

**For: PLANNING & REGULATION COMMITTEE – 2 DECEMBER 2013**

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

**Waste transfer facility to handle 60 000 tonnes per annum of non-hazardous waste and 200 tpa of clinical waste; and associated operational development including a northern egress to Corridor Road, concrete pad, soil storage bunds, perimeter fencing, transformer pad and transformer, traffic (Armco) barriers and traffic lights at the consented Materials Recycling Facility (MRF) on land to the west of Corridor Road within the boundary of the existing Sutton Courtenay Waste Management Centre**

**Division Affected:** Sutton Courtenay and Marcham

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

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

**Application Nos:** MW.0136/13 P13/V2235/CM

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

**Applicant:** FCC

**Date Received:** 30 September 2013

**Consultation Period:** 10 October 2013 – 31 October 2013

**Contents:**

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

**Recommendation**

The report recommends that the application be **approved**.

## • Part 1 – Facts and Background

### **Location (see location plan)**

1. The site lies in the centre of the Sutton Courtenay landfill complex; 1km (0.6 mile) east of Sutton Courtenay, 1km west of Appleford, 3km (1.8 miles) south of Abingdon and 1.5km (0.9 mile) north of Didcot.

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

2. A green waste composting site occupies the western half of the site. A Materials Recovery Facility (MRF) has recently been constructed on the eastern part of the site.
3. Access to the site is to the south onto Portway, which is 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 metres to the southeast.
5. The closest areas of population are Sutton Courtenay and Appleford villages, 1 km distant. Appleford Crossing and properties on Main Road, Appleford are closest to the site at approximately 950 metres from the site boundary.

### **Background and History**

6. Permission for the existing MRF building was granted in 2008 (APF/616/57-CM) and subsequent Section 73 permissions amended this consent. In 2012 (P12/V1497/CM) a new permission was issued to allow the MRF to be constructed and operated without the IVC. A further permission (P12/V2207/CM) was issued in January 2013. This varied conditions to extend the end date of operations to 2030, increase the annual throughput to 200 000 tonnes per annum (tpa) and alter the approved elevations. A further Section 73 application (P13/V2032/CM) was made to vary a number of conditions to allow for extended opening hours and external storage of waste, amongst other changes. This application was refused by Planning and Regulation committee on 9 September 2013. The reason for refusal was the unacceptable adverse impact on local residents by operations outside standard working hours. The building which has been constructed on this site has a floor area of only two thirds of the consented building. The applicant intends to construct the final third of the building at a later date.
7. FCC originally proposed to use part of the MRF building for bulking of municipal waste from South Oxfordshire and the Vale of White Horse in the Section 73 application made in 2012 and issued in January 2013 (P12/V2207/CM). This

also included an extension of the end date of the MRF facility. The application was approved by Planning and Regulation Committee on 3<sup>rd</sup> December 2012, however in the course of considering the application it became clear that it would not be possible to approve the proposed bulking of waste and transfer to the Ardley Energy from Waste plant. This is because a Section 73 application can only be used to vary the way that an approved development is carried out and not to add new aspects to that development. As the description of development was for recycling operations and this proposal involved waste transfer with no recycling element, FCC was advised to submit a separate full application for that development.

8. An application (P13/V1523/CM) was made in June 2013 for the use of part of the existing MRF building for the bulking of waste destined for treatment elsewhere in the county. This application was refused by Planning and Regulation committee on 9<sup>th</sup> September 2013. The reason for refusal was that the development would cause an adverse impact on the local highway network and the amenity of local residents through the generation of additional lorry movements after 2020. The applicant has now resubmitted the application to use part of the MRF building for waste transfer operations and has amended the proposal to address the reason for refusal.

