

**For: PLANNING AND REGULATION COMMITTEE – 28 MAY 2012**

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

**Development Proposed:**

**The continuation of development for the establishment of recycling facilities on land west of corridor road; extension of the duration of the existing green waste composting facility; the storage of materials derived from the recycling facilities within the green waste composting facility without complying with conditions 1, 6, 16, 18 and 19 of planning permission APF/616/57-CM.**

**Division Affected:** Sutton Courtenay and Harwell

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

**Location:** Sutton Courtenay Landfill Site, Abingdon, OX14 4PW.

**Application No:** MW.0027/12

**District Council Area:** Vale of White Horse

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**Recommendation**

The report recommends that the application be approved.

• **Part 1 – Facts and Background**

**Location (see site plan 1)**

1. The site lies in the centre of the Sutton Courtenay landfill Complex; 1km east of Sutton Courtenay, 1km west of Appleford, 3km south of Abingdon and 1.5km north of Didcot.

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

2. A green waste composting site occupies the western half of the site. The eastern side is undeveloped.
3. Access to the site is to the south onto a byway open to all traffic (BOAT).
4. To the west and south is restored agricultural land. To the north is a gravel processing plant and block crushing area. To the east is the corridor road and beyond that is a black top plant next to the Appleford sidings railhead. Sutton Courtenay landfill is 300 m to the southeast.
5. The closest dwellings are in Sutton Courtenay and Appleford villages, 1 km distant.

**Background and History**

6. The site already has planning permission for the Materials Recycling Facility (MRF) and In Vessel Composting Facility (IVC). This was granted in 2008 (APF/616/57-CM). Only the green waste composting part of the permission has been implemented.

**Details of the Development**

7. The applicant has submitted a section 73 application to carry on the development permitted without complying with 5 conditions of the permission. He seeks to remove the In-vessel composting facility (IVC) from the development, as a result of not obtaining the Council's green waste contract, and to expand and relocate the Materials Recovery Facility (MRF) within the site. No change is sought to the green waste composting part of the site.
8. It is proposed to remove the condition requiring a great crested newt survey which has now been done and has shown there are no newts present on site.
9. It is proposed to remove the condition requiring the submission of landscaping plans as these have been submitted since the permission was issued.

10. The applicant has submitted additional conditions related to internal layout of the MRF, fuel and liquid storage.
11. The proposed changes to wording of conditions are set out at Annex 2.

### **The MRF**

12. The MRF would be 100m x 65m x 12m high with an attached office 10m x 26m x 4.4m high and would be constructed of plastic covered steel sheeting. The currently permitted building's dimensions are 91m x 42m x 12m. The permitted throughput of 70,000 tpa is not changed. The permitted 70,000 tpa throughput for the IVC would not take place.
13. There would be hardstanding to the west and north of the facility.
14. The MRF would operate standard hours which are 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays.
15. The MRF would process dry materials such as paper, cardboard, plastic and metals. Any residue from the process would be sent to the adjacent landfill site.
16. A separate access would be formed to this part of the site onto the byway to the south.

### **The Green Waste Composting**

17. No changes are proposed to the green waste composting element of the development which has a throughout of 40,000 tpa of green waste.
18. The green waste composting site operates windrows composed of green waste in the open. The windrows are turned mechanically and after some eight weeks the materials should have composted and are then screened and the compost exported from the site. Residues are landfilled.
19. The site has screening bunds to the west, south and part of the north and these would be extended to the whole length of the north as well. Woodland screening vegetation 15-20 m wide would be planted on the eastern end of the site.
20. The green waste facility would operate the same hours as the MRF but as at present would allow green waste from Council Household Waste Recycling Centres to be imported on Saturday afternoons, Sundays and bank holidays.

• **Part 2 – Other Viewpoints**

**Representations**

21. One letter of objection has been received. A copy of the letter is available in the Members' Resource Centre. The key points of which are:
- Further proliferation on a green-field site;
  - If buildings are not temporary there will be a problem in restoring a green-field site.

**Consultations**

22. A summary of consultation responses received in relation to this application can be found at Annex 1. They are also available to read in full on the eplanning website. There has been no objection from statutory consultees. However, Sutton Courtenay Parish Council have raised a number of concerns.

