

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

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

**Development Proposed:**

1. **Variation of conditions 3 and 5 of planning permission 07/00058/CM to allow longer operating hours and an increase in the maximum throughput of waste from 24 999 tonnes per annum to 45 000 tonnes per annum (MW.0032/12)**
2. **Variation of condition 16 of planning permission 07/00058/CM to allow an additional 6 months until 31<sup>st</sup> October 2012, for completion of concrete apron (MW.0034/12)**

**Division Affected:** Deddington

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

**Location:** Ferris Hill Farm, Hook Norton

**Application No:** MW.0032/12 and MW.0034/12

**District Council Area:** Cherwell

**Contents:**

- Part 1 – Facts and Background
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- Part 3 – Relevant Planning Documents
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**Recommendation**

The report recommends that application 1 (MW.0032/12) be refused for the reason set out on page 12 of this report,

The report recommends that application 2 (MW.0034/12) be approved.

## • Part 1 – Facts and Background

### **Location (See Location Plan 1)**

1. Ferris Hill Farm is an existing waste transfer station (WTS) and recycling facility (WTS) located 1.5 kilometres<sup>1</sup> (0.9 miles) north of Hook Norton and 2 kilometres (1.2 miles) south of Sibford Ferris in the north west corner of the county.

### **The Site and Setting (See Location Plan 2)**

2. The existing waste transfer station (WTS) covers an area of 0.66 hectares (1.6 acres). It is located in the open countryside and forms part of the wider Ferris Hill Farm complex, which comprises a small aggregates depot, workshop and storage buildings and a work yard area. These accommodate other parts of the applicant's business, which include plant and machinery hire and the sale of aggregates from the site.
3. Immediately to the east of the site is a grass paddock with established planting surrounding it. To the west is a pond and vegetation. The nearest property is The Gate Hangs High public house which lies 100 metres to the south east of the site. Otherwise, the nearest residential properties are Croft Farm and White Hill Farm which lie 400 metres to the north west and 350 metres to south east respectively.
4. No footpaths are affected by the proposal.

### **Background & Planning History**

5. In 1998 planning permission was granted by Cherwell District Council for a sand and ballast distribution depot at Ferris Hill Farm. In 2004 the County Council granted permission for the erection of a waste transfer building and use of the site as a waste transfer station (WTS). In 2005 permission was granted to increase the number of vehicles from 1 skip lorry to 3 skip lorries and 1 bulk carrier. In 2005 a further application (05/01092/CM) was made to enable the waste transfer operations, and the distribution of sand and ballast, to take place in separate areas. This application was granted permission but never implemented.
6. In 2007 the current planning permission (07/00058/CM) was granted for an extension to the operational area of the WTS and an enlarged/relocated materials recycling building. This permission removed the condition that limited the number of skip lorries and bulk carriers that could operate from the site. To control the scale of the development and the volume of traffic generated condition 5 was

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<sup>1</sup> All distances are approximate

imposed, limiting the maximum annual throughput of the site to 24,999 tonnes per annum (tpa).

7. The existing planning permission was issued on the basis that this was a 'small scale' waste facility that was meeting local waste management needs, and the 24,999 tpa limit was imposed to ensure that the scale of the development would be controlled. The maximum volume of traffic that the applicant indicated was expected to be generated by the site was 36 HGV movements per day (18 in and 18 out).
8. In 2011 an application was submitted to increase the throughput to 75,000tpa, which is allowed by the Environmental Permit for the site, and to extend the operating hours. This application was recommended for refusal but withdrawn by the applicant prior to being considered by this Committee.
9. A routeing agreement for the site has been in place since the original 1998 permission was granted and has been updated with each subsequent planning permission. The routeing agreement is to prohibit the use of the route to and from the north of the site on the Sibford Road, in order to prevent traffic passing through the villages of Sibford Ferris and Sibford Gower.
10. In October 2011 The Environment Agency (EA), which is responsible for issuing Environmental Permits for waste sites, served a notice on the site owner requiring clearance of waste from the Lower Yard area of the wider Ferris Hill site because this part of the site did not have an Environmental Permit. At present, the only part of the site covered by an Environmental Permit is the area of the existing WTS planning permission.
11. There is also an area of unauthorised waste storage on land adjacent to the site to the west, which is liable to OCC enforcement action as there is no planning permission for this area of land. A Planning Contravention Notice (PCN) is to be served on the site owner by the County Council's enforcement officer on the unauthorised use of this land. A PCN is a precursor to formal enforcement proceedings.