### **Details of the Development**

9. Sutton Courtenay landfill site has permission to accept non-hazardous waste for landfilling until 2030. However, in future Oxfordshire's municipal waste will be treated at Ardley Energy from Waste plant. It is proposed to use part of the permitted MRF building at Sutton Courtenay as a waste transfer station (WTS). 50 000 tpa of waste would be brought there after being collected from households and would be transferred onto HGVs for more efficient transport to Ardley, which is approximately 30 miles (48 km) to the north. Transferring waste onto large vehicles would reduce the overall number of waste related movements.
10. It is also proposed to take up to 200 tpa of clinical waste from the South Oxfordshire, West Oxfordshire and Vale of White Horse District Council areas. This would also be for onward transfer to Ardley only and would not be treated on the site. It would be delivered in sealed containers which would not be opened.
11. It is further proposed to offer contingency capacity for the bulking of 10 000 tpa of non-hazardous commercial and industrial waste (C&I) which is not suitable to be treated through the MRF but which could be incinerated at Ardley rather than disposed of at the landfill. Therefore, the application has been made for a total throughput of 60 000tpa plus 200 tpa clinical waste.
12. It is proposed that waste would be imported from the same catchment area as applies to the existing landfill (Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell). The municipal waste element would be from Oxfordshire only.

13. FCC have proposed standard working hours for the WTS operations (07.00-18.00 Mondays to Fridays and 07.00 to 13.00 Saturdays), however they have also proposed operating 07.00 to 17.00 on Saturdays following Bank or Public holidays and 07.00 to 17.00 on Bank and Public holidays themselves with the exception of Christmas Day, Boxing Day and New Year's Day. This would be to meet the contractual requirements of the County Council for catch-up working during and after holiday periods. The site would be closed on Sundays.

Traffic - Changes from previous application (P13/V1523/CM)

14. This re-submission seeks to address the reason for refusal of the previous application. It is proposed that the throughput to the WTS would fall within the existing consented import to the MRF building, rather than being additional to it. The MRF is already consented to handle 200 000 tpa of waste. It is proposed that the 60 000tpa throughput to the proposed WTS should form part of this leaving a 140 000tpa throughout to the MRF. Therefore there would be no additional import of waste. The application states that there would be no change to the number of vehicles exporting waste from the site because vehicles taking waste from the WTS to treatment at Ardley would replace those transporting waste from the MRF. Therefore it concludes that the transport implications of replacing a percentage of the consented recycling operations with waste transfer within the MRF building would be neutral.
15. The clinical waste transfer is expected to generate an average of 2 vehicle movements per fortnight (7.5 tonne vehicle) importing waste to the site plus a further movement on a larger vehicle exporting the food waste.
16. It is anticipated that there would be an average of 60 daily vehicle movements of vehicles exporting waste from the MRF and WTS combined. Waste import to the WTS/MRF would be the same vehicles that are currently consented to take waste to the landfill site.
17. Associated Operational Development
18. New haul road – It is proposed to use a haul road to allow vehicles to leave the site directly onto Corridor Road without using the same road that they used to enter. This road is already constructed but the applicant states it is not in use. It is proposed that this would be brought into use at the same time as the final third of the MRF/WTS building to facilitate traffic management.
19. Concrete pad - It is proposed to construct a concrete pad on the footprint of where the second phase of the MRF/WTS building will go. It will then form the floor when the final third of the building is erected. This pad will measure 65 metres by 30 metres.
20. Bunds – The bunds on the north boundary of the MRF and the west boundary of the composting site are different on the ground to on the approved plans.

The northern bund is further south and does not connect with the western bund as shown. It is proposed to regularise this through the approval of plans showing the accurate bund locations. There is a central bund between the composting and MRF sites and a bund to the south of the composting plant which are not shown on the approved plans. They are three metres high and serve to store soils which will be required in restoration, screen the composting and create a boundary between the two sites. Permission is sought for these bunds along with one on the eastern MRF boundary which is also not shown on any approved plan but screens the development from the rights of way within the wider site.

21. Fencing- It is proposed to relocate approved fencing so that it is placed on the perimeter of the hardstanding, to the north of the northern bund. This would improve security. It would be a 2.4 metre green palisade fence.
22. Transformer pad and transformer – Details of the connection between the facility and the grid have been finalised and a transformer is required. It is proposed to construct this on a 1m by 1.5m concrete pad located between the MRF building and the previously approved substation building.
23. Traffic barriers – It is proposed to construct 550 mm high corrugated steel ‘Armco’ traffic barriers to reduce potential vehicle damage to perimeter fencing, bunds and the water storage tank from vehicle impact. They would also separate traffic from pedestrians.
24. Traffic lights – It is proposed to construct a traffic light system to control vehicle movements within the external part of the site.

