination from the IBA area in dry windy weather or wet weather?
- If house prices go down, who will be liable to pay compensation?
- Should a company with virtually no experience in operating EfW receive a permit?
- Two incinerators would mean waste is drawn from surrounding counties contrary to the proximity principle.

4. Middleton Stoney Parish Council

Objects to incinerator for the following reasons:-

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

5. Somerton Parish Council

Traffic

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

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

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

Other Aspects

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

6. Lower Heyford Parish Council

Objects on transport grounds as B430

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

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

7. Caversfield Parish Council

Objects on following grounds:-

- risks to public health and the environment. There is more public information to show there are risks than not;
- increase in traffic will significantly impact on congestion levels on the strategic road network and damage regional and national economies. The M40 by the site has the second highest incidence of accidents of any road in the country;
- congestion will worsen with a knock on effect into Warwickshire, Northamptonshire and Buckinghamshire. Congestion on J10 will concern the Highways Agency and jeopardise implementation of the Route Management Strategy for the A43/A45;
- there will be an increase of 25 HGV movements an hour on the A34 between Pear Tree roundabout and the B430, which is already congested.

8. Bicester Town Council

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

a) Road Infrastructure

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

b) Health Issues

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

c) Local heat and power

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

d) Technology

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

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

9. Stoke Lyne Parish Council

Strongly object for the following reasons:-

- traffic – road network cannot support increased amount of HGV traffic. Oxfordshire Local Transport Plan 2011 recommends that the B430 be downgraded and a weight restriction imposed. Congestion problem in area would be increased;
- visual impact – incinerator equivalent in size to a football stadium with chimney 78 m high. Will have considerable visual impact especially on surrounding villages;
- health and pollution – many concerns which should be fully and independently investigated so no detrimental impact on local health and will not pollute.

10. Chesterton Parish Council

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

11. Steeple Aston Parish Council

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

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

- alternative sites should be evaluated on a like for like basis.

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

12.HSE

No objection.

13.National Grid

Negligible risk to gas and electricity networks.

14.SSE Power Distribution

No objection. Have marked existing plant and cables.

15.Natural England (NE)

- There are six SSSIs within 10 km of the site. Grassland habitats within them are unlikely to be significantly affected. Ardley Cutting and Quarry SSSI is unlikely to be affected provided conditions are attached covering:
 - No equipment, materials or machinery stored within the SSSI.
 - No encroachment of landfill materials or waste machinery.
 - No deposition of windblown rubbish or dust.
- Dinosaur footprints and trackways have been found on the site but only areas outside the site are eligible for SSSI designation. If footprints are found they should be mapped and recorded, buried under landfill or lift or relocate them to protect them from weathering.
- Mitigation measures for bats, badgers and great crested newts are satisfactory.
- The proposal is unlikely to impact on AONBs. Full consideration of potential impacts from local viewpoints should be made.

16.Oxfordshire Geology Trust (OGT)

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

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

See the comments under 'Consultation 2nd Round' later in this annex.

18. Highways Agency

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

19. South East England Regional Assembly (SEERA)

Permission should only be granted if:

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

If permission is granted conditions/agreements should secure:

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

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

- Applaud the county's commitment to good design.
- More information is needed to fully assess the visual impact of the building. Not convinced it is fully successful. It is a landmark building due to its unusual dimensions. It is highly visible from motorway and train line and can be seen from surrounding villages. Need to assess how it addresses the site and how it

looks from distance. Landscape around it should be of high quality, but that is not yet achieved.

- The building should contribute to a sense of local identity and regional diversity and be of appropriate design and scale for its location (PPS 7). Information provided so far does not assure us that that has been achieved.
- Proposed scheme is too varied and range of shapes and materials distracts from the simple strength such a building should have. It should be simplified. The current shape would generate disadvantageous spaces in the building, for example the ash storage roof is too low.
- Question the choice of materials. They are too numerous and could cause detailing difficulties. Detailing should be controlled by condition. More sustainable materials, such as timber, could have been used.

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

21. British Horse Society

See revised response under 2nd Round Consultations in this annex.

22. Campaign to Protect Rural England (CPRE)

Object as:

- Building with 82 m stack gives industrial feel to a very rural landscape. Query the scale.
- B430 is overloaded and this development would mean 125,000 movements a year. A comprehensive survey is needed of traffic, air quality and CO₂ emissions.

Why does county need two 300,000 tonne p.a. incinerators when it only produces 175,000 tonnes p.a. of waste to dispose of? Other counties' waste will be brought here. It is sensible to keep incinerators small to minimise impact on the landscape, minimise lorry miles and minimise CO₂ emissions and put combined heat and power closer to where it is required.

23. County Archaeological Services

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

24. Rights of Way, Countryside Service

See revised response under 2nd Round Consultations in this annex.

25. Transport Development Control

See revised response under ES Notifications in this annex.

Consultation 2nd Round

26. Cherwell District Council - Planning

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

27. Cherwell District Council – Environmental Protection

An enquiry from a member of the public regarding NO₂ concentration at a recording site at Ardley was responded to. A concentration of 40 ug/m³ was recorded. The recording point was beyond the Ardley Community Hall towards J10. As the public are not regularly present close to the road in this area for long periods NO₂ may be exceeded without risk. Following further assessment it is concluded that traffic generated by the proposed EfW during construction and/or operation is unlikely to cause the annual NO₂ concentration to be exceeded at sites where the public may be at risk.

28. Ardley with Fewcott Parish Council

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

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

Item 2A (Further traffic information)

- The OCC Highway request for net traffic interest borne by the proposed development misses the point that the strategic road network is over capacity and glosses over location issues.
- Ardley is in a corner of the county away from sources of waste.
- Proximity is the primary consideration so the strategic road network is not congested unnecessarily.
- Transporting waste costs huge sums annually so fuel costs are more important than facilities being near a trunk road.
- EfW facilities are compatible with urban areas.
- The Parish Council have repeatedly asked for a pedestrian refuge along the B430 as it is dangerous to cross to get the school bus in the rush hour, but have been told by OCC Highways that the road is not suitable for it. We find it strange, but welcome, that one is proposed. But pedestrian crossings cost £120,000, how can £15,000 meet costs?

- The application is misleading in its assessment of traffic. It only calculates the increase over current levels. All the new movements should be used in calculating the traffic effect on Ardley.
- As the landfill will continue to operate at 300,000 tonnes per year the new facility will result in a doubling of traffic with all HGVs routed through Ardley and onto the already congested M40/A34 with detrimental effects on air quality and amenity in the village.
- The Highways Agency website says there is already a problem with the A34/M40 any increase will make the problem worse.
- OCC Highways comments that increases would not warrant refusal are incorrect.
- Transport is a key factor for this application, sustainability policies will be contravened, there will be additional congestion and queuing leading to increased costs to users in financial and emission terms, there will be a loss of amenity in our village, air quality limits will be exceeded and excessive costs for Oxfordshire residents would result from the distance traffic has to travel.
- All construction traffic would be routed through Ardley. There is no assessment on the effects of that construction traffic travelling through Ardley with respect to air quality, amenity and noise.
- The applicant argues that being close to the strategic road network makes the site sustainable. However, it is not the closeness to the road network but its adequacy and proximity of the source of waste that needs to be considered.
- The lack of proposals to link the site to the Chiltern railway line demonstrates a lack of sustainable credentials to this project.
- The proposed green travel plan does not contain details of how workforce traffic will be reduced. There is no alternative other than to drive.

Item 3A (Hours of Operation)

- Applicant has not taken OCC Highways recommendation for restricting waste delivery times to avoid congestion times on roads. The restriction is sensible as queuing at congested times leads to greater CO₂ emissions and fuel costs.
- If OCC granted permission without the bypass we ask for a restriction on the time of deliveries to preserve village amenity and minimise fuel and CO₂ costs, with no deliveries before 9.30 am or after 4.00 pm.

Item 7A (Planning Supporting Statement changes)

- We note the reduction in landfill capacity if the plant is constructed. As landfill will still be needed where will the replacement be? Why remove capacity at one location to provide it elsewhere? More cost to the taxpayer.
- OCC have said that the facility will be to meet Oxfordshire's needs only but the application proposes to treat waste from surrounding counties.
- RPG9 requires a joined up approach to providing waste facilities, meeting regional and sub-regional requirements in accordance with sustainable policies of making them close to the sources of waste. Ardley is not near any major sources of waste and can only be approached by a congested road network. There are proposals for incinerators at Calvert (Bucks) and Sutton Courtenay,

within a few kilometres of the site. RPG9 seeks to avoid proposals that are close to each other.

- The alternative sites of Gosford Grain Silos, Bicester B and Banbury Cross are not considered properly. Fuel costs and carbon emissions should be considered for these sites.

Item 9B (Nitrogen Dioxide in Ardley)

- The Parish Council asked Cherwell DC to investigate air quality baseline levels. CDC installed a monitoring station on the B430 in the village. CDC will monitor the Ardley station for a year to decide whether an Air Quality Management Area needs to be declared.
- The applicant has not undertaken air quality assessment in accordance with current standards. Assessment under the new guidance would have shown an exceedence in the European limit of NO₂ at Ardley. The PC are convinced that additional traffic from the EfW would result in exceedence of the air quality limits for NO₂. Road schemes resulting in such exceedence are illegal. Therefore permission for an EfW would breach the limit, not be in legal compliance and be contrary to policy protecting the environment.
- Air Quality assessments should be undertaken in accordance with the new guidance. Until then it is believed the scheme would result in exceedence and be non-compliant.