## **Details of the Development**

### **Application 1 (MW.0032/12)**

#### Variation to Condition 5

12. The existing condition 5 states: *The annual throughput of construction and demolition waste at this facility shall not exceed 24,999 tonnes per annum.*

13. It is proposed to continue the existing WTS development with an increase in the maximum annual throughput of waste, from 24,999 tonnes per annum (tpa) to 45,000 tpa.
14. The applicant has stated that the annual throughput needs to be increased to allow for the expansion of the company's skip waste business. They state that a number of factors have led to an increased demand including efficiency in the business; closure of a number of other skip hire operators; a reduction in service of other operators and an increase in demand from householders. The applicant has conceded that throughput on the site has already increased to a level in the region of 45,000 - 50,000 tpa. Therefore, this element of the application is retrospective.

Variation to Condition 3

15. It is proposed to alter the operating hours to start at 7am rather than 8am and finish at 6pm rather than 5pm Mondays to Fridays and to operate between 7am and 1pm rather than 8am to 12 noon on Saturdays. It is not proposed to operate on Sundays or on Bank or Public holidays (Condition 3).
16. The existing condition 3 states:

*No operations authorised or required by this permission shall be carried out and plant shall not be operated, other than during the following hours:-*

*Between 0800 and 1700 hours Mondays to Fridays*

*Between 0800 and 1200 hours on Saturdays*

*No such operations shall take place on Sundays and Public and Bank Holidays and Saturdays immediately following Public and Bank Holiday Fridays.*

17. The applicant states that the existing time limits are historical and do not reflect the current operations or requirements of customers who require early deliveries of skips or materials. They state that there is an increasing need to leave early to avoid areas affected by commuter and school traffic at peak time, in centres such as Oxford, Abingdon, Bicester and Banbury.

**Application 2 (MW.0034/12)**

18. The site contains a waste transfer building which was approved in 2007 and completed in December 2011. A condition on the consent required the provision of a concrete surface in front of the building within three months of the erection of the building. This surface would be for vehicle manoeuvring. It is proposed to alter the timeframe for the provision of this concrete surface until the end of October 2012.

19. The applicant has stated that the additional time is necessary due to delays including ground conditions and because occupation of the building impedes progress on the construction of the concrete surface.

### **Traffic and Access Details**

20. The proposal is to almost double the annual throughput of waste on the site and if permitted would therefore allow an increase in the volume of HGV traffic generated by the activity.
21. The applicant indicates that there would be 70 vehicle movements (35 in, 35 out) over an 11 hour period. The existing planning permission, states that the maximum daily number of HGV movements would be 36 (18 in and 18 out). This is not a condition on the consent, but is what was anticipated given the condition stating a maximum annual throughput.
22. The site is in a rural location and is served by a number of minor country roads. The nearest 'A' roads are the A3400 4.3 miles to the west and A361 4.3 miles to the east.
23. The majority of HGV traffic generated either travels to and from the east of the site along the road to Wigginton Heath through Milcombe to the A361, or to and from the west on the Whichford Road towards the A3400. Traffic also travels south (via 'The Firs' crossroads) towards and through Hook Norton along Clay Bank and on to the Chipping Norton Road towards the A361. The Sibford Road to and from the north of the site (to Sibford Ferris and Sibford Gower) is a prohibited route for site traffic in the routeing agreement.