## • Part 2 – Other Viewpoints

### **Representations**

25. 64 letters of objection had been received at the time of drafting the report. Copies of these letters are available in the Members Resource Centre. The key points are recorded along with a response in Annex 1.

### **Consultations**

26. A summary of consultation responses received in relation to this application can be found in Annex 2. They are also available to read in full on the eplanning website.

## **Part 3 – Relevant Planning Documents**

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

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

28. The relevant development plan documents are:
- The Vale of White Horse Local Plan (VLP) 2011
  - The Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996
29. The Government's National Planning Policy Framework (NPPF) is a material consideration in taking planning decisions. It does not contain specific policies in relation to waste, as these will be contained in a forthcoming national waste plan.
30. Planning Policy Statement 10 Planning for Sustainable Waste Management remains extant and contains relevant guidance.
31. The Vale of White Horse District Council is in the process of preparing a new Local Plan (VLP 2029). A draft Local Plan Part One 2029 was out to consultation until 9<sup>th</sup> May 2013 and the feedback which was received is now being assessed.

### **Relevant Policies**

32. The relevant policies are:
- Vale of White Horse Local Plan (VLP) 2011
    - NE9 - Landscape
    - NE10 – Open/Rural character on urban fringes and gaps between settlements
    - NE11 – Development within areas of damaged or compromised landscapes
    - DC9 – Neighbouring amenity
  - Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996
    - W3 – Location of waste facilities
    - W5 – Screening of waste treatment plant, buildings and stockpiles
    - PE11 – Rights of Way
    - PE13 – Restoration of landfill
    - PE18 – Imposition of conditions to protect amenity
    - SC3 – Routeing agreements in Sutton Courtenay area
  - VLP 2029
    - Policy1- Presumption in favour of sustainable development
    - Policy 34 - Landscape

## **Part 4 – Analysis and Conclusions**

### **Comments of the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning)**

33. The key planning issue is whether the proposed use of part of the permitted MRF building as a Waste Transfer Station is consistent with planning policy and whether this change would cause adverse amenity and environmental effects.

#### **Waste Policy**

34. The principle of a waste management facility in this location has been found to be acceptable as permission exists until 2030 for recycling operations on this site. The proposal to use part of the permitted building for waste transfer requires a separate consent as this does not involve waste recycling and so does not fall under the original description of development.
35. PPS10 paragraph 1 sets out the overall objective of Government policy on waste and refers to the importance of moving waste up the ‘waste hierarchy’ so that it is reused, recycled or recovered where possible and disposal is a last resort. This development would provide infrastructure to facilitate the diversion of waste from disposal at landfill to treatment at a permitted Energy from Waste plant.
36. The NPPF states that there should be a presumption in favour of sustainable development. VLP 2029 policy 1 reiterates a presumption in favour of sustainable development. This development can be considered sustainable as it would contribute towards the diversion of waste from landfill. It would also allow waste to be taken to Ardley on fewer, larger vehicles compared to a situation where waste was delivered using refuse collection vehicles.
37. Some representations have stated concern that the applicant has not demonstrated an overriding need for this development in this location. As the development is proposed to be temporary for the life of the landfill site, there is no policy requirement for the need for the development in this location to be demonstrated.
38. OMWLP PE13 requires the restoration of landfill sites within a reasonable timescale. Although this is not landfill development it is adjacent to the landfill site and the proposal is temporary to coincide with the end of the permission for the MRF building and of landfilling in 2030. Therefore, there would be no delay to the final restoration of the wider area and no prolonged traffic or other impacts associated with waste activities at this location. The diversion of waste from landfill to treatment at an Energy from Waste plant would reduce the volumes of waste going to the landfill site. If there was a prolonged and significant decline in volumes of waste to the landfill then there is the potential that it might not be possible for the applicant to complete the landfill to approved levels by 2030. However, this would depend on future levels of waste

import which are difficult to predict. FCC have stated their commitment to the 2030 end date and should it not be possible to achieve the approved levels in that time they could apply to amend the restoration contours to restore at a lower level using less waste. The diversion of waste to Ardley EfW and subsequent decline in volumes of waste to landfill would take place regardless of whether this specific site is used as a bulking facility.