Item 10B (Site selection criteria)

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

Item 14B (Environmental impacts)

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

Item 15B (WRATE)

- The response to queries on the WRATE methodology for sustainability appraisal misses the point that location is a key point.
- The location does not allow use to be made of the heat, therefore reducing its sustainability and contravening SEP policy W12.

- The assessment does not consider environmental and social costs of transporting the waste. The Parish Council has carried out its own assessment of CO₂ emissions from waste transport (see appendix 1 below). Transporting waste to Ardley rather than Sutton Courtenay would mean 663,396 kgs (16,585 tonnes) more of CO₂ over 25 years.

Item 17B (Planning Policy Review)

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

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

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

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

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

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

A table was produced detailing the cost of transporting waste in terms of money and CO₂ emissions, to demonstrate poor site selection.

It concluded that the annual difference between CO₂ emissions and Fuel Cost of transporting waste to Ardley Fields Farm and Sutton Courtenay was as follows:

	Ardley Fields Farm	Sutton Courtenay	Difference
Kg CO₂	2,823,097	2,159,701	663,396
Fuel Cost	£1,137,666	£870,327	£267,339

The selection of Ardley Fields Farm (over Sutton Courtenay) would generate an additional 663,396 kg of CO₂ per year to be emitted and would cost tax payers within Oxfordshire an additional £267,339 for each year of the contract.

Over the 25 year concession, this would equate to an additional cost of 16,585 tonnes CO₂ and £6.7m.

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

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

Suitability of the site

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

The Parish Council consider the site is not suitable as:

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

Heat Plan

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

Traffic

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

Sustainability

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

Clarification of operation

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

Ecology

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

Visual Impact

Architects are not always right.

Air Quality

Cherwell DC will monitor air quality at a site in Ardley village for a year. As the air quality assessment did not use current standards, we think that additional traffic will result in exceedence of NO₂ limits in Ardley in breach of legal compliance.

Health Implications

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

Welcome Viridor working with the EA.

Adequacy of the ES

The ES gives little information on environmental effects of construction.

29. Bucknell Parish Council

Some issues still not addressed.

1. Bridleways

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

2. Traffic

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

3. Working Hours

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

4. Light Pollution

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

5. CHP

- CHP would increase energy efficiency from 30% to 75%.
- To use heat, as proposed in developments several kilometres away, pipework would need to be provided at the cost of £7m. It would be financially unviable.
- Industrial development (on 15-20 ha) next to the site could be needed to utilise CHP. That would have a negative effect on Bucknell and cause major traffic and noise implications in the area.

- Proposals for industrial development should be submitted with this application, or if permission is granted, a condition should be attached that no further development takes place on site.

6. Ecology

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

7. Flooding and Water Pollution

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

8. Emissions

- Continuous monitoring of emissions has not been addressed.
- Dioxin emissions are only spot measured twice a year (for six to eight hours). Actual emissions have been proven to be 30 to 50 times higher than spot measurements.
- If permission is given there should be mandatory continuous automated monitoring for WID pollutants, with constant reporting of this data online.
- Particles of less than 2.5 microns should be monitored and measured as they can enter deep into lungs.
- Water and soil tests should be made, downwind of the dominant wind groups, twice a year.
- Consideration should be given to emissions in times of temperature inversions.

9. Fly Ash

- There is still no detail on risks and impacts of fly ash transportation. It would be safer to bury it on site and it would reduce traffic movements significantly.
- Dioxins in fly ash can persist for decades if not centuries. Applicant needs to consider what will happen to them in the long term.
- The plant could produce 100,000 tonnes of fly ash.

- Two thirds of the IBA plant area is exposed to wind and rain. IBA contains toxic compounds. How can these be stopped from blowing over land and water?
- The proposed sealed drainage and treatment system could fail.

10. Questions

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

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

- Para 2.3. Site is well located in respect of surrounding strategic road network – it is inaccurate (see our response).
- Para 2.5. Local highway authority believes omission of railway line from method of delivery is a missed opportunity to take vehicles off roads – if road traffic is not a problem why is rail suggested? If it is a problem, why is rail not being used?
- Para 2.6. No justifiable grounds for imposing delivery restrictions – a visit to junction 10 between 7.30 and 9.30 hours will make it obvious why there should be delivery restrictions.
- Para 5.3. Hours of operation of HWRC will be as existing – are these hours adequate? There is congestion by cars coming to the site on B430 at weekends.
- Para 7.1. We confirm the site is in “open countryside” – is it acceptable for plant that would attract businesses to use CHP to be so located?
- Para 7.1. EfW will manage waste from Oxfordshire and neighbouring counties – does it contradict claim that plant is for Oxfordshire waste? Proximity principle? Is it a way for OCC to receive large amounts of money from adjacent counties?
- Para 7.2. It is acknowledged that the landfill is temporary – an EfW plant would be permanent. Does it set precedent for further development?
- Para 9.2. It is not considered likely that NO₂ levels will increase significantly, especially as vehicle emission standards will improve – too much reliance on technology. Must also take into account increase in vehicles.
- Para 13.5. Alternatively, an overflow weir to convey flows from pond to the highway could be constructed in exceptional event of pump failure – adding further to traffic congestion and inconvenience for motorist?
- Para 13.5. Detail drainage arrangements can be made post-planning – why a delay?
- Para 13.6. A duty and standby pump arrangement could be provided to reduce likelihood of pump failure – it is needed or it is not, the statement is too superficial for a potentially difficult environmental situation.
- Para 13.15. No warranties or guarantees are expressed or inferred by third parties – we must know soundness of proposals. The statement is a rejection of responsibility if anything goes wrong or is proved to be false.
- Para 14.7. A specialist pest controller will inspect site once a quarter – surely it should be more often.
- Para 17.1. Capacity should be provided for waste from London and adjoining sub regions – proximity principle is being ignored.

- Para 17.5. Site is in open countryside – an admission it is a rural environment which would be intruded on if there are likely future building needs.
- Para 17.7. Haul road would be illuminated when it is dark. Building would be illuminated resulting in visible light in surrounding area – see our comments on light pollution.

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

30. Middleton Stoney Parish Council

No change to original stance on the application.

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

Consider the following:

- A survey at the gate and use of weighbridge data is needed to gauge the current correct level of traffic.
- The tonnage imported will increase by 66% and therefore there would be a 66% increase in traffic. That figure is a cause for concern and enough to trigger a full analysis. The vast majority of waste from District Councils will be brought by RCVs not HGVs (say 150k in total). If we assume 50k is already transported to the site (generating 45 movements per day) then the 100k via RCVs will result in around 100 extra movements a day (275 day working year). The remaining 120k of burnable commercial waste will arrive in a disparate variety of vehicles, whereas the applicant says it will be in HGVs alone.
- We have serious doubts whether routing will be policed satisfactorily.
- The declassification of the B430 is not merely a proposal (as the Highway Agency say) but a real and clear objective with commensurate weight restrictions for the road. There is a weight restriction for southbound traffic on the A34 near Weston on the Green. Therefore, the applicant is wrong in asserting that the B430 is an established route (southbound) for HGVs.

31. Bucknell Parish Council

Strong objection.

1. Bridleways

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

2. Traffic

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

3. Working Hours

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

4. Light Pollution

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

5. CHP

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

6. Ecology

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

7. Flooding and Water Pollution

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

8. Emissions

- Health risks are a material objection.
- Dioxin emissions are only spot measured twice a year (for six to eight hours). Actual emissions have been proven to be 30 to 50 times higher than spot measurements.
- If permission is given there should be mandatory continuous automated monitoring for WID pollutants, with constant reporting of this data online.

- Particles of less than 2.5 microns should be monitored and measured.
- Water and soil tests should be made, downwind of the dominant wind groups, twice a year.
- Consideration should be given to emissions in times of temperature inversions.
- Viridor are inexperienced in operating large incinerators.
- If controls fail we will experience high levels of emissions, with consequences for health and the environment.
- Recently an incinerator at Nottingham breached emissions limits for dioxins.
- No detail on non-standard operating conditions or meteorological conditions.

9. Fly Ash

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

10. Agriculture

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

11. Recreation

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

12. Buildings

- It will be an eyesore on the edge of the Cotswolds AONB and a distraction to motorists on the M40. It will be obvious to view in Bucknell/Ardley and harmful to views from the Bucknell to Ardley and Bucknell to Middleton Stoney roads.
- Not compatible with Eco-town at Bicester.
- Concerned about fall in house prices.

13. EIA

- The long-term effects of the development are not shown in the ES, it is not compliant with regulations.

- The ES has not proved incineration is best solutions to prevent climate change.

14. Incineration

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

15. Technology

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

16. Questions

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

- Does incineration make air quality worse and does not contribute to improvement of air quality as suggested by national and local policies?
- Should there be mandatory continuous automated monitoring data for all pollutants with WID emission limits? Should it be reported online in real time?
- Are there plans to measure current levels of contamination in the local environment and to monitor them? Who would do it and for how long?
- Has work on distribution of emitted particles in different wind sectors been carried out?
- Who would be responsible if adverse health conditions developed?
- How vulnerable is underlying aquifer to contamination? Who would be responsible if the aquifer was contaminated?
- How soon would the public be notified of a disaster? Would there be an Action Plan to deal with a disaster?
- Is it not contradictory to grant a permit for an incinerator when there are eco-developments proposed nearby?
- There is insufficient analysis of carbon dioxide release. How much CO₂ is being contributed to global warming?
- Will significant local traffic increase take place and consequent pollution?
- Do you agree that CHP is not possible because of lack of connections and that makes the Ardley proposal not economically and environmentally acceptable?
- Do you agree that there has been no demonstration that incineration will not undermine the waste hierarchy?