**Part 3 – Relevant Planning Documents**

**Relevant planning documents and legislation (see Policy Annex to the committee papers)**

23. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
24. The relevant development plan documents are:
- The South East Plan (SEP) 2026
  - The Vale of White Horse Local Plan (VLP)2011
  - The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996
25. The SEP forms part of the development plan. However, the government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.
26. The Oxfordshire Minerals and Waste Core Strategy has not yet been adopted. However, the proposed submission document (OMWCS) was agreed by Oxfordshire County Council's Cabinet on 13 March and full Council on 3 April. Now that it has been agreed by the Council it will be published for public comment and submitted to the Government for examination. Independent examination of the plan by a government appointed Inspector is expected to take place later in 2012. When the Inspector's report is received, the Council will be able to adopt a final plan. As this plan is now at an advanced stage, significant weight should be given to its policies.

**Relevant Policies**

27. The relevant policies are:
- SEP 2026 – W5, W6, W17
  - VWHLP 2011 – NE9, NE10, NE11
  - MWLP 1996 -- W3, W4, W5, PE13
  - OMWCS - W6, W7, C3, C7, C8

**Part 4 – Analysis and Conclusions**

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

28. The key planning issue is whether the changes to the permitted development would cause adverse amenity and environmental effects.
29. Sutton Courtenay Parish Council have objected to this application and expressed a number of concerns. Their response is summarised at Annex 1 along with an officer response.
30. The wording of the conditions proposed to be changed and the proposed changes are at Annex 2.

**Waste Policy**

31. Waste policy supports the diversion of waste from landfill.
32. The original application for the MRF and IVC development was considered against the relevant policy when permission was originally granted in 2008. It was considered that the proposals, which would divert waste from landfill, accorded with policies including those in the OMWLP and Regional Planning Guidance for the South East (RPG9) (these policies were later incorporated into SEP.) There has been no significant change to the direction of policy since that time.
33. The proposed changes to the conditions do not affect the compliance of the development with waste policy. Although there will no longer be an IVC facility on the site, food waste would be processed at IVC and AD facilities elsewhere in the County and not sent to landfill.
34. There is no change proposed to the end-date of the permission (2019). Therefore, the proposal accords with MWLP policy W4 and Waste Planning Strategy policy W6. These require temporary waste facilities to be removed on or before the end-date of the landfill permission on which they are located.

### **Landscape**

35. Policy states that proposals should not be permitted if they would have an adverse effect on landscape, especially on long open views (VLP NE9). The site is within an area identified where development should not harm the essentially open or rural character (VLP NE10).
36. Although the changes proposed would increase the size of the MRF building, they would also eliminate the IVC building so the overall building footprint would be less. The site footprint remains the same. Landscaping plans have been submitted. Therefore, I consider the proposed changes accord with VOWH policy relating to landscape.

### **Traffic**

37. OMWLP Policy W3, SEP Policy W17 and OMWCS policy C7 expect facilities to be well related to the transport network and not cause nuisance from traffic generation. OMWCS policy C7 states that waste development should only be permitted where there is convenient access along the primary road network which maintains safety, amenity and efficiency and quality of the road network.
38. The proposals would mean less traffic to the site than is currently permitted, as there would be no import of material to the IVC. A condition could be attached to any permission restricting the import of waste to the MRF to 70,000tpa to ensure overall traffic levels do reduce as proposed.
39. The current permission is subject to a routeing agreement which directs traffic to the A34 via the southern access to the Sutton Courtenay complex. That agreement covers any further permission, such as this one, for the same development with different conditions. Therefore, it would continue to apply to the new permission should this application be granted.
40. I consider that the development is acceptable in terms of traffic and accords with relevant policies.

### **Rights of Way**

41. OMWLP policy PE11 and OMWCS policy C8 require that the rights of way network be maintained and encourage improvements.
42. The Rights of Way Officer raises concerns over the state of the Byway Open to All Traffic (BOAT) onto which the site accesses. Improvements and maintenance of the surface could be achieved by an additional condition.
43. Similarly, conditions could keep the BOAT free from obstruction while the access to the MRF area is constructed and could require signage warning drivers about pedestrians on the BOAT.

44. Therefore, this proposal offers an opportunity to provide for and improve the maintenance of a public right of way, in accordance with policy.