### **Impacts on Amenity**

39. PPS10 para 29 states that in considering planning applications for waste management facilities waste planning authorities should consider the likely impact on the local environment and on amenity. OMWLP policy PE18 states that in determining applications the County Council will have regard for the appropriate provisions in the Code of Practice. This sets out details of measures to protect amenity including buffer zones, landscaping, standard hours, noise, dust and odour. VLP policy DC9 states that development would not be permitted if it would unacceptably harm the amenities of neighbouring properties.
40. The use of part of the building for waste transfer rather than materials recycling is not considered to have any additional impacts on amenity. The only changes would be the processes undertaken inside the building. The ancillary development proposed in this application is minor in the context of the wider development and is not considered likely to have any impact on amenity.
41. There have been concerns that the developments on the site could lead to an odour nuisance. There have been complaints in the past about odour arising from the adjacent green waste composting plant. The Environment Agency investigates odour complaints and requires changes to operations as needed through the Environmental Permitting regime. In relation to this particular development it is not considered that the use of part of the building for transfer rather than recycling would cause any additional odour impact.
42. The hours proposed for operations are shorter than those that had been proposed for the MRF operations under the refused application P13/V2032/CM. They are in line with the standard working hours set out in the Oxfordshire Minerals and Waste Local Plan Code of Conduct, with the exception of the proposal to continue WTS operations, including vehicle movements, on some Bank and Public Holidays (07.00-17.00, excluding Christmas Day, Boxing Day and New Year's Day) and until 17.00 on Saturdays following Bank and Public holidays.
43. The code of practice referred to in policy PE18 of the OMWLP requires that except in special circumstances mineral and waste disposal operations, including the movement of lorries entering and leaving the site, will take place only between 7:00 am and 6:00 pm on weekdays and between 7:00 am and 1:00 pm on Saturdays. No operation of any kind will take place on Sundays and Bank Holidays or a Saturday immediately following a Bank Holiday Friday (e.g.



Easter Saturday or a Christmas Saturday). These restrictions on hours of working may be relaxed for civic amenity sites or similar or where plant has to be operated continuously. In these cases special care must be taken to reduce noise.

44. The OMWLP dates from 1996. There is now a growing need for waste management facilities to accept waste on Bank Holidays as District Councils increasingly collect waste from households on Bank Holidays and the County Council as waste management authority is obliged to make provision for the management of the waste collected. Therefore, the proposal to accept waste on Bank Holidays must be considered in the context of the site and the likely impact on amenity.
45. In this case the development is located some distance from residential properties and has good access direct onto the A4130. A noise assessment has been submitted with the application and concludes that subject to the implementation of proposed mitigation measures residential amenity would be adequately protected.
46. It is considered that although the proposal to open the facility on Bank Holidays and after 1.00 pm on Saturdays does not accord with the aim of policy PE18, there would not be a significant adverse impact on amenity and the proposal generally accords with planning policy relating to the protection of amenity.

### **Traffic**

47. PPS10 para 21 states that the capacity of existing transport infrastructure to support the sustainable movement of waste should be considered.
48. The previous refused applications proposed an overall increase in waste tonnage to the Sutton Courtenay waste complex from 350 000tpa by road to 450 200tpa by road. This would have been achieved by the green composting and transfer waste tonnages being additional rather than part of the overall limits to the MRF/WTS building and the wider landfill site. It is no longer proposed to increase the overall annual throughput of either the MRF/WTS building or the wider waste complex.
49. Waste would be brought in to the transfer station on refuse collection vehicles with an average payload of 7.5 tonnes. These are vehicles which in the past would bring this waste for disposal at the landfill, so they are not considered to be additional movements. Waste would be transferred to the Energy from Waste plant on HGVs with an average payload of 24 tonnes. These movements are not considered additional because the annual WTS throughput would replace part of the existing consented MRF throughput and the MRF operation already involves materials being removed from site.
50. The applicant has submitted a Transport Assessment which provides detailed figures regarding the existing and proposed vehicle movements and concludes that there would be no material impact on the highway network as there would be no additional waste import over the existing consented levels and no