- Do you agree that incineration has a very low energy efficiency compared with other waste treatment methods?
- Do you agree that incineration destroys materials which could be recycled meaning that more raw materials are used in industry?
- To reduce global warming reduction, reuse and recycling are needed. Is it not time to discourage incineration?
- Can we be assured that Gagle Brook will not be contaminated?
- Can we be assured that there will be no contamination in dry windy weather or wet weather?
- If house prices go down, who will be liable to pay compensation?

Comments questioned by objector

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

- Para 2.3. Site is well located in respect of surrounding strategic road network – it is inaccurate (see our response).
- Para 2.5. Local highway authority believes omission of railway line from method of delivery is a missed opportunity to take vehicles off roads – if road traffic is not a problem why is rail suggested? If it is a problem, why is rail not being used?
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- Para 13.15. No warranties or guarantees are expressed or inferred by third parties – we must know soundness of proposals. The statement is a rejection of responsibility if anything goes wrong or is proved to be false.
- Para 14.7. A specialist pest controller will inspect site once a quarter – surely it should be more often.
- Para 17.1. Capacity should be provided for waste from London and adjoining sub regions – proximity principle is being ignored.
- Para 17.5. Site is in open countryside – an admission it is a rural environment which would be intruded on if there are likely future building needs.
- Para 17.7. Haul road would be illuminated when it is dark. Building would be illuminated resulting in visible light in surrounding area – see our comments on light pollution.

32. Gloucestershire County Council

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

33. Northamptonshire County Council

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

34. South Northamptonshire Council

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

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

35. Croughton Parish Council

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

Motorists will seek alternative roads using the B4031 from the A43 through the village. The proposal lacks any proper accommodation for the infrastructure. Other

developments such as Bicester Eco village and Upper Heyford will add to traffic. Exhaust emissions and air and noise pollution are associated with adverse effects on health. Air Quality is already poor when traffic is at a standstill on the M40.

36. Evenley Parish Council (South Northamptonshire)

Support the objections of South Northamptonshire Council

37. Environment Agency

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

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

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

No new significant regional issues arise.

39. Natural England

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

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

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

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

40. BBOWT

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

41. Defence Estates

No objections.

42. HSE

No objection on Nuclear Safety grounds.

43. National Grid

Negligible risk.

44. Highways Agency

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

45. Food Standards Agency

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

46. Thames Water

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

47. CABE

These views supersede all previous views.

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

Setting in landscape

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

Architecture

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

Materials

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

Conclusion

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

48. British Horse Society

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

49. English Heritage

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

50. Transport Development Control

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

51. Countryside ServicesRights of Way

The commitment to apply to divert bridleway 27 is welcomed. If the diversion is not successful then details of any measures for retaining the bridleway on its original route (including width, surfacing, fencing, materials, signage) would need to be agreed with Countryside Services. The wooden bridge over the attenuation pond may well not be the most suitable structure or solution so any agreement should enable the best means of access here.

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

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

52. County Ecologist

Ecology

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

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

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

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

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

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

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

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

Landscape

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

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

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

Visual Impact

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

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

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

53. Archaeology

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

Notification of ES changes

54. Cherwell District Council

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

55. Bicester Town Council

- Issues raised in first consultation remain unresolved.
- How will CPA consider issue of Eco-Town and energy generation from the Incinerator together? Little joined up thinking.
- How can preferred supplier be identified in advance of planning decision?
- Application has not properly assessed issue of HGV traffic on local roads.
- Waste should be moved by rail, that is not available at Ardley.
- Ardley location means longer road journeys than a central facility and a wider catchment beyond county boundary.
- Health not given real consideration. Should be fully and independently investigated.
- No description on how heat and power will be supplied to local people and business. Cost effective supply could offset negative impacts of EfW.
- The most up to date and cleanest technology should be used.

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

There are no new regionally significant issues.

57. Environment Agency

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

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

58. Natural England

No additional comments.

59. CABE

Previous comments still stand.

60. Southern Gas Networks

There are no SGN gas mains in the area.

61. National Grid

The risk is negligible to our network.

62. Transport Development Control

Transport Assessment

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

Location

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

Increase in traffic

- As there was local concern on potential increase in traffic movements on the B430 (especially HGVs) the data held by the County Council on the B430 was reviewed and further surveys were carried out in June 2009.
- There were five traffic counting sites on the B430: Weston on the Green, Oxford Road south of Akeman Street (M1), south of B4030, Ardley (M3) and south of Middleton Stoney (M2).
- 24 hour movements at these sites were between 7,237 and 8,948 movements.
- 12 hr movements averaged 6,380 with 6.5% being HGVs (i.e. 415). The increase in these average figures from the development is about 2%, which is not significant over a day.
- The 2009 12 hr survey was conducted at M1-M3 sites which showed 7,057 (183 HGVs) and 9,154 (34 HGVs) movements at M1 and M2 respectively.
- The 2009 12 hr survey at weekends (Saturday & Sunday) on M1-M3 showed between 3,867 and 7,733 movements of which between 12 and 91 were HGVs (0.3 to 1.4% of the total).
- The figures show that HGV movements are minor in comparison to the total vehicle numbers. However, the figures show that an increase in HGV movements at the weekend may be noticeable to residents on the B430. Need to consider operation restrictions at weekends to ensure they are not noticeable.
- The Transport Assessment demonstrates there is capacity on the highway network to take the traffic from the development. This is supported by the fact that before the M40 opened the A43 (before B430 classification) was used by 14,000 to 15,000 vehicles daily.
- The split of 60:40 (northbound:southbound) in RCV (Refuse Collection Vehicles) trips appears acceptable in principle and has used agreed figures for the Upper Heyford proposal.

Traffic Generation

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

Local Highway Capacity

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

Downgrading the B430

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

Access arrangements

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

Parking

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

Travel Plan

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

Traffic Routeing

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

Pedestrian Crossing

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

Controlling traffic generation

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

Section 278 Agreement

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

Summary

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

- Unlikely to be a significant impact on capacity of B430 or in terms of safety.
- To minimise traffic impact, restrictions on total annual and daily tonnages, routeings and timings are recommended.
- Recommend following conditions:
 11. total tonnage restricted to that in TA (500,000 tonnes pa, 2,000 tonnes daily);
 12. off-site works to be constructed prior to development;
 13. cycle and car parking as submitted;
 14. restrictions on times of traffic generation.

And following agreements:

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

63. Countryside Services

64. County Ecologist – No comment.

65. Rights of Way – No comment.

66. County Archaeological Services

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

South East Plan Policies used in considering the previous application

South East Plan Policy	Alternative Policy	Impact on assessment of proposal
Waste Management		
SEP policy W3 refers to regional self-sufficiency and states that waste authorities and waste management companies should ensure management capacity equivalent to the amount of waste arising and requiring management within the region's boundaries. Provision for recycling, recovery and composting should be made reflecting targets.	PPS10 Key Planning Objective- provide a framework in which communities take more responsibility for their own waste. OMWLP W2 – Provision will be made to accept waste from London and other parts of the South East for treatment and/or disposal. (not by road for London waste)	Policy still supports provision being made for waste from other areas of the South East. Therefore original conclusions can continue to apply.
SEP policy W4 states that waste planning authorities should plan for net self sufficiency. A degree of flexibility should be used when applying the sub-regional self sufficiency concept and where appropriate and consistent with SEP policy W3 capacity should also be provided for waste from adjoining sub regions.	PPS10 Key Planning Objective- to provide a framework in which communities take more responsibility for their own waste; to enable waste to be disposed of in one of the nearest installations OMWLP W2 – Provision will be made to accept waste from London and other parts of the South East for treatment and/or disposal. (not by road)	Policy still supports waste being dealt with locally, but with some provision for waste from outside the County. Therefore original conclusions can continue to apply.
SEP policy W5 set targets for the diversion of waste from landfill and went on to state that the optimal management solution will vary according to the individual material resource streams and local circumstances and will usually include one or more of: re-use, recycling, mechanical/ biological processing, thermal treatment. Priority should be given to processes higher up this hierarchy. It states that sufficient landfill should continue to be provided for residues and waste that cannot practicably be recovered.	PPS10 Key Planning Objective – help deliver sustainable development through driving waste up the waste hierarchy	Policy still supports the waste hierarchy, original assessment against this concept applies.
SEP policy W13 states that provision should be made for continuing but declining landfill capacity. Non-inert landfill capacity to be husbanded for disposal of residual non-inert waste.	No policy on husbanding PPS10 says the need for disposal for treated residues should be taken into account when drawing up a pattern of waste management facilities	The loss of landfill void is no longer contrary to policy.
SEP policy W16 states that policies should aim to reduce the transport and associated impacts of waste movement.	PPS10 para 4 – waste management should be considered alongside transport. Para 21 - capacity of existing	The original consideration of the development against the impact on the transport network

	and potential transport infrastructure to support the sustainable movement of waste is a criterion to assess sites against.	continues to be relevant.
SEP policy W17 states that in identifying suitable sites for waste management facilities, priority should be given to safeguarding and expanding suitable existing (permanent and temporary) waste management sites.	PPS10 para 21 and Annex E locational criteria for waste sites.	
SEP policy W6 sets targets for recycling and composting within the South East region until 2025. It states that waste planning authorities should adopt proposals to assist delivery of these targets.	Oxfordshire Joint Waste Management Strategy provides targets until 2020. Waste projections used at the inquiry provide until 2025.	The report considers the development against the updated waste targets.
SEP policy W12 states that waste development documents should only include energy from waste as part of an integrated approach to management. Proposed thermal facilities should, wherever possible, aim to incorporate combined generation and distribution of heat and power.		
Pollution and Amenity		
SEP policy NRM9 states that local authorities should seek an improvement in air quality in their areas.	NSCLP policy EN5 states the Council will have regard to likely impact of development on air quality from its operation or traffic generated. Development which has a significant adverse impact on air quality will not be permitted. Council will seek to improve air quality through control of development.	This topic is covered by local plan policies that continue to apply and therefore the conclusions remain the same.
SEP policy E7 states that local authorities should work with the Environment Agency and others to play a positive part in pollution control and encourage measures to improve air quality.	PPG23 – Planning and Pollution Control PPS10 para 27 – waste planning authorities should work on the assumption that pollution control regime will be properly applied and enforced.	
SEP policy NRM8 states that measures will be developed to address and reduce noise pollution at regional and local level.	CLP EN1 - development which would have an unacceptable environmental impact will not be permitted. NSCLP policy EN3 states development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not be permitted.	This topic is covered by local plan policies that continue to apply and therefore the conclusions remain the same.