### **• Part 2 – Other Viewpoints**

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

24. 33 letters of objection have been received to these applications. The main concerns relate to the increase in HGV traffic on local roads and villages. There are also concerns regarding the suitability of the location for a waste operation of this scale and concern regarding unauthorised development on the site. Full details of the representations can be found at Annex 1.

### **Consultation Responses**

25. Details of consultation responses can be found at Annex 2. There has been an objection from the Highways Authority as well as local Parish Councils and Cherwell District Council. These objections relate to application 1 rather than application 2.

• **Part 3 – Relevant Planning Documents**

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

26. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
27. The Development Plan for this area comprises:
  - The South East Plan (SEP)
  - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
  - Cherwell Local Plan (CLP)
28. Other documents that need to be considered in determining this development include:
  - Non Statutory Cherwell Local Plan (NSCLP)
  - Oxfordshire Minerals and Waste Core Strategy Proposed Submission Document (OMWCS)
  - National Planning Policy Framework (NPPF)
29. The South East Plan (SEP) forms part of the Development Plan. However, the Government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.
30. The Oxfordshire Minerals and Waste Core Strategy has not yet been adopted. However, the proposed submission document was agreed by the 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 then 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.
31. The Government's National Planning Policy Framework was published on 27 March 2012. This is a material consideration in taking planning decisions. However, it does not contain specific waste policies as these will be published as part of the National Waste Management Plan for England. Key extracts of the NPPF are highlighted in the planning policy annex.

## Relevant Policies

32. Relevant policies are:

- NPPF – Sections in this document refer to supporting a prosperous rural economy and promoting sustainable transport.
- SEP – W17, T1,
- OMWLP - W1, W3, W4
- CLP – TR7, TR10, C7, C9
- NSCLP – TR16
- OMWCS – W3, W4, W5, W6, C5, C7,

## • Part 4 – Assessment and Conclusions

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

33. Key planning issues to consider in deciding these applications are:
- (i) The acceptability of the proposed waste development in this location.
  - (ii) Traffic impacts on local roads and residents.
  - (iii) Impact on the open countryside.

### Application 1

#### **(i) The acceptability of the proposed waste development in this location**

34. The new spatial strategy for waste is set out in OMWCS policy W5. This states that waste recycling facilities should generally be encouraged. The provision of additional recycling capacity could help meet Oxfordshire's additional construction, demolition and excavation waste as identified in OMWCS policy W4. However, W5 also states that strategic waste facilities should be located in a broad area around Bicester, Oxford, Abingdon and Didcot and that facilities to serve more local needs should be located close to the other main sources of waste (identified as Wantage/Grove, Witney/Carterton and Banbury). Only small scale facilities, in keeping with their surroundings, will be located elsewhere.
35. This site is not located in either an area identified for strategic waste facilities or an area identified for facilities to serve more local needs. The supporting text states that as a guide a facility handling more than 50,000 tpa would be regarded as a strategic facility. This development would increase throughput to 45,000 tpa, which is close to the definition of a strategic facility and, although less than the amount proposed in the previous application, it is a significant increase on the existing consent. It would also result in an average of 70 vehicle movements per day compared to the currently permitted 36 daily movements. I do not

consider that this development could be classed as a 'small scale facility'. Therefore, this policy does not support the development in this location.

36. SEP Policy W17 supports the expansion of existing suitable sites and, along with Policy W3 of the OMWLP, expects such waste recycling operations to be either sited close to the source of waste (or market for the recycled product), be well connected to the transport network and not cause any nuisance in terms of, amongst other things, traffic generation. The original permission was granted on the basis that it was a small scale operation (processing less than 25,000 tpa) and, being in the location it was, it was well located to serve the local area immediately around it.
37. The current proposal, however, involves a significant increase in the capacity of the site such that it can no longer be referred to as being "small scale". Indeed the applicant has confirmed in his application that the site is now drawing in material from as far afield as Oxford, Abingdon, Bicester and Brackley. In my view it is now operating as a sub-regional facility which one would expect to see located closer to the main urban areas rather than in the isolated rural area it is situated.
38. Whilst the proposal would accord with policies aimed at driving waste management up the waste hierarchy and looking to disposal of waste in landfill as a last resort, it would involve a significant increase in the capacity of the site, such that it no longer can be viewed as a small scale local operation. Waste policy does not support larger scale waste operations in locations such as this, which are not well located to the source of waste.