additional movements associated with waste export. In fact, the figures within the assessment show that there would be a nominal decrease in vehicle movements associated with export from the MRF building if the WTS becomes operational.

51. OMWLP policy SC3 states that planning permission will not be granted in this area unless a routeing agreement has been secured to encourage HGVs to use the Didcot Northern perimeter road and to avoid the roads through the villages. The MRF permission is subject to a routeing agreement (dated 15<sup>th</sup> October 2008) which directs traffic to the A34 via the southern access to the Sutton Courtenay complex. However, the existing agreement would not apply to any permission granted further to this application as it is a different development. Therefore, it is recommended that should permission be granted for this development it should be subject to a routeing agreement to ensure that HGVs use the A4130 and the A34 and not local roads.
52. There has been no objection from transport development control subject to ensuring that the tonnage of waste to the WTS is part of the overall tonnage to the MRF. This can be secured through Section 106 agreement.
53. The applicant has proposed that waste imported to the waste transfer station would come from within the same catchment area as that secured by section 106 for the landfill operation (Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell). The landfill section 106 would not apply to waste brought in under any separate consent for the waste transfer operation and so it is recommended that should permission be granted it should be subject to a supplementary Section 106 agreement to ensure that the catchment area provisions also apply to this development.
54. It is considered that this revised application overcomes the reason for refusal of the previous application. A Section 106 agreement to ensure that waste import is part of rather than additional to existing waste imports to the site, will ensure that there is no material impact on the highways network as a result of this development. Subject to that agreement and the proposed routeing agreement the development complies with relevant development plan policies related to transport.

### **Rights of Way**

55. OMWLP policy PE11 requires that the rights of way network be maintained and encourages improvements.
56. There would be no direct impact on any right of way as a result of this development. Vehicles accessing the site would utilise a road (Portway) which is also a designated right of way (BOAT), however this is already permitted under the MRF development. The proposed new egress point from the site onto Corridor Road would reduce traffic flows on the BOAT to the south of the site,

therefore minimising the potential for conflict with other users of the right of way.

57. In 2023 a permissive right of way is due to be installed on Corridor Road which will cross the proposed new egress point. Therefore, it is considered that a condition for the submission of details of signage and other provisions for the safe crossing of the access point.
58. It is considered that the development is in accordance with OMWLP policy PE11.

### **Landscape**

59. VLP policies NE9, NE10 and NE11 are landscape policies stating that development will not be permitted if it has an adverse impact on landscape (NE9), affects the open character of gaps between settlements (NE10) or if a landscaping plan that enhances the appearance of the area has not been provided (NE11). VLP policy 34 states that locally valued landscapes will be protected, maintained and where possible enhanced. Where development is acceptable in principle measures should be sought to integrate it into the landscape character of the area. In this case a landscaping plan has been provided with the application and it is considered to be acceptable. The application also includes ancillary development including a transformer, concrete pad, bunding and fencing, traffic barriers and lights. These elements are not considered to have any significant landscape impact in the context of their location within this site containing the MRF building. The waste transfer operation itself would take place inside an existing building and so there would be no additional landscape impact. The proposals are not considered to be contrary to VLP policies NE9, NE10 or NE11.