Ecology and Geology		
<p>SEP policy E1 states that priority should be given to protecting areas designated at an international or national level for their intrinsic nature conservation value.</p>	<p>OMWLP PE14 states that sites of nature conservation importance should not be damaged.</p> <p>CLP policy C1 states the Council will seek to promote the interests of nature conservation. Development which results in loss or damage to SSSIs or other designated wildlife sites will not normally be permitted. The Council will seek to protect sites of nature conservation value.</p>	<p>This topic is covered by local plan policies that continue to apply and therefore the conclusions remain the same.</p>
<p>SEP policy E2 states that the region's biodiversity should be maintained and enhanced with positive action to achieve the targets set in national and local biodiversity action plans through planning decisions and other measures.</p>	<p>NSCLP policy EN22 states development proposals will be expected to incorporate features of nature conservation value in the site and such features should be retained and enhanced. Conditions and obligations sought to secure protection and management or secure compensatory measures.</p> <p>NSCLP policy EN27 states development proposals should incorporate creation of new habitats wherever possible. The Council will assist in their establishment where it is for environmental education and passive recreation.</p>	<p>This topic is covered by local plan policies that continue to apply and therefore the conclusions remain the same.</p>
<p>SEP policy NRM5 states that local planning authorities shall avoid a net loss of biodiversity and actively pursue opportunities to achieve a net gain across the region. The highest level of protection shall be given to sites of international conservation importance.</p> <p>Damage to nationally important sites and county wildlife sites will be avoided. Plans shall require green infrastructure in conjunction with new development.</p>	<p>OMWLP PE14 states that sites of nature conservation importance should not be damaged.</p> <p>CLP policy C1 states the Council will seek to promote the interests of nature conservation. Development which results in loss or damage to SSSIs or other designated wildlife sites will not normally be permitted. The Council will seek to protect sites of nature conservation value.</p>	<p>This topic is covered by local plan policies that continue to apply and therefore the conclusions remain the same.</p>
Landscape		
<p>SEP policy C4 states that outside nationally designated landscapes positive and high quality management of the region's open</p>	<p>There are a number of alternative landscape policies: CLP C4, 7, 8, 9, 10 NSCLP EN30, 31, 34, 36, 37</p>	<p>This topic is covered by local plan policies that continue to apply and therefore the conclusions</p>

<p>countryside should be supported.</p>	<p>PPS1 – landscape quality should be protected, landscape character should be protected and enhanced.</p>	<p>remain the same.</p>
<p>Rights of Way</p>		
<p>SEP C6 states that local authorities should encourage access to the countryside particularly by maintaining and enhancing existing rights of way, identifying opportunities and planning for routes within and between settlements and where possible making routes multi-functional to allow horses, pedestrians and cyclists to use them.</p>	<p>Rights of Way are covered by OMWLP policies PE11 and NSCLP policy R4.</p> <p>OMWLP policy PE11 states that the rights of way network should be maintained and individual rights of way retained in situ. Diversions should be temporary, safe and convenient and should be reinstated as soon as possible. Any proposal for permanent diversion should fulfil the functions of recreational and communications use of the right of way. Improvements to the rights of way network will be encouraged.</p> <p>NSCLP policy R4 states the Council will safeguard and, where possible, enhance the existing public rights of way network. Development over public rights of way will not be permitted unless a suitable diversion can be secured which will not prejudice public rights.</p>	<p>This topic is covered by local plan policies that continue to apply and therefore the conclusions remain the same.</p>
<p>Design</p>		
<p>SEP policy CC6 states that decisions associated with the development of land will promote the creation of sustainable and distinctive communities.</p>	<p>PPS10 para 35-36 - waste management facilities should be well-designed so that they contribute positively to the character and quality of the area in which they are located.</p> <p>'Designing Waste Facilities' CABE/Defra 2008 - explains how to achieve good design.</p>	<p>There is still a policy driver for good design and there is no reason to change the conclusions.</p>
<p>Impacts on Water Environment</p>		
<p>SEP policy NRM1 relates to the protection of the water environment. It states that development should not be permitted that presents a risk of pollution.</p>	<p>NSCLP policy EN12</p>	<p>This topic is covered by local plan policies that continue to apply and therefore the conclusions remain the same.</p>
<p>Landfill</p>		
<p>SEP policy W14 states that high quality restoration and, where appropriate, aftercare should be secured on waste management sites.</p>	<p>OMWLP PE13 requires satisfactory restoration of landfill within an appropriate timescale.</p>	<p>This topic is covered by local plan policies that continue to apply and therefore the conclusions remain the same.</p>

Traffic and Transport		
SEP policy T1 states that management proposals and policies should favour sustainable modes of transport, encourage development which is located and designed to reduce average journey length, improve the maintenance of the existing transport system, include measures to minimise negative environmental impacts and where possible enhance the environment and communities.	PPS1 - para 27 refers to ensuring that new development is located where everyone can access services or facilities by foot, bicycle or public transport, while recognising that this is more difficult in rural areas.	
SEP policy T5 states that development documents and transport plans must identify categories of major traffic generating development for which travel plans should be developed.	The Local Transport Plan (LTP2) has a Travel Plan Strategy covering School Travel Plans and Workplace Travel plans	The requirement for a travel plan is covered by alternative policies; the original conclusions continue to apply.
SEP policy T2 states that development plans should include policies that give priority to: the maintenance of the existing transport system, improvements to the overall levels of safety and access, reduction of the environmental impact of movement and ensuring that new transport infrastructure enhance the communities and environment affected.	Covered by Local Plan transport policies.	
Energy		
SEP policy NRM12 states that policies should encourage the integration of combined heat and power (CHP) in all developments.		
Employment		
SEP policy RE3 states that local development documents should provide a range of sites for general employment purposes in locations which are accessible to the labour supply, make efficient use of underused sites, focus on urban areas and promote the use of public transport.	PPS7 Sustainable Development in Rural Areas – key principles include maintaining high and stable levels of employment PPS4 Planning for Sustainable Economic Growth – applies to development which generates employment. Policy EC6 states that economic development should be strictly controlled in the open countryside	
Agricultural Land		
SEP policy E8 states that development plans should set out policies on the level of protection to be offered to the best and most versatile agricultural land and ensure that soils are protected.	NSCLP policy EN16 addresses this issue.	This topic is covered by local plan policy that continues to apply and therefore the conclusions remain the same.

Division(s) affected: Ploughley

Contact Officer: John Duncalfe, tel: 01865 815356

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

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

Report by Head of Sustainable Development

Location: Ardley Landfill Site, Ardley Fields Farm, Ardley

District Council area: Cherwell

Application No: 08/02472/CM

Introduction

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

Location (see plan 1)

2. Ardley Landfill Site is located 18 kms (11 miles) north of Oxford and 3 kms (2 miles) from Bicester. Ardley village is 0.5 km (0.3 miles) to the north and Middleton Stoney village is 1.5 km (1 mile) to the south. Bucknell village is 1.5 km (0.5 mile) to the east and Upper Heyford 2.0 kms to the west (1.2 miles).

3. The proposed EfW plant is located within the landfill site. The distances from nearby villages are Ardley 1.5 km (1 mile), Middleton Stoney 2.0 kms (1.2 miles), Bucknell 1.3 kms (0.7 miles) and Upper Heyford 2.5 kms (1.5 miles).

Site and Setting (see plan 2)

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

Site History

9. Permission for limestone working was granted in 1951 and continued until 2007. Working is continuing immediately to the north of the site and has just started to the south of the site.
10. Permission for the landfilling of household and commercial and industrial waste was first granted in 1978 and permission for significant amendments,

including the extension of the HWRC, was granted in 2003. Permission for plant for utilisation of landfill gas for electricity was granted in 1996. Landfilling, the use of the HWRC and gas utilisation plant continues.

Details of the Development

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

EfW Plant

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

metals from the IBA and fly ash from the air pollution control and heat systems. IBA and ferrous metals are proposed to be recycled and the fly ash, which would be classed as a hazardous waste, would be taken in sealed tankers to a hazardous landfill site near Cheltenham.

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

Incinerator Bottom Ash Plant

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

Visitor Centre and Offices

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

Landscaping and Attenuation Pond

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

Access

22. A new access would be created onto the B430 at the south west corner of the site and would incorporate a ghost right turn lane. The road would drop some 10 metres from the B430 to the quarry floor. It would be constructed on inert fill to create a steady drop. The access road would serve both the EfW plant

and landfill. The road would split into circulatory routes serving different parts of the EfW facility. Car parking and cycle parking spaces would be provided.