**(ii) Traffic Impacts**

39. OMWLP Policy W3, SEP Policy W17 and OMWCS policy C7 expect facilities to be well related to the transport network and not to 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.
40. There have been objections from a number of local Parish Councils and individuals on the grounds of the impact of increased levels of HGVs. These include concerns regarding the safety of the highway and the amenity of people living along the route. There has also been an objection from the highway authority.
41. The application states that the development would result in 70 vehicle movements per day. However, the highway authority has queried how this figure relates to the 45,000 tpa as it is not supported by evidence in the application.

42. The original proposal for a small scale local operation was adequately served by the network of rural roads. However, the development now proposed is for a significant operation generating substantial HGV movements on roads not suited to such a level of traffic. I consider that the increased traffic that would be generated by the proposed increased tonnages to the site would have a serious adverse impact on the local highway network and on the residential amenities of local residents alongside the main routes to the site. Indeed, the increased level of vehicle movements which is already happening is having an adverse impact on amenity, as reflected in the objections. Therefore, I consider the proposal to be contrary to relevant policy on traffic impacts.
43. The proposal to amend the operating hours would have an impact on traffic because it would allow HGVs to pass by residential properties earlier and later than currently permitted. There have been concerns raised amongst residents about the vehicle movements early in the morning and for extended hours on Saturdays. The hours are slightly shorter than the standard hours as stated in the OMWLP code of practice. However, these alternative hours were imposed on this site for a specific reason; to protect amenity. I do not consider that circumstances have changed sufficiently to justify an alteration to the approved hours of operation. Given the route that HGVs need to take to access the strategic road network, I consider that operating earlier in the morning and later in the evening would have an unacceptable adverse impact on amenity, contrary to OMWCS policy C3.

**(iii) Countryside**

44. Policy W4 of the OMWLP states that recycling operations will not normally be permitted in open countryside unless amongst other things, there is an established overriding need. The Cherwell Local Plan Policy C9 states that developments will normally be resisted where their size or scale is incompatible with a rural location. The NPPF states that policies should support economic growth in rural areas by taking a positive approach to sustainable new development.
45. The site is located within open countryside surrounded by farmland. Planning permission was originally given for the development on the basis that it was a small scale operation serving a purely local need. Subsequent permissions have been allowed, not for expansion of the business, but to allow improvements in the management of the facility and the safety of operations on the site. At that time, the development then proposed was considered to be of an acceptable scale for its isolated rural countryside location.
46. The development now proposed would significantly increase the amount of waste allowed to be handled on site and draw in material from a wider area than the local market, commencing at an earlier time in the morning.

47. I consider that, whereas there may well remain justification for a small locally orientated operation on this site, the proposed larger scale operation, with a wider Oxfordshire market, with all the associated increases in activity on the site that such an operation implies, is contrary to the aims of Policy W4 of the OMWLP and Policy C9 of the CLP. Although it would expand a business in a rural area, I do not consider this scale of activity to be justified in this rural countryside location. I do not believe it can be justified as a 'sustainable development' as encouraged by the NPPF, for the reasons set out above.

#### Application 2

48. The proposal to extend the timescale for the provision of the concreted area in front of the waste transfer building would not have any impacts outside the site. There would be no impact on the amount of waste imported or the HGV movements as a result of this development. Therefore the waste and traffic policies considered above for application 1 are not relevant to this development.
49. There have been no specific objections to the proposal in this application.
50. It is important that this concrete area is constructed in order to ensure safety on the vehicle manoeuvring area in front of the waste transfer building. This was not required prior to the occupation of the building and although it is important that it is completed I consider that there should not be any significant implications of allowing sufficient time until October 2012 for the completion of this work.