### **Other Issues**

60. OMWLP policy PE13 requires the restoration of landfill sites within a reasonable timescale. The development is proposed in relation to a 25 years contract which the applicant has with the Waste Disposal Authority. The timescale proposed for the removal and restoration of this facility is less than the contract length. This could be a material planning consideration in as much as it is relevant to the likelihood of the development being removed and the land restored within the time period proposed. The 2030 restoration date is significant to development on this site because under their existing consents other existing waste development on this and surrounding land would have ceased by that date with a requirement for restoration. The applicant could either apply for an extension of time for the continued use of the facility or elect to fulfil the contract obligations from an alternative site. Any subsequent application to extend the time period would be a matter for consideration on its merits against development plan policies and other material considerations as they pertained at that time.

## **Conclusions**

61. The development is in accordance with relevant planning policy relating to waste management and protection of amenity.

## **Recommendations**

62. **It is RECOMMENDED that subject to:**

- i) a Section 106 agreement to ensure that waste imports to the waste transfer operation are only from within the catchment area (Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell) secured by the Section 106 agreement dated 4 November 2008 for the landfill site and that the total waste import to the MRF and WTS building is 200 000tpa and this is part of and not additional to the 600,000 tpa limit on the landfill; and**
- ii) a routeing agreement to ensure that vehicles associated with the development are routed via the A4130 and A34 as for other developments on the site,**

**application MW.0136/13 be approved subject to conditions to be determined by the Deputy Director (Strategy and Infrastructure Planning) but in accordance with those set out at Annex 3 to this report**

MARTIN TUGWELL  
Deputy Director (Strategy and Infrastructure Planning)

November 2013

## Annex 1 - Representations

There were 64 letters of representation from members of the public. All of these were objecting to the application. The points raised are summarised below, with an officer response in italics.

- Properties on Main Road, Appleford are as close as Hill Farm and would be affected more than suggested by the application.
- Prevailing winds would increase the noise impact on Appleford
- Noise disturbance

*OCC officers have measured the closest properties on Main Road as over approximately 950 metres from the site boundary (although some property boundaries are closer), whereas Hill Farm is approximately 1.1km from the boundary. The property at Appleford Crossing appears to be the closest property and was assessed as part of the noise assessment and is located in the same direction from the site as properties on Main Road. Noise has been assessed and can be controlled through condition.*

- Concern that the 2030 end date should be enforced
- The site should have returned to agriculture

*The landfill site has permission until 2030 and the waste transfer use proposed would sit with that timescale allowing the entire site to be restored following the end of landfilling. This would be a condition on any planning permission issued and therefore legally enforceable. Although it is not possible to prevent an applicant putting in an application to vary this date in the future, such an application would have to be weighed up against planning policy at that time.*

- Discrepancy between the end date of the contract and the proposed end date of the facility

*The contract does not specify the site for waste transfer. Any permission granted would be subject to a condition requiring the cessation of use and full restoration by 2030. The applicant would need to find an alternative site to continue waste transfer operations elsewhere after that date.*

- Clinical waste should not be introduced to this established non-hazardous site, all waste imported should be non-hazardous on principle
- Clinical waste should not be allowed as the applicant is likely to apply to increase the amount in the future
- Concern about potential from infection from clinical waste
- It is not clear that there would be significant savings in transferring clinical waste through this site

*Clinical waste would be transferred only and not treated, processed or disposed of on the site. It would not be removed from the sealed containers it was imported in. Conditions would restrict the tonnage to that applied for and any change would require planning permission. It is not a requirement to demonstrate that the proposals would make savings over any existing arrangements. It would also be covered by the permit from the Environment Agency.*

- Local Plan policies NE9, NE10 and NE11 should not be ignored.

*These landscape policies are not relevant to the waste transfer operation as it would be entirely contained within an existing building. The proposed ancillary development is considered to have minimal landscape impact in the context of its location next to the existing MRF building.*

- If permitted the development should only be for OCC waste and commercial and industrial waste which arises within the County/ Vale and South District Councils areas.