Traffic

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

Landfill

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

Household Waste Recycling Centre

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

Hours of Operation

27. It is proposed that the EfW plant would operate continuously. However, HGV traffic would be restricted to between 0700 to 2000 hours each day including Saturdays and Sundays.
28. The landfill is proposed to operate from 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays, as at present.

29. The HWRC is proposed to operate 0830 to 1730 hours Mondays to Fridays and 0830 to 1600 hours on Saturdays and 1000 to 1600 hours on Sunday. Waste from the HWRC would be sent to the landfill during those times.

Revisions to the application

30. Following the first round of consultations the applicant revised the application. The main changes are:
- that an application for the permanent diversion of bridleway 27 will be made in order to avoid conflict with the proposed access road and attenuation lake;
 - in the event that application is unsuccessful a plan is submitted to show how the bridleway can be reinstated on its original route;
 - a commitment to signing an agreement to fund on and off site improvements to the surrounding rights of way network;
 - to accept legal agreements to assess the condition of the B430 before development and make good any faults or deficiencies following construction works, to route HGVs to the M40 during construction and a section 278 agreement to secure off site highway works;
 - confirmation that use of rail access is unfeasible;
 - conditions on traffic restrictions during peak times should not be imposed;
 - a commitment to travel plans for the construction and operational phases of development;
 - a commitment to restrict car parking as proposed and to contribute to provision of a pedestrian crossing in Ardley village;
 - hours of deliveries to the proposed EfW plant to be restricted to 0700 hours to 2000 hours Mondays to Sundays;
 - a package sewage treatment plant is to be provided;
 - more detail on the engineering of the proposed landfill;
 - more detail on the operation of the Centre (HWRC);
 - confirmation that the existing site access will be retained to provide access for the HWRC and the Gas Utilisation Plant/Utilisation Treatment Plant;
 - clarification of certain points in the Planning Supporting Statement including the following:

1. the site is in the open countryside not a semi-rural setting;
2. the landfill will not be raised to completely hide the building;
3. there is no commitment to treat just Oxfordshire waste;
4. Ardley has existing, albeit temporary, waste management use and so complies with locational criteria in RPG9 and PPS10; and
5. diversion rates of C & IW from landfill will, with the EfW plant, go up to 66.5% in Oxfordshire.

The Environmental Statement

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

Consultations

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

Representations

38. There were 612 representations made on the first round of consultations and 10 on the second. 5 representations were received when changes to the ES were notified. There were two letters of support and the rest were objections. A summary of the points made is set out in annex 4 together with responses

to individual points. The main areas of concern are traffic, reduction in recycling, air pollution, health risks and visual impact on the landscape.

Relevant Planning Policies (see Annex 5)

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

Comments of the Head of Sustainable Development

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

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

44. The application proposal would provide an EfW plant capable of treating up to 300,000 tpa of residual waste (after recycling and composting). The covering

report explains the need for a residual waste treatment plant to meet the South East Plan landfill diversion targets and the important policy objective of moving waste management up the waste hierarchy, away from landfill and recovering resources from waste.

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

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

Landscape and Countryside

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

villages. The closest listed building is the Trow Tower by the M40 some 700 metres away and although one would be visible from the other the Tower is dominated by its position alongside the M40. The plant would be visible from two houses beyond the M40 otherwise it would be most visible from the M40 motorway. The development is, therefore partially compliant with non statutory CLP policy D10a.

Amenity/impacts on local people

Pollution and Health

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

Access and Transport

59. Access to the site is via the B430 from either J10 on the M40 or the Weston on the Green junction on the A34. From the M40 traffic would travel through Ardley and from the A34 Weston on the Green and Middleton Stoney to get to the site. It is proposed that two-thirds of HGV traffic would access via Ardley and one-third via Middleton Stoney. The otherwise good transport connections are compromised and the proposal is not fully consistent with the non statutory CLP policy TR16 in so much that this development increases HGV numbers through the villages – albeit on a road otherwise unsuitable to take this level of traffic.

60. The application states that the increase in HGV traffic at the site as a result of the grant of permission would be 131 movements a day. There are some 415 HGV movements at the moment. This would be a 2% increase over all the movements on the B430. However, the increase in HGV traffic as a result of the granting of permission would be significant once the plant is commissioned (31% increase) particularly until the landfill finished. There is sufficient capacity on the B430 to accommodate these additional HGV movements.
61. As a result of the expected increase in HGV traffic the applicant is willing to enter an agreement to provide a pedestrian crossing on the B430 in Ardley (cost £15k) to allow easier pedestrian access within the village.
62. The applicant is willing to enter into an obligation to route HGVs. It is proposed that waste being brought in by bulker lorries would be limited to approaching the site from the M40 via Ardley village. At the moment it is unclear what proportion of waste would be imported in such vehicles but the proportion would increase if and when transfer stations were built in the south and west of the county to bulk up MSW collected in these areas.
63. Transport Development Control recommend that the proposed changes to the B430 as a result of the new access be completed before the development is commenced and if permission is granted a condition could require this.
64. They also recommend that the total annual tonnage to the site be limited to 500,000 tonnes per year with a daily maximum of 2,000 tonnes in order to limit overall traffic to the site. If permission is granted a condition could secure this for the period when the landfill and EfW plant are operating together. Once the landfill is completed the condition would not be needed as the maximum throughput of the EfW is 300,000 tpa.
65. Appropriate parking conditions could be attached to any permission as recommended by Transport DC.
66. The applicant is also willing to fund (cost £1k) the monitoring of a travel plan aimed at reducing the number of car journeys of the 40 site workers and to route construction vehicles through Ardley only.
67. Local people are concerned that any permission would exacerbate the current congestion experienced at peak hours in Ardley and Middleton Stoney. The increase at peak times movements in the morning has been estimated at 2% at Middleton Stoney and 4% at Ardley. This level of increase is not significant. In order to limit impacts of lorries outside normal working hours the applicants have agreed that there should be no HGV movements from 8 pm to 7 am in the morning but they do not endorse weekend restrictions or early evening restrictions (from 6 pm to 8 pm). They argue: that the County Council as Waste Disposal Authority have requested these hours of operation in their contract documents. They say that waste from HWRCs needs to be removed at weekends to ensure smooth running of those facilities, that it gives flexibility as priority is given to turn round times for waste collection vehicles carrying

MSW and that it ensures C&I waste deliveries can be accommodated; that traffic counts show 7 day average HGV flow is 752 thus showing that it as an established HGV route; that there have not been any HGV accidents on the B430 in the last 5 years attributable to HGV volume or speed, and, that the impact on local amenity would not be significant.

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

Visibility

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

Lighting

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

necessary for the chimney, and prevents light spillage off site. That would minimise the need for lighting as required by NSCLP policy EN6. No activities need to take place outside the building at night time, other than delivery vehicle movements, so no other lighting is required.

Noise and Odour

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

Heat

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

Other Issues

Design of the building

76. The Commission for Architecture and the Built Environment (CABE), while supporting an EfW plant on the site, are not convinced its design would make it a successful addition to Oxfordshire. It is a landmark building and they want to be sure that it fits into the site. They are concerned that the architecture is too varied in shapes and materials and would like a simpler structure. They think the materials used are too numerous and would cause difficulties in detailing and that more sustainable materials, such as timber, should be used. They conclude by saying there should be a balance between industrial aesthetics and making the building less prominent and point to examples of other comparable plants.
77. Your officers are keen that any plant is made as unobtrusive as possible and do not share CABE's concerns which, if acted on, would be likely to result in a more intrusive industrial building. The proposed design of the plant would result in a landmark building with an attractive appearance fitting as well as possible into its location.

Ecology

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

Rights of Way

80. Two bridleways abut or cross the site. Bridleway 26 abuts the eastern edge of the site and runs along the western side of the Gagle Brook. The proposed development of the EfW plant and landfill would not affect this bridleway. Bridleway 27 is currently diverted and abuts the southern edge of the site. The definitive line passes close to the southern edge of the proposed EfW building but does cross the roundabout on the access road to the plant and

landfill and also the attenuation pond to the south of the building. The original application failed to recognise that bridleway 27 would revert to its definitive line in 2017 and Countryside Service Officers were concerned that no consideration had been given to the impact of this reversion. They were also concerned that the development should fit in with the aims of the Oxfordshire Rights of Way Improvement Plan and provide improvement and changes to the network.

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

Hydrology

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

Geology

84. Dinosaur footprints have been discovered in deposits on site but during the course of landfilling they would be obscured. It is thought that the footprints extend into the field to the south and Natural England are seeking SSSI status for this area. None of the application site would be subject to this designation.
85. The applicant proposes to lift any footprints found in the course of constructing the EfW Plant and a suitable condition to cover mapping, recording and lifting footprints could be attached to any permission. Such a condition would satisfy NSCLP policy EN24.
86. There are small geological SSSIs on the site but they are not affected by any of the proposals.
87. Oxford Geology Trust would like public access to the old quarry face that would be retained by the new access road and the applicant has agreed to enter an agreement to provide this access thus complying with OMWLP policy PE12.

Heat

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

Climate Change

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

Alternative Sites

91. The applicant has carried out an analysis of alternative sites for the EfW development as required by EIA regulations. They used a report produced by consultants ERM to inform the County Council, as Waste Planning Authority, in preparing its Minerals and Waste Development Framework, on possible sites for strategic waste facilities. This report identified 8 potentially suitable sites including Ardley Quarry and Sutton Courtenay Landfill Site.
92. Cherwell District Council object to the application on the grounds that, in the absence of a Minerals and Waste Development Framework, the analysis does

not provide an adequate or sound basis to allow development that is a departure from the Development Plan. The proposal is considered a departure because it is contrary to countryside policies. It considers the application is premature pending a comprehensive site assessment for the Minerals and Waste Development Framework as required by PPS10. Both of these issues are dealt with in the covering report.