#### **Conclusion**

#### Application 1

51. Although policy is supportive of inert waste recycling operations which move waste up the waste hierarchy and divert it from landfill such facilities should be situated in appropriate locations. I do not consider that this site is suitable for a large scale operation of the size now proposed.
52. The application to increase the throughput is contrary to policies relating to waste strategy, traffic and open countryside and it would undermine emerging waste strategy, which seeks to locate strategic waste facilities in a specific area.
53. Therefore, I consider that the scale of this proposal is inappropriate in this location and the application should be refused.

Application 2

54. The concrete area has not been provided as required in accordance with the existing planning consent. It is important that this is constructed and so it is considered appropriate to provide sufficient time for these works to go ahead. Therefore, I consider that this application should be approved.

**Recommendation**

**Application 1**

55. It is **RECOMMENDED** that planning permission be refused for Application MW.0032/12 to amend conditions 3 and 5 (throughput and opening hours) at Ferris Hill Farm, Sibford Road, Hook Norton for the following reason:

- 1) The proposal represents an undesirable intensification of a waste use generating considerable amounts of additional activity and traffic in an attractive rural area served by minor rural roads, contrary to policies W3 of OMWLP and W5 of OMWCS

**Application 2**

56. It is **RECOMMENDED** that subject to a routeing agreement to prohibit the route to and from the north of the site on the Sibford Road in order to prevent traffic passing through the villages of Sibford Ferris and Sibford Gower that planning permission be approved for Application MW.0034/12 subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth and Infrastructure) but to include conditions from the existing consent as amended (Condition 16) to provide until 31October 2012 for the provision of the concrete area

MARTIN TUGWELL  
Deputy Director (Growth & Infrastructure)

## **Annex 1 – Representations**

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

33 letters of objection have been received to these applications. The following concerns are expressed:

### **Traffic through Milcombe**

- Effect on life in Milcombe village.
- Increase in HGVs on unsuitable roads (narrow and in a poor state of repair).
- Danger to pedestrians and other road users.
- Parked cars along the main street make HGV use dangerous.
- HGVs go too fast.
- Applicant should pay for repair of road, not taxpayer, before any permission is granted.
- New dwellings to be constructed in Milcombe on the road the traffic is proposed for.
- Noise from traffic in Milcombe is already disturbing, extension of hours would make this worse, houses are near the road.
- There should be a speed and weight restriction through Milcombe.
- Impact of vibration on the foundations of 18<sup>th</sup> century house.
- Air pollution in Milcombe from traffic – dust and fumes.
- Alternative route suggested – right out of site and left at Gate Hangs High as at present, but then left not straight on at the Wigginton Heath crossroads, down the hill to Lower Tadmarton, through Broughton and to Banbury.
- An alternative route should be found that uses classified roads.
- Letter from riding school – concerned about impact of increased HGVs on narrow roads and on business.
- Milcombe should have a weight restriction through the village.
- Difficult for large vehicles to pass each other in Milcombe.
- Previous improvements at the Gate Hangs High junction are irrelevant given the unsuitability of the rest of the route.
- Danger to horse riders and cyclists.
- Road verges rapidly deteriorating due to HGVs.
- Impact on roads between the gate hangs high and Milcombe – verges already dangerous and road potholed.

### **Traffic in Wigginton Heath**

- Volume of traffic on quiet roads in Wigginton Heath.
- Roads around WH in poor condition already due to lorries, breakdown of verges results in dangerous conditions for vulnerable road users.

### **Traffic Impact on Clay Bank**

- It is narrow with no pavements – not suitable.
- Tourism – Hook Norton brewery and Pear Tree Inn with outdoor seating.
- HGVs should travel A3400 east towards the north of Great Rollright and Sibford Road.

### **Hours**

- Object to increase in operating hours – too early for loud lorries.
- Increase in hours will increase congestion at the busiest times.
- Vehicles do not stick to their existing permitted hours.
- Especially opposed to increased hours on a Saturday.