*The Transport Assessment which accompanies the application states that the commercial and industrial waste would be sourced from within the catchment area approved under the existing landfill consent. This is secured under a Section 106 legal agreement dated 4<sup>th</sup> November 2008 and the catchment area covers Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell. It is considered that any new permission should be subject to a supplementary agreement restricting the import of waste to the same areas. There is not a planning justification for further reducing the catchment area beyond what is proposed in the Transport Assessment.*

- Applicants have a poor record in complying with planning conditions

*OCC have powers to enforcement planning conditions to address any breaches of planning control.*

- There are existing problems with odour and flies from the landfill and composting site

*Odour and flies are controlled through conditions on the environmental permit issued by the Environment Agency. These are unlikely to cause a nuisance in relation to the current proposals because all operations would take place within the building.*

- Traffic – building and operation of WTS will put pressure on local roads

*The building has been built and has permission for waste recycling operations. The use of part of the building for waste transfer would not give rise to additional traffic and vehicles would be routed to avoid local roads through villages through a legal agreement in any case.*

- Traffic – concern that traffic implications will not be neutral as suggested as it would also draw in waste vehicles serving SODC and the Vale as well as landfill vehicles.

*Waste collection vehicles from SODC and the Vale do already use the landfill site so these movements would not be additional. The existing landfill routeing agreement includes waste collection vehicles and so they would also be subject to any new agreement.*

- Concern about dust

*Dust is unlikely to cause a nuisance as all operations would take place inside the building which is located nearly 1km from the nearest dwellings.*

- Need for the facility in this location has not been demonstrated

*There is no requirement for the application to demonstrate need in this location. OMWLP policy W4 requires that proposals for re-use/recycling will not normally be permitted in the open countryside unless a) there is an established overriding need and no other suitable site available or b) the development is to form part of a landfill site and will be removed on completion of the landfill. Waste transfer operations are not classed as recycling operations and so the policy does not apply. If it did, part a) would not apply because the site is within a landfill and temporary. Therefore there is no policy requirement for the applicant to demonstrate need.*

- Drainage has not yet been fully addressed for the developments which already have consent and this would increase the risk further.

*There is now an approved drainage plan covering the wider site which FCC must implement. The drainage of this site can be controlled by condition. As the proposed development would take place in an existing building it is not likely to increase drainage or flooding problems.*

- Planning creep – usual planning requirements not being adhered to

*The timescales for development at minerals and waste sites tend to be relatively long and the technologies and requirements can change during the life of a landfill site permission. The applicant is entitled to make further applications to try to achieve modern waste management facilities on an existing permitted site.*

- Application is almost identical to the one refused at September committee

*This application is for the same development as the one refused by committee on 9<sup>th</sup> September. However, the applicant has changed the details of the proposals in order to take account of the reasons for the refusal of the original. It is a valid application and must be determined.*

- Concern that FCC is not financially sound as it is a Spanish company

*There is no reason to conclude that FCC would not be able to comply with the planning consent, however if the site was to change hands planning conditions would be enforceable on the new owners*

- Site is not operated securely as there are regularly motorcycles racing through

*The wider landfill site contains a number of public rights of way including a byway open to all traffic, which means that the public can access the site. However, FCC works with the police to address antisocial behaviour. The development under consideration would take place entirely within a building and therefore could be secured.*

- Site is designated greenfield

*The site has permission for waste use until 2030, after which time it must be restored. Restored minerals and waste sites have greenfield status.*

- Storage should be within the building

*This application does not propose external waste storage. This was the subject of application MW.0090/13 which was refused by committee on 9<sup>th</sup> September 2013.*

## PN7

- Object to bank holiday opening, which is not necessary as the waste collection authorities do not collect on these days.

*The acceptability of bank holiday opening at this location is considered in the main report.*