93. Cherwell District Council consider that the site selection process was not sufficiently rigorous. However, I am satisfied that the applicant has undertaken an assessment of alternative sites that is sufficient to satisfy the EIA regulations. The applicant has selected the Ardley site and put this site forward for the proposed development. This proposal now has to be determined in accordance with the development plan unless material considerations indicate otherwise.

Land Resources

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

Landfill proposals

95. The application includes proposals to modify the landfill significantly to allow the EfW plant to be built. The main changes to the existing permission would reduce the extent of the landfill, extend the height of the southern end to that at the northern end, vary the phasing and alter the landscaping around the EfW Plant to incorporate more tree planting for screening purposes.
96. No objections have been received from consultees to the changes. The extended height and increased landscaping would offer better screening possibilities to the EfW Plant. The EfW Plant would divert burnable waste from the landfill and high landfill tax costs would be likely to ensure that the landfill did not take recyclable waste. There is still need to landfill those wastes that remain after pre-treatment has taken place as recognised by SEP policies W5 and W13.
97. SEP policy W4 specifies that waste planning authorities should provide landfill capacity for waste from London but the amounts for Oxfordshire are already provided for at the existing landfill site at Sutton Courtenay up to 2025 (a total

of 3.52 million tonnes). Waste from London is imported to Sutton Courtenay by rail as required by OMWLP policy W2. Therefore, import of wastes from London to Ardley is not needed and the applicant has not proposed that waste be brought to the site by rail. SEP policies T1 and W17 favour sustainable forms of transport, such as rail, and a railway runs adjacent to the site. Generally, the distance waste would travel to the site is too short to justify a rail connection. Any new permission should restrict road imports of waste from London in order not to conflict with SEP policy W3 and to comply with OMWLP policy W2.

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

Household Waste Recycling Centre proposals (HWRC)

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

Conclusions

101. There is strong support in the South East Plan and elsewhere to permit appropriate waste treatment facilities to move waste up the hierarchy and help meet targets to divert waste away from landfill. These policies support provision of facilities such as EfW plants to deal with waste as part of a balanced/integrated strategy. Oxfordshire County Council is aiming to do this by achieving comparatively low waste arisings, high recycling rates, garden and food waste treatment and residual disposal through an appropriate facility.
102. The proposed facility would have a throughput of 300,000tpa and is intended to take commercial, industrial and municipal waste primarily from Oxfordshire. There is a need to provide for at least 425,000tpa of residual waste from these sources. Whilst Ardley is not within or adjacent to a built up area, it is close to Bicester and well related to the strategic road network which serves Oxfordshire as a whole. It is therefore well placed to meet the need that exists. The applicant is prepared to enter an agreement with the Council to

restrict imports of waste so that at minimum of some two-thirds of the waste would originate in Oxfordshire.

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

RECOMMENDATION

108. It is RECOMMENDED that:

- (a) subject to legal agreements to cover the following matters:**
 - 1. limitation on waste import to the site from outside the County to allow:-
all residual MSW and a minimum of 50,000 tonnes of C&I waste a year to come from Oxfordshire to the EfW Plant and two thirds of waste to come to the landfill from Oxfordshire;**
 - 2. route of all large HGVs to/from the M40 via the B430 through Ardley;**

3. provision of a construction travel plan – all vehicles to be routed to/from M40 via B430 through Ardley;
4. provision of an operational travel plan, with £1k monitoring fee;
5. provision of a pedestrian crossing on the B430 in Ardley (£15k cost);
6. commitment to submitting an application to divert bridleway 27;
7. funding for improvements to the Rights of Way network (£200,000);
8. long term maintenance of the restored landfill;
9. public access to the old quarry face.

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

1. Construction works not to start until access works completed;
2. No waste to be treated until link to Electricity grid is completed;
3. No traffic movements except during between:-
7am – 7pm Mondays to Fridays;
7am – 1pm Saturdays and;
on 12 nominated Saturdays 1pm – 4pm;
4. construction hours to be agreed;
5. no import of non-recyclable waste;
6. plan to be agreed for incinerator bottom ash operations;
7. details of changes for bridleway 27 provision on definitive line and implementation if line not diverted;
8. implement approved flood risk assessment and site drainage plan;
9. agree details of groundwater and surface water drainage plan;
10. agree plan for external lighting;
11. no external lighting outside hours permitted for traffic movements except for security;
12. control of recording and lifting dinosaur footprints;
13. maximum of 500,000tpa of waste to site until landfill completed;
14. maximum of 2,000tpa of waste to site each day until landfill ends;

- 15. conditions from existing landfill permission updated with an end date of 2019**
- (b) the application being referred to the Secretary of State as a significant departure from the development plan and the Secretary of State not calling in the application for his own determination;**
 - c) the Head of Sustainable Development be authorised to refuse the application if the legal agreements recommended in (a) above are not completed within 10 weeks of the date of approval of the application.**

CHRIS COUSINS
Head of Sustainable Development
Environment & Economy

Background Papers: Nil

October

PLANNING & REGULATION COMMITTEE – 19 OCTOBER 2009

ADDENDA

1. Apologies for Absence and Temporary Appointments

Apology for Absence

Temporary Appointment

Councillor Tim Hallchurch

Councillor Dr Peter Skolar

4. Petitions and Public Address

Name	Item
Mark Stevenson	5. Covering Report
Professor Stephan Jefferis)
John O'Neill)
Brian Wilson)
C R J Anstey)
<i>Bucknell Parish Council (3)</i>)
Mark Gammond)
Hazel Watt	) 5(a) – Energy from Waste,
John Kightley	) Ardley
Patrick Woodrow)
<i>Middleton Stoney PC (1)</i>)
Mrs Catherine Allmond)
<i>Ardley with Fewcott PC (3)</i>)
Brian Steventon)
Chris Thornton)
Ian Corkin)
Terry Joslin)
Chris Herbert, Agent Viridor)
County Councillor Norman Bolster (Bicester))
Roger Rance (Petition))
Angela Jones)
Robin Draper)
Edmund Rowley-Williams)
David McKenzie	) 5(b) – Energy from Waste,
Dr Nick Hards	) Sutton Courtenay
Dominic Jarman)
Sue Dorrington)

<i>Culham PC (1)</i>)	
Paul Gibbs)	
<i>Sutton Courtenay PC (2)</i>)	
David Hignell)	
Dr Rita Atkinson)	
County Councillor Stewart Lilly)	
(Sutton Courtenay & Harwell))	
Adrian Tremlett – Chadlington PC	)	6. Dean Pit, Chadlington
Lord Chadlington)	
Simon Turner)	
Bryn Torrington)	
John Keeling	)	8. Clanfield CE Primary School
James Fitzpatrick)	
Jill Kewley)	
Mike Freeman)	
Jane Brown)	

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

There are some typographical errors and clarifications necessary.

The following changes are proposed:

p34 In paragraph 108 (a) (i)

Delete “and two thirds of waste to come to the landfill from Oxfordshire”.

Officer Comment

A restriction on the source of waste going to landfill similar to the EfW Plant could mean that waste from Oxfordshire which could be recycled, re-used or recovered would be landfilled in order to meet the requirement set out in the agreement, which would not be consistent with sustainable waste policy.

p43 Number 3 should start with “No HGV traffic”.

Officer Comment

As the plant would operate continuously, cars would need to access at night during shift changes. The condition is intended to apply to the noisier HGV traffic.

p43 Number 5 should read “no import of recyclable waste”.

p43 Before number 1 there should be a sub-heading “Heads of conditions for the EfW Plant” and before number 15 there should be a sub-heading “Heads of conditions for the landfill”.

P33 (para 59) “Unsuitable” should read “suitable”.

p73 and p75 For “1%” put “2-4%”

Further Comments from Other Parties

The Applicants

The applicants propose the following changes to the heads of conditions set out on page 43:

Number 3. Amend the traffic hours to allow HGV access for longer periods i.e.:

1. one hour in the evening (i.e. 7 pm-8 pm);
2. three hours on Saturday afternoon (i.e. 1 pm-4 pm); and
3. six hours on Sundays (i.e. 10 am-4 pm) but only for delivery of waste from NWRCs, raw materials for plant operation (e.g. lime, urea etc) and export of IBA recycle

to meet the needs of the operation and the requirement of the Waste Collection and Disposal Authorities.

Number 5. Delete as not thought through and not justified.

Officer Comment

For number 3 the only changes I would agree with are for Saturday afternoons and Sundays, for the times quoted, but only for bringing in waste from HWRCs. These times operate for the current landfills and help keep HWRCs clear and operational at weekends which are busy times.

I am not sure what “needs of operation” means and the requirements of Waste Collection and Disposal Authorities are met currently by the landfills which operate similar hours to those proposed for the EfW. Extending hours otherwise would have adverse amenity effects in Middleton Stoney and Ardley.

Number 5 is in accordance with SEP policy W5 which gives priority to recycling above thermal treatment so is justified. The detail of the condition can be drawn up subsequently.