### **Impacts on Amenity**

45. Planning policy requires that proposals for waste development should not have unacceptable adverse impacts on residential amenity and other sensitive receptors (OMWCS C3).
46. The site is 1km away from the nearest residential property, sufficient distance to attenuate any noise or dust created to acceptable levels. The immediate area to the site could be protected from dust by condition requiring proper management on site.
47. Topography, vegetation and bunding would more than adequately visually screen the site from residences. The previous permission required bunds to be 3m in height but only those on the west end are that height. A condition should be attached requiring 3m high bunds where bunds are proposed.

### **Restoration**

48. Policy requires the restoration of landfill sites within a reasonable timescale (OMWLP PE13,OMWCS W7). Although this is not landfill development it is within the wider landfill site and temporary to ensure that it ends when the landfilling does so the site can be fully restored. The site is in countryside temporarily damaged by landfill development so it will be important to secure restoration. Therefore, a condition should be attached to require the implementation of a suitable restoration plan.
49. The single letter of objection that has been received from a local resident has expressed concern that if the development is not temporary there would be difficulty in restoring the site to green field. The development would be temporary until 2019, in accordance with the condition on the existing consent.

### **Ecology**

50. The site has negligible ecological value. There are no ecologically important sites in the area that would be affected by development at the site. I consider the removal of the condition requiring a newt survey to be acceptable as this survey has recently been done and which concluded that there were no great crested newts on site There has been no objection from the Ecologist Planner.

### **Drainage**

51. The Environment Agency has confirmed that a new surface water drainage scheme is needed because the site layout has changed. They have concerns about water infiltration systems but tests for them could be incorporated in a condition requiring a new drainage scheme before construction of the MRF commences.

## **Conclusions**

52. The development of the MRF already has permission and the application is to alter conditions to remove the IVC element of the development. A minor adjustment to the site of the MRF building and a relatively small increase to its size would not have a significant impact on the environment. This application provides the opportunity to attach further conditions to make the current development more acceptable by improving bunding and the state of the BOAT used as an access. Conditions could also ensure the site is restored in a way compatible to the landfill site in which it lies.

## **Recommendation**

53. **It is RECOMMENDED that Application MW.0027/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth and Infrastructure) but in accordance with those set out at Annex 2 to this report.**

MARTIN TUGWELL

Deputy Director for Environment & Economy (Growth & Infrastructure)

May 2012

## Annex 1 – Consultation Responses

1. Vale of White Horse District Council Environmental Health Officer – There have been odour complaints in the past. Confirm with the EA that there will be no recurrence.
2. Sutton Courtenay Parish Council – The current permission is out of time as the MRF has not been built. As the MRF is proposed to be nearly twice as big and is out of time a new application should be submitted. The large EfW and MBT buildings nearby were refused as contrary to lowland vale policies and prominent impact on landscape and this large application should be treated similarly. A screening exercise should be carried out. Site drainage for the landfill is still to be approved. This application should not be determined until that drainage has been approved. A flood risk assessment should be done.
3. There is no reference to a contract for the MRF but there is for the IVC. Ardley now deals with Oxfordshire waste so question whether MRF needed here. There is no reference to the EA investigating odour complaints. There is not enough detail on odour and dust. The PC should not have to compare previous Planning permissions with this application. If the application is granted then:
  - Compost from the site should not be transported through built up areas or over Culham Bridge;
  - Controls on smell and dust are needed;
  - Working hours should be restricted with no weekend operations or deliveries of green waste on Sundays or bank holidays;
  - The type of waste allowed should be defined to stop toxic and hazardous waste being imported;
  - Noise controls are needed;
  - Green waste should only be stored as shown on the approved plan;
  - The permission should not go beyond 2019.
4. Didcot Town Council – the original drainage scheme should remain in place.
5. Environment Agency – No objection to IVC removal. The surface water drainage system needs to be updated. Infiltration tests are required to demonstrate feasibility of infiltration and should be included in the drainage strategy.
6. Natural England – Does not affect statutorily protected sites or impact on soil conservation.
7. HSE – No comment, it is not near a nuclear safeguarding zone.