## Annex 2 – Consultation Responses

1. **Vale of White Horse District Council Planning** – No response at the time of drafting report.
2. **Vale of White Horse District Council Environmental Health** – No objection
3. **Sutton Courtenay Parish Council** – Object. There does not appear to be any proven need for a waste transfer station at this location and a sequential approach has not been adopted. It has not been demonstrated that the development could not be located elsewhere. The proposal would have a severe detrimental impact, is inappropriate and would affect the openness of the area contrary to VLP policies NE10 and NE11. The 600 000 tonne annual import limit on the landfill was geared towards an earlier end date and set at a time when background traffic was less. Even if tonnage is unchanged having more vehicles would increase traffic impact. There is no justification for including clinical waste. This site was not nominated for waste transfer under the Minerals and Waste Development Framework process. There would be no benefit in terms of local employment. The Parish has been inundated with applications within a short space of time. Concerns about flooding as FCC do not have a good track record. Should permission be granted it should be subject to the existing working hours and there should be restrictions on the origin of imported waste so that it can only be brought in from the local area. There would be an adverse impact on the local highway network and on local amenity. The original reasons for refusal are still relevant.
4. **Appleford Parish Council** – Object. There is no proof that the plant is needed. Concerned about flooding as the current drainage issues have not been addressed and further concreting can only make the problem worse. Concerned that the waste contract is longer than the planning permission sought. There should be a legally binding end date for the landfill, MRF and any other proposed waste facility. This is a non-hazardous waste site and clinical waste should not be accepted on principal. Permissions on this site in the past have been subject to conditions to protect local people. Appleford residents must continue to be protected from loss of amenity due to noise, unsocial working hours, smells, dust etc and the rural character of the community must be maintained.
5. **Didcot Town Council** - No Strong Views. Concern about the accumulative effect on traffic of this and other planning applications in this area that are currently working through the system. This would have a serious effect on the Power Station roundabout which is already a bottle neck and all the increased traffic will need to get on the A34 at Milton.

6. **Environment Agency** – No objection. The development will need an Environmental Permit, or variation to the existing permit.
7. **CPRE** – Accepts the need to consolidate waste before transport to Ardley. However, require reassurance that the plant will not operate past 2030. Pleased to see that this application does not add gross throughput or significantly change hours of operation. Would like the committee to satisfy itself that the applicant has realistic plans for fulfilling the contract past 2030.
8. **Biodiversity** – No objection subject to conditions securing landscaping plan 427R262C and the previously agreed restoration plan applying following the end of the temporary consent.
9. **Rights of Way** – Responded, no comment.
10. **Highway Authority** – No objection subject to conditions (or a legal agreement) to ensure that the waste imported to the WTS forms part of the overall tonnage imported to the MRF and landfill site to ensure that there is no overall increase in the volumes of waste imported to the site and a routeing agreement if necessary. It is noted that the impact in terms of waste imports would be neutral. The submitted information shows that there would actually be a slight reduction in the number of vehicle movements associated with the export of materials from the MRF as a result of the inclusion of the WTS.

**Annex 3 – Proposed Heads of Conditions for application  
MW.0136/13**

1. Complete accordance with plans and particulars;
2. Implementation within 3 years;
3. Development to cease and building removed and site restored in accordance with approved plan by 31<sup>st</sup> December 2030;
4. Operating hours – as set out in report;
5. Vehicles, plant and machinery to be fitted with effective silencers;
6. Reversing vehicles to use white noise only;
7. No more than 200 tpa clinical waste shall be imported to the waste transfer operation hereby permitted;
8. No more than 50 000 tpa household waste shall be imported to the waste transfer operation hereby permitted;
9. No more than 10 000 tpa commercial and industrial waste shall be imported to the waste transfer operation hereby permitted;
10. Records of waste imports and exports shall be kept and made available to the waste planning authority for inspection;
11. No waste transfer operations shall take place other than when all doors and roller shutters to the building are closed;
12. Implementation of noise mitigation measures as set out in noise assessment.
13. Submission of details of signage and other provisions for the safe crossing of the proposed site egress point by the new permissive right of way by 1<sup>st</sup> January 2023.

Informative: Compliance with National Planning Policy Framework

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

- offering a pre-application advice service, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application and where possible suggesting solutions as has occurred as part of this application process.

#### **Annex 4 - European Protected Species**

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

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely  
a) to impair their ability –

i) to survive, to breed or reproduce, or to rear or nurture their young, or  
ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or  
b) to affect significantly the local distribution or abundance of the species to which they belong.

4. Damage or destruction of an EPS breeding site or resting place.

Our records and/ or the habitat on and around the proposed development site and/or ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.