Local Representations

10 letters of representation have been received since the report was prepared. The points raised in these letters are:

- the emissions will contaminate the environment and affect the food chain
- the contract lasts for 25 years, affecting health
- the B430 is at capacity
- traffic noise is contrary to proposed downgrading of B430
- no contribution for downgrading costs indicates inappropriateness of location
- incinerator technologies is out of date
- poor roads
- high accident rates
- M40 congested
- close to eco-town
- B430 is not an established HGV route
- health effects
- destroying beauty
- I will see it from my house
- bridleway use is an impossibility
- value of house will fall
- without a MWDF there is no policy framework for deciding application
- PPS10 states waste management provision should reflect concerns of communities, needs of authorities and business and encourage competitiveness. EfW is least favoured by Communities and large scale plant for 25 years is not as competitive as smaller plants on shorter contracts
- sites not chosen by robust analysis but for commercial interests
- more recycling should take place instead
- anaerobic digesters are better for dealing with food waste
- the application is premature pending the Minerals and Waste Framework and could prejudice its outcome
- the Council's Joint Waste Strategy should not have ranked EfW highly as it is not flexible, biodegradable waste should be dealt with elsewhere and energy can be generated from other forms of waste treatment
- EfW technology may become unacceptable
- Costs of adaptation of Plant will fall on the Council taxpayer
- PFI funding failed
- new landfill contracts will be needed before EfW Plant can be built – a double cost to OCC
- top and bottom ash final disposal is not clear
- insufficient evidence on economics of the scheme
- economic benefits will favour the contractor, not OCC
- not in keeping with local plan
- out of keeping with rural environment
- traffic implications for M40
- J10 is overloaded as are villages on B430
- cumulative health impact from emissions and M40
- narrow pavements in Middleton Stoney, unpleasant to use due to lorries passing

- traffic should only go through Ardley not Middleton Stoney
- too far from source of waste
- cumulative traffic with other developments
- need new traffic and air quality surveys
- modern design enables cheap price for EfW Plant
- capacity of EfW Plant means waste will be brought in from long distances
- more road wear and tear
- potential flooding
- wildlife affected
- applicant inexperienced in running EfW Plants
- preferred bidder status prejudices planning application
- if permission given materials and design must be in keeping with local existing buildings
- should only treat local waste, impact lessened
- small toxins from EfW Plant are easily absorbed
- weight limit on Bridge over A34 from the B430 is ignored as are speed limits on B430
- traffic will increase by 300% to the site
- a zero waste policy is achievable
- A34 is overburdened with traffic
- more fuel will be used for transport from South Oxfordshire
- alternative site selection is not adequate

Officer Comments

Most of these representations have been dealt with in the reports. I have the following comments on some new representations:

- (i) Bridleways cannot be used due to noise, pollution, obstruction and litter:– the bridleways are not blocked and I have not experienced any problems as described.
- (ii) Large plant on long contract is far less competitive than smaller plant on shorter contract, PPS10 encourages competitiveness:- There is nothing in PPS10 that suggests a number of smaller plants would be more competitive than one large plant. There are two applications for EfW facilities before the committee.
- (iii) EfW is not flexible, send biodegradable elsewhere, PFI funding not available, adaptation costs will be passed to OCC, landfill contracts will be needed as well as an EfW one, economic benefits favour the developer, modern design means cheap price:– these are contract matters and are not material planning considerations.
- (iv) If permission is given the materials and design of the building should be in keeping with local existing buildings using local materials:– the proposed EfW Plant building is designed in a modern style to carry out an Industrial process and to fit within its site. There are no local existing buildings close to the site. The proposed form of the building is the most appropriate and reflects its function.

RECOMMENDATION

Corrections have been made to the recommendation. For the avoidance of doubt the full amended recommendation is included below.

108. It is **RECOMMENDED** that:

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

(b) subject to legal agreements to cover the following matters:

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

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

Heads of Conditions for the EfW Plant

16. Construction works not to start until access works completed;
17. No waste to be treated until link to Electricity grid is completed;
18. No HGV traffic movements except between:-
7am – 7pm Mondays to Fridays;
7am – 1pm Saturdays;
1pm – 4pm Saturdays on 12 nominated Saturdays and;
1pm – 4pm Saturdays and 10am - 4pm Sundays but only for receiving waste from HWRCs;
19. construction hours to be agreed;
20. no import of recyclable waste;
21. plan to be agreed for incinerator bottom ash operations;
22. details of changes for bridleway 27 provision on definitive line and implementation if line not diverted;
23. implement approved flood risk assessment and site drainage plan;
24. agree details of groundwater and surface water drainage plan;
25. agree plan for external lighting;
26. no external lighting outside hours permitted for traffic movements except for security;
27. control of recording and lifting dinosaur footprints;
28. maximum of 500,000tpa of waste to site until landfill completed;
29. maximum of 2,000 tonnes of waste to site each day until landfill ends;

Heads of Conditions for the Landfill

30. conditions from existing landfill permission updated with an end date of 2019

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

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

Further Consultation Responses

A letter has been received from the applicant updating its position concerning this application in relation to the Council decision to select Viridor as the Preferred Bidder for the MSW contract. The letter states that:

“Until financial close of the contract there is no certainty that the preferred solution will proceed: it is not unknown for things to go wrong between the announcement of the preferred bidder and close of contract, which is still some way off. At this stage, therefore, we consider that Sutton Courtenay is still a reserve site and that it would be premature to abandon the application. Even if the contract were to go back out to tender, WRG might wish to put in a revised bid upon the current application.

In view of the above, we have therefore decided not to withdraw the application.”

The letter goes on to say that WRG would be happy to accept conditions on any consent restricting inputs to waste arising within Oxfordshire.

As to whether WRG would implement such a consent if it did not secure the County MSW contract, the applicant says,

“Our current thinking is that this would probably not be viable commercially, given that we have tied the proposal specifically to waste arising in Oxfordshire. However, to provide a reassurance on this point, we would not object to the implementation of the consent being linked in some way to the MSW contract. The precise mechanism for this needs further consideration, but it could for example be covered by a condition requiring that a minimum percentage of the waste processed through the plant should be MSW waste arising within Oxfordshire.”

Further comments have also been received from the Vale of White Horse District Council and a number of Parish Councils.

Vale of White Horse DC – Does not wish to alter the objections previously raised to this scheme.

Sutton Courtenay Parish Council – The Parish Council has submitted further observations on the second amendment to the application and have also enclosed a report from a consultant which forms part of their response. The Parish Council finds the application as amended still unacceptable and expands on its earlier objections to the application in relation to transport; site location and planning policy; Fly Ash/Air Pollution Control Residue and Bottom Ash; health and air quality; scale and landscaping and noise and light.

The Parish Council has gone into further detail concerning its objections to the design and scale of the proposed EfW building, the track record of the applicant, the origin of waste and the change in demand (including the status of the preferred bidder being given to the Ardley site and its implications for Sutton Courtenay).

They have also expressed serious concerns about the process involved in the determination of the planning application; about the lack of time to submit additional comments whereas the applicant can take as long as they need to prepare a summary of changes. They consider that the timing allocated is extremely

disproportionate and appears flawed and it does not seem fair or just and seems very much contrary to rules of natural justice. Their view is that the changes to the application, reducing the capacity from 300,000 tpa to 220,000tpa, revising the catchment area and amendments to the Incinerator Bottom Ash and Air Pollution Control Residue proposals are such that a new application should be submitted.

In addition, Natural England had objected to the level of ammonia in the analysis of the impacts from air pollution and the Parish Council are not aware whether Natural England has now withdrawn its objection. The Parish Council is also concerned about the photomontage submitted with the application which they feel is misleading and that the County Council should not be determining this application with so many questions still unanswered.

The Parish Council concludes that it still regards the proposal:

“as an increased concentration of industrial facilities at an inappropriate location identified as “open land” in planning policies and which is close to a concentrated residential population. The Parish Council firmly believes that the amended details represent another serious step backwards and should not have been accepted. There is no real beneficial element in the changes to the proposal. Whilst the capacity has reduced, the building size has not, and given the planned incinerator at Ardley, there is no justification for a further incinerator in Oxfordshire. Environmental impact of emissions is a material consideration in planning decisions and the concerns of the local people and public perception of the risks involved are mounting. The Council believes that it is a total departure from the Development Plan, not only mineral policies, but the policies concerning transportation of waste which would now have to be brought in from outside of the county, and would remind the County Council of the decision in Capel Parish Council v Surrey County Council where it was stated that “if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The importance of this in a plan led system which the Planning Acts impose is obvious.”

The Parish Council would urge the County Council to refuse the application.”

The report submitted with the Parish Council objection is an extensive detailed report which addresses the issues of:

- The Development Plan (including the absence of an up to date Local Development Framework and the issue of prematurity).
- Whether the site should be considered as ‘brownfield’ or ‘greenfield’ site(considering it the latter).
- The assessment of need and conflict with recycling and the reasonableness of waste growth assumptions(considering them unreasonable)
- Why bottom ash is likely to be hazardous waste and not used for recycling plus impacts of hazardous landfill.
- Legal basis of Perception of Risk as a material planning consideration.
- More environmentally sustainable alternatives.

The report concludes that the proposal is not in accordance with the Development Plan and that there are no mitigating material considerations which outweigh the harm that would be caused. It recommends that the application be refused.

Appleford Parish Council – Reiterate their objections to the proposed development. Over the past 50 years residents have seen their village landscape change from rural to rat infested rubbish tip, despite assurances that disturbances would be short lived. Do not want another massive building having been dominated by the Power Station for the last 40 years. The Council's preferred bidder is now Viridor at Ardley. Where will the 200,000 tpa of waste for the Sutton Courtenay incinerator come from? Will there be more lorries and trains disgorging refuse to the site. Concerned that WRG will want to go back to the original 300,000 tpa proposed.