8. Thames Water – No objection on water infrastructure grounds. Advice offered to applicant on surface water drainage.
9. Highway Authority – No objection as there would be an overall decrease in lorry traffic from the original permission. Repeat the condition requiring the ROW not to be obstructed during any access construction.
10. Rights of Way team – The screening bund encroaches on the Byway open to all traffic (BOAT) and the applicant should ensure it does not.

Recent surfacing of the BOAT in front of the access is poor and an obstruction. It lacks structure and is impassable following a shower. This material should be removed and replaced with solid material robust enough to carry HGVs, pedestrians and cyclists. The material can be recycled but with no angular material, metal or plastic.

Once resurfaced it should be maintained. There should be signage warning drivers of HGVs, pedestrians and cyclists

**Officer Response (*in italics*) to points raised by Sutton Courtenay Parish Council**

- The MRF cannot be built as the permission was not implemented within 3 years of issue.

*In fact the permission has been implemented as the green waste facility is in operation which allows other parts of the permission to be implemented at any time up to the end-date.*

- A new application is needed for what is proposed.

*This application made under section 73 of the Planning Act is a new application which would lead to a new consent. There is no less information in this application than would be in a full application. As the description of development is not changing, there is no need for a new, full application.*

- An Environmental Impact Assessment screening report should be done for this site.

*It has already been done.*

- This development is no longer needed as all the waste from Oxfordshire will now go to Ardley.

*The Ardley EfW development was never intended to take all the waste from Oxfordshire and this site is still needed to treat waste from Oxfordshire.*

- It should not be down to the Parish Council to have to compare the previous permissions for this development with this application.

*The case officer advised the Parish Council of the main differences and offered some advice on how comments might be made*

- If permission is granted, conditions should be attached to:
  - Ensure compost from the site should not be transported through built up areas or over Culham Bridge.
  - *A current routeing agreement will continue to apply which means any traffic will access only to the south away from the villages and Culham Bridge.*
  - Controls on smell and dust are needed.
  - *There should be a condition on dust control but odour control is for the EA to exercise through Permit conditions.*
  - Working hours should be restricted with no weekend operations or deliveries of green waste on Sundays or bank holidays.
  - *I do not see an amenity reason to restrict Sunday and bank holiday operations as residential properties are 1km or more from the site and traffic does not pass near properties.*
  - The type of waste allowed should be defined to stop toxic and hazardous waste being imported.
  - *It is not for the LPA to control the types of waste but for the Environment Agency to do so through the Permit, the purpose of which is to control pollution. However, hazardous waste cannot be deposited unless the planning application is accompanied by an environmental statement. In this case it was not and a condition restricting hazardous waste should be retained from the original permission.*
  - Noise controls are needed.
  - *There are conditions controlling noise in the current permission and they should continue through to any new permission.*
  - Green waste should only be stored as shown on the approved plan.
  - *Green waste should only be stored in areas designated on a plan.*
  - The permission should not go beyond 2019.
  - *The application has not requested the end-date condition to be changed so development would still end in 2019.*

## Annex 2 – Conditions

It is **RECOMMENDED** that conditions are carried forward from the original consent (APF/616/57-CM) with the following changes:

1. **Amendments to conditions 1, 6, 18 and 19 and deletion of condition 16 as applied for and set out below**
2. **Addition of conditions as set out below**
3. **Updating wording of remaining conditions to ensure they are consistent with current standard condition wording and are enforceable.**

### Changes to Existing Conditions

#### Condition 1

**Proposed change to substitute approved plans to reflect the change in the siting and size of the MRF building and the non-implementation of the IVC building.**

**Currently states:** The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The application comprises: Supporting Statement reference 403/0197/00205/06 dated September 2007, Site Location Plan SC2/1 dated June 2007, Layout of MRF and Composting Facilities SC 3/1 dated June 2007, Building Elevations SC 3/2 dated July 2007, Internal Layout of MRF and Composting Facilities SC 3/3 dated June 2007 and Existing Land Use Drawing Number SC2/2 dated June 2007.

**Proposed replacement condition:** *The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The application comprises: Supporting Statement reference PEL/SC73/19471/001 dated October 2011, Site Location Plan CH6737-P01/C, Building Elevations CH6737-P02/C and landscaping drawings SC-RF-LR1 and SC-RF-LR2 dated December 2011.*

**Officer Comment:** The proposed updated plans and replacement condition are considered acceptable. However, the reference to the landscaping plans should be removed, as the submitted plans are not considered acceptable by the Ecologist Planner. A condition requiring the submission of these plans is retained, as detailed below.