### **Visual Amenity**

- Site is an eyesore in the AONB.

### **Location**

- Noise and heavy traffic not suitable in Hook Norton area.
- Growing so that it no longer serves the local area – not suitable location.
- Waste is being brought from places such as Abingdon – not local.

### **Road conditions**

- Understand that there is already a restriction preventing these vehicles from going through the Sibfords, there should be a similar restriction on vehicles through Hook Norton.
- Carriageway width outside house is 4.8 metres. Understand that it should be 5 metres to accommodate HGVs.

### **Operations at Ferris Hill Farm**

- Accumulation of waste on the site is damaging the environment and creating a fire hazard.
- Operating as a long term waste storage site.
- Noise nuisance to nearby properties.
- Site burnt waste last year which was a pollution hazard.
- No weighbridge – how is a record kept?
- Operating outside approved hours.
- Site is in breach of its planning conditions.

## Annex 2 – Consultation Responses

1. Cherwell District Council

Application 1: Object for the following reason:

- The impact of the operation of the site on the amenities of local residents and residents of surrounding villages could increase to unacceptable levels by virtue of the increase to the intensity, scale and hours of operation of the site.

Application 2: No objection subject to:

- The County Council monitoring compliance with the new time limit.

2. Whichford and Ascott Parish Council – Concerned that the increase in heavy vehicles using the narrow roads would increase the risk of accidents, especially as it is not gritted in cold weather. The site burnt large quantities of waste in November 2011, if this continues it could be a pollution hazard.

3. Bloxham Parish Council - The site is accessed along country roads. At present there does not appear to be a major problem along the A361 through Bloxham. No details on the frequency, size or route of vehicles removing baled material for recycling. Would welcome a recommendation that closed skips be used. It is not clear how much of the collected material would be able to be recycled or reused. Would like to see the scheduling of vehicles to avoid congestion through villages and the A361.