Culham Parish Council – Object strongly to the development for the following reasons:

- Landscape and visual impact – proposal is contrary to Structure Plan policy EN1 in that the scale or size of the proposed building would unacceptably damage the local landscape. It would have a major impact on views from Wittenham Clumps and the North Weald AONB.
- Cultural Heritage – the development would have an adverse effect on the many listed buildings in the area and the Sutton Courtenay and Culham Conservation Areas contrary to Structure Plan policy EN4.
- New developments in flood risk area – Policy EN9 of the Structure Plan states that new developments should be away from sites with flood risks – this site is not.
- Harm to character and amenity of the area – Size of the development conflicts with Structure Plan Policy G2 which says that developments should be of a scale and type appropriate to the area.
- Biodiversity protection – Development conflicts with Structure Plan policy EN2 as it would result in habitat of Little Ringed Plovers and skylarks being lost.
- Change of use of open rural character – proposed development would constitute a change of character to this important rural land between Didcot and Appleford.
- Public perception of health risks – remain worried about health risks of incinerators (despite what the HPA say) for the following reasons:
 - (i) the area has some of worst air quality and cancer rates in the county
 - (ii) concern about higher levels of disease and birth defects in areas close to incinerators
 - (iii) there are other more effective ways to dispose of waste other than incineration
 - (iv) dioxins released to the air will pollute local farmland and gardens
 - (v) poor record of WRG running the incinerator at Nottingham – large number of breaches of the Environmental Agency permit
 - (vi) no independent assessment of cumulative health impact of the incinerator
 - (vii) visual impact unavoidable and a constant reminder of health concerns that incinerators generate.
- Burying toxic waste above an aquifer – very concerned about disposing of toxic waste in the Thames Flood Plain. Concerned about transport of hazardous waste within the site and safety measures in place.

- Physical impact (traffic, noise, dust, light) – no consideration given to reducing impact of heavy goods vehicles. This proposal will add considerable extra traffic and will add to noise, dust and light pollution in the area.
- Combined heat and power – no suitable heat load in Didcot for a CHP system.
- Controls – no adequate descriptions of proposed emissions and hazardous waste chemical controls.
- Size – although the throughput has been reduced by 27%, what protection is there to ensure the full 300,000 tpc is not implemented later.
- Design – design scheme is very poorly documented.
- Waste management strategy – proposal is being put forward without an up to date Minerals & Waste Plan.
- Unpreferred bidder status – as Viridor are now the preferred bidders, (a) is the current application still valid in terms of value for money, and (b) needed.

Further comments have been received from:

Commission for Architecture and the Built Environment (CABE) – Pleased to comment on this interesting building type and support the county's commitment to deliver a considered design solution. In this instance, our comments will concentrate on the design rather than broader issues of strategic planning. Since we last saw this scheme for the Sutton Courtenay Resource Park Energy from Waste Plant it has evolved and we welcome the changes to the design. We think the building's design is sound, but we have some general comments which are set out below.

The accentuated and slim form of the main hall gives the plant a dynamic appearance. We welcome the fact that the visitor centre has been integrated into the main building. In our view, this will improve the experience for visitors coming to see the facility. Ultimately, the quality of the building will be dependent on the materials and detailing. Ensuring the façade is robust and solid, for example, will be crucial in ensuring low maintenance costs and the building's long life.

Hope that nuisance for local residents, in terms of noise, odour and pollution, are kept to a minimum.

Natural England – welcomes the submission of the ecological survey and recommends that Oxfordshire County Council's in-house ecologist is consulted on the wintering bird survey.

Campaign to Protect Rural England (CPRE) – object on the following grounds:

1. The proposed infrastructure runs counter to three Policy statements in the VOWHDC Local Plan 2011. NE9 states that development will not be permitted in the Lowland Vale if it would have an adverse effect on the landscape, particularly the long open views within or across the area. NE11 precludes development which would further erode or damage the character of the landscape. Finally, NE10 seeks to protect urban fringes and countryside gaps by prohibiting developments which would harm their essentially open or rural character. The scale of this proposal goes entirely counter to these policies.

2. The proposal also infringes policies from the OCC Structure Plan, namely, EN1 (visibility from the North Wessex Downs AONB), EN2 (loss of habitat), EN4 (the Cultural Heritage of the surrounding area) and G2 (Improving the Quality of Design).
3. The plan to bury toxic waste close to the River Thames carries an unacceptable risk. We understand that area concerned is directly above an aquifer which has been defined as vulnerable by the Environment Agency. In addition, OCC Policy EN9 states that new developments should not be sited in areas such as this where there is a flood risk.
4. The A34 is already overloaded and normal traffic growth is going to make things worse in future. There is not the capacity for the additional vehicle movements which would be created by this application.

In addition, concerned that there is no suitable load for CHP facility in Didcot and there is much unease amongst local residents about the perceived health risks.

Abingdon Marina Residents Association – Object on the grounds that the Council should adhere to the single site ruling, request a detailed environmental impact assessment (in particular the disposal of highly toxic waste close to an aquifer and within the flood plain) and consider the comparative merits of incineration with anaerobic digestion and mechanical and biological treatment.

The Dorchester Carbon Project – Object for the following reasons:

- Without an up to date Minerals & Waste Development Framework, OCC does not have the policy framework to guide making a proper decision on the building of an incinerator – the argument of prematurity.
- Contrary to provisions set out in PPS10. The proposed EfW plant is perceived to present an unacceptable level of risk to human health. Pleased to see that the applicant has included projected emissions from Didcot A & B power stations in their comments. However, existing background levels need to be known. Cumulative effects of existing and proposed waste disposal facilities not clear, for instance impacts on local beef, lamb and pork enterprises and fruit and vegetable growers. All are particularly sensitive receptors. Real risk to these receptors has not been quantified.
- The concerns of local communities have not been met. Both Parish and District Councils are concerned the EfW is not the best way forward and have objected. Local waste collection authorities have objected. A large scale incinerator with a long term contract would not encourage competitiveness and the recycling market.
- Current trends in waste collection and management in Oxfordshire suggest that there will be little need for an incinerator in order to meet the Landfill Directive.

Comments of the Head of Sustainable Development

At the time of writing this Addenda as well as comments from consultees, 977 third party responses have been received as a result of the three consultation exercises that have been undertaken during the processing of this application. All but two are objections to the development. The main areas of concern of respondents remain the perceived health risks of the proposal, traffic and transport implications, design

and scale of the development and its impact on the landscape, the impact of the hazardous landfill operation proposed and any associated effects on the floodplain and aquifer, conflict with Development Plan policies and the lack of a Minerals & Waste Development Framework, the poor track record of the applicant, alternative technologies and the immediate environmental impacts (noise, dust, air, light pollution). All these issues have been referred to, and commented upon, both in the main report and in Annex 3.

A number of the respondents refer to Structure Plan policies. The Structure Plan no longer forms part of the Development Plan (although as noted in the main report there are three saved policies, none of which is relevant to this proposal) and the gist of the policies has been incorporated into the policies of the South East Plan.

An issue that Sutton Courtenay Parish Council has raised relates to the consideration of amendments to the original planning application. In this case, the amendment reduced the throughput of the proposal from 300,00tpa to 220,000 and restricted the area from which waste can be imported, so that the impacts of the development would be the same or reduced. An entirely new application was not warranted. Nonetheless, consultation on the amendment took place for the same period as would have been statutorily required for a new application.

Natural England's comment regarding the latest wintering bird survey has been addressed. The County Ecologist has been consulted and has no objections to the survey work undertaken and the mitigation measures proposed.

Comments have been made by Viridor (the applicant for the Ardley application) on the report for their application. One comment also refers to the Sutton Courtenay report. They indicate that a condition is proposed in the recommendation on the Ardley proposal requiring that EfW plant should not take recyclable waste but no such condition is proposed for the Sutton Courtenay proposal.

I agree that such a condition should be included in the recommendation for this application.

Recommendation

Corrections have been made to the recommendation. For the avoidance of doubt the full amended recommendation is included below.

129. **It is RECOMMENDED that:**

- (a) subject to the application being referred to the Secretary of State as a significant departure from the development plan and the Secretary of State not calling in the application for his own determination and;**
- (b) subject to legal agreements to cover the following matters:**

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

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

1. Compliance with details of application submitted (as revised). This includes a restriction to incinerating waste arising from within Oxfordshire only.
2. Detailed duration – 3 years.
3. Schedule of external materials to be agreed.
4. Noise levels.
5. Contaminated land risk assessment to be carried out.
6. Details of groundwater drainage scheme.
7. Development shall halt if previously unidentified contamination is discovered.
8. Details of piling or other foundation designs using penetrative methods to be submitted.
9. Details of final surfacing and containment arrangements for all areas used for storage of liquid fuels etc.
10. Details of underground land drainage scheme.
11. Details of all surface water drainage arrangements.
12. Total amount of waste to be imported to the site by road to be restricted to a maximum of 320,000 tpa.
13. A travel plan to be drawn up.
14. A construction travel plan to be drawn up.
15. Details of proposed cycle storage provision.
16. Final details of proposed car parking layout.
17. The northern site access onto the B4016 to be limited to 100 vehicle movement per day.
18. Macrophyte surveys of water bodies to be carried out.
19. Works in the vicinity of badger setts.

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

Informatives to cover:

- Waste heat recovery infrastructure
- Oil and chemical storage areas
- Environmental Permit
- Water extraction and dewatering
- Discharge consents
- Works within 8 m of designated main rivers
- Culverting of watercourses

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

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