#### Condition 6

##### **Change to remove reference to IVC**

**Currently states:** No operations relating to the In Vessel Composting Facility, MRF or Green Waste Composting Facility including HGV" s entering and leaving the site, other than air pumping and monitoring, shall be carried out on site except between the following times;

7:00 am to 18:00 pm Monday to Friday

7:00 am to 13:00 pm Saturdays

No operations shall take place Sunday or Bank Holidays

**Proposed replacement condition:** *No operations relating to the MRF or Green Waste Composting Facility including HGVs entering and leaving the site, other than air pumping and monitoring, shall be carried out on site except between the following times;*

*7:00 am to 18:00 pm Monday to Friday*

*7:00 am to 13:00 pm Saturdays*

*No operations shall take place Sunday or Bank Holidays*

**Officer Comment:** The proposed change is considered acceptable.

### **Condition 16**

**Change to remove the need for a great crested newt survey as this has been done and they have not been found.**

**Currently reads:** No development of the IVC or MRF shall commence until a survey for great crested newts has been carried out by a suitably qualified ecologist and full details have been sent to the Waste Planning Authority and approved in writing. If great crested newts are present then no development of the IVC or MRF shall take place until full details of a great crested newt mitigation plan has been submitted to and approved in writing by Oxfordshire County Council. The surveys, mitigation and contingency measures shall be implemented in accordance with the approved plan before the IVC or MRF buildings are constructed.

**Proposed replacement condition:** *It is proposed that this condition is deleted.*

**Officer Comment:** The deletion of this condition is considered acceptable.

### **Condition 18**

**Proposed change as landscaping plan has now been submitted**

**Currently reads:** No development of the MRF or IVC shall commence until a scheme for the enhancement of screening vegetation has been submitted to the Waste Planning Authority and approved in writing. Any scheme that is approved shall be implemented in the first planting season following the date of this permission and shall be maintained for the life of the permission.

**Applicant's suggested condition:** Site planting and soft landscaping shall be undertaken in accordance with drawings SC-RF-LR1 and SC-RF-LR2 dated December 2011.

**Proposed replacement condition:** *No development of the MRF shall commence until a scheme for the enhancement of screening vegetation has been submitted to the Waste Planning Authority and approved in writing. Any scheme that is approved shall be implemented in the first planting season following the date of this permission and shall be maintained for the life of the permission.*

**Condition 19**

**Proposed change to remove reference to IVC**

**Currently reads:** No development of the MRF or IVC shall commence until drainage details incorporating sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Waste Planning Authority. Any scheme approved shall be implemented before any waste is brought to the MRF or IVC.

**Proposed replacement condition:** *No development of the MRF shall commence until drainage details incorporating sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Waste Planning Authority. Any scheme approved shall be implemented before any waste is brought to the MRF.*

**Officer Comment:** The proposed change to this condition is considered acceptable.

**New Conditions**

It is **RECOMMENDED** that the following new conditions are attached to the consent:

1. No construction of the MRF shall commence until a scheme for the surfacing of the road from the two accesses to the site to Corridor Road has been submitted to and approved in writing by the Waste Planning Authority, and those surfacing works have been completed in accordance with the approved scheme. The surfaced road shall be maintained in accordance with the approved scheme for the duration of the development.
2. No construction of the MRF shall commence until signs warning lorry drivers of pedestrians and cyclists on the road outside the two accesses to the site have been erected in accordance with details of location and design which have been submitted to and approved in writing by the Waste Planning Authority. These signs shall be maintained for the duration of the development.
3. No construction of the MRF shall take place until an internal layout scheme for the MRF has been submitted to and approved by the Waste Planning Authority. The development shall be carried out in accordance with that approved scheme.
4. No construction of the MRF shall take place until the bunds shown on approved plan CH6737-PO1/C have been constructed to 3 metres in height and seeded with grass and until the landscape planting shown on the same approved plan has been implemented. The bunds and landscaping shall be maintained for the duration of the development.

5. No more than 40,000 tonnes per annum of green wastes and 70,000 tonnes per annum of other wastes shall be imported to the site.

Informative: European Protected Species