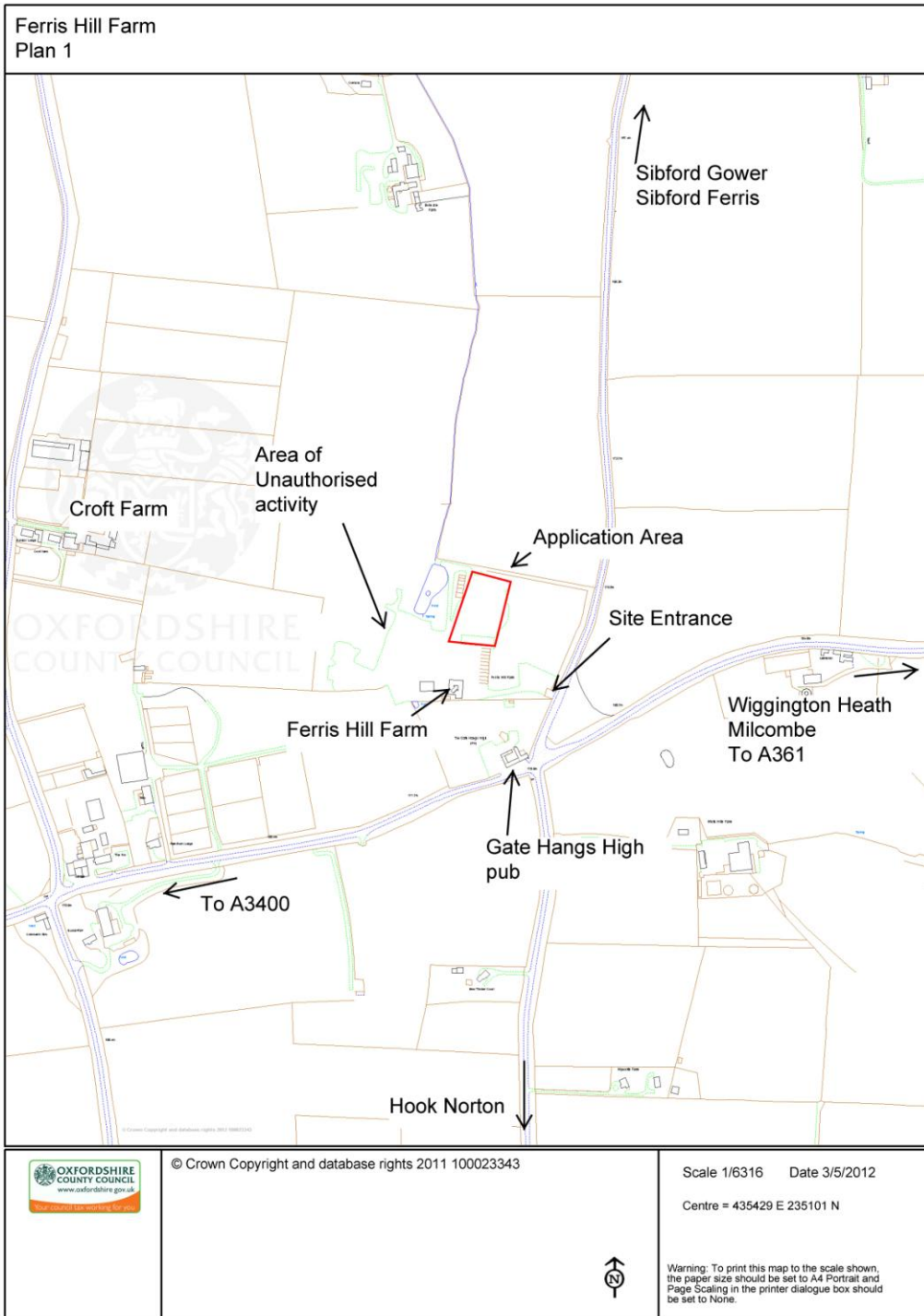
4. Sibford Ferris Parish Council – Application 1 – Object due to the increase in traffic that would occur, the resultant extra damage to the road edges on the prescribed routes and because it would appear that the site is already over capacity as material dumping now appears to be taking place on the adjoining property for which there is no planning permission. This may have an adverse effect on the watercourse that runs north to the Stour. The extra tonnage and opening hours may also have an adverse effect on the business of the Gate Hangs High PH which is very close to the site.

5. Application 2 – No objection to the extension of time to complete the concrete apron.

6. Milcombe Parish Council – Strongly object. Concerned about the increase in HGVs using the road through the village. In places the road is too narrow for HGVs to pass without mounting the verge. It is a danger to other road users. Current restrictions on operating hours are not adhered to. Vehicles also cause pollution and noise problems to villagers. Lorry drivers can speed and drive inconsiderately. The A361 through Bloxham is already heavily congested.

7. Natural England – No objection. The site is close to Hook Norton Cutting & Banks SSSI. However, given the scale and nature of the proposals there is no objection.
8. Environment Agency – No objection.
9. County Council Drainage – No objection or conditions required.
10. County Ecologist Planner – No comment to make as the development would not have an ecological impact.
11. Highways Authority – Application 1 - Object. Although the proposed increase is less than the previous application the impact on the local highway network remains a concern. The local highway network consists of narrow rural lanes with most routes to the greater highway network passing through villages where it is not unusual for buildings to front the carriageway and cause 'pinch points'. There is no evidence to support the provided trip generation figures and the proposed annual throughput does not appear to accord with the trips identified in the statement. The distribution of associated trips is not addressed in terms of direction or time. No comparison is made to the trip generation of the permitted throughput.

The supporting information lacks detail and justification to fully appraise the impact of the proposal. I have significant concerns of highway safety and convenience due to the nature of the local highway network. Therefore I recommend the application for planning permission is refused in the interests of highway safety and convenience. Also the Planning Authority should consider the potential impact upon the amenity of residents living alongside adjacent routes to the greater highway network.



Ferris Hill Plan 2



Ferris Hill Farm

Approved Route to A361



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Scale 1/50526 Date 3/5/2012

Centre = 438136 E 235221 N



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