

Planning Report

For: PLANNING AND REGULATION COMMITTEE – 27 JULY 2015

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

Development Proposed:

Application to continue the development permitted by P14/V0479/CM (for the deposit of non-hazardous waste including surcharging the existing landfill, extending the duration of landfill and clay extraction operations, temporary storage of PFA and ancillary activities to restoration) without complying with conditions 1, 10, 15, 17, 28, 30, 32 and 34, to amend the landfill phasing, restoration plan for phase 3, restored contours of phase 3 and the restoration method for phases 3 and 4

Division Affected: Sutton Courtenay and Marcham

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

Location: Sutton Courtenay Landfill, Appleford Sidings, OX14 4PP

Application No: MW.0039/15 P15/V0530/CM

Applicant: Waste Recycling Group (Central) Limited. (FCC)

District Council Area: Vale of White Horse

Date Received: 9 February 2015

Consultation Period: 12 March 2015 – 2 April 2015

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Recommendation

The report recommends that the application (MW.0039/15) be approved.

• **Part 1 – Facts and Background**

Location (see site plan)

1. The application site comprises the Sutton Courtenay landfill complex. This lies between Appleford and Sutton Courtenay villages and contains land in both parishes.

Site and Setting (see site plan)

2. The parts of the application site to which the proposed amendments relate are Phases 3 and 4. Phase 4 is the currently active landfill area located in the south east of the site. Phase 3 is an area in the central northern part of the site which has been worked for sand and gravel and not yet infilled. It currently comprises water filled lagoons.
3. The closest dwellings to Phase 3 are dwellings at the eastern end of Sutton Courtenay village on Appleford Road, approximately 400 metres from Phase 3.
4. The closest dwellings to Phase 4 are Hill Farm, Crossing Cottage and Hartwright House, located immediately east of the Phase 4 boundary. Properties at the southern end of Appleford on Main Road lie approximately 200 metres north east of the edge of Phase 4.
5. Phase 3 is surrounded to the east by Corridor Road, an internal road running north-south within the site, to the south by another road and Hanson's sand and gravel processing site, to the west by a road and Millennium Common which is an area of restored landfill managed for public access and biodiversity and to the north by an agricultural field and beyond that the B4016.
6. Phase 4 is surrounded to the east by an internal road and beyond that the railway line and site boundary, to the south by Didcot Power Station, to the west by restored landfill to the north by Portway, an internal road, and the rail sidings and associated industrial uses and offices.
7. The site lies in the Lowland Vale landscape area, an area designated for landscape enhancement and partly in land designated as important open land between Didcot and Appleford.

Background and History

8. Sand and gravel working at the Sutton Courtenay site commenced in the 1930s and landfilling has been ongoing as part of the restoration works since the 1970s. A number of consents have permitted this over the years to alter the duration of the landfilling consent and vary the conditions associated with the operations.

9. A planning application was submitted in 1992 to consolidate all earlier permissions and extend mineral extraction and landfilling. This was issued in 1996 (SUT/APF/616/33-CM.) In 2001 a new permission was issued (SUT/APF/616/45 CM) which varied the conditions to allow an increased proportion of waste to be imported by road for a temporary period. In 2009 a permission (APF/616/56-CM) was issued to extend the end date for the landfill from 2012 to 2021.
10. Permission SUT/616/59-CM was issued in 2010. Amongst other changes this further extended the life of the landfill, until 2030. This was the relevant consent for the landfilling operations until 2014.
11. Although mineral extraction operations have now moved to the north of the B4016 and are covered by separate consents, in the past a single consent permitted both extraction and landfill operations at the main Sutton Courtenay site. Therefore when the mineral operator (Hanson) wished to amend the timescale for working material under their plant site, the relevant condition was on permission SUT/616/59-CM. In 2014 permission P14/V0479/CM (OCC reference MW.0009/14) was issued which amended the condition relating to the timescale for extraction of mineral under the plant site and became the main consent for landfilling operations. Therefore, this is the consent which FCC has now applied to amend conditions on.

Details of the Development

12. The applicant has submitted a section 73 application to amend a number of conditions on the existing consent to change the way that the approved landfilling operation would take place. Three main changes are sought. Firstly the sequence of filling would be amended to allow Phase 3 to be infilled simultaneously with Phase 4, rather than after it. Secondly, there would be changes to the final levels of infill so that Phase 3 would be restored to 1 metre above surrounding ground levels rather than 8 metres above ground level under the currently approved plans. Thirdly, the restoration of Phase 3 would be to agriculture incorporating biodiversity enhancements. At the current time restoration is to agricultural land.
13. It is also proposed to regularise the conditions relating to the details of placement of soils over the engineered landfill cap. At present the conditions require restoration to take place in two distinct operations whereby topsoil is placed 5-6 years after subsoil. This was to allow the layout of topsoil to remediate any areas of differential settlement and was necessary when clay was used for capping the landfill. A geo-composite liner is now used and this makes it necessary to place the topsoil soon after the subsoil to avoid damage to the cap. Therefore, FCC has proposed to amend the relevant conditions so that subsoils and topsoils can be placed without the 5 year interval. Additional topsoils would be added after 5 years should it be necessary. In order to achieve this change, amendments are needed to condition 30 and condition 32 is no longer needed.

14. The proposal to infill waste in Phases 3 and 4 simultaneously would require an alteration to condition 10, which requires landfill sequencing to be in accordance with the approved details.
15. The proposed changes to the restoration scheme would require changes to conditions 15, 16, 17, 28 and 34. Conditions 15, 16 and 17 refer to existing approved plans showing pre and post-settlement contours. Condition 28 and 34 refer to the existing approved restoration and aftercare plan. The applicant has provided a replacement restoration and aftercare plan showing the reduced height of the final levels in Phase 3 and restoration proposals with biodiversity enhancements. Details have also been provided for the restoration of a balancing pond in the Phase 4 area with biodiversity enhancements. The central part of the site would be lowland meadow, as per the existing plans, however, the margins would include habitats for biodiversity including areas of wet woodland, shrub, additional hedgerow, rough grassland and seasonally wet areas. The applicant has not specifically referenced condition 16 in the application description but has subsequently agreed with officers that it will also require appropriate amendment. It is open to the County Planning Authority in any instance to issue any new permission subject to conditions as it considers appropriate.
16. Sutton Courtenay footpath 12 is currently diverted around the edge of Phase 3. Once this area is restored the footpath will return to its definitive line through the middle of the site.
17. Changes would also be required to condition 1, which lists the plans approved by the permission. The references in this condition would need to be amended to replace the superseded plans with new approved plans.
18. It is proposed to infill Phase 3 with inert waste, rather than household waste. This does not require a change to any of the conditions. Inert waste would be brought into the site predominantly by rail to the existing rail siding within the site. This is permitted under the existing consent and there are conditions limiting the hours of offloading to daytime only.
19. Despite the proposal to fill Phases 3 and 4 concurrently, no change is required to the conditions controlling the total annual imports of waste to the site, because the inert waste would be brought in predominantly by rail. Therefore, there would be no additional HGV movements above those already consented as a result of this scheme.

Environmental Impact Assessment

20. An Environmental Statement was submitted with this application, covering the landscape and visual impact, biodiversity, noise, air quality including dust and odour, surface water drainage and ground stability. Alternatives to the development are discussed, including meeting the need for waste disposal

through an alternative location. The Environmental Statement concludes that the proposals would not be significantly detrimental to the environment or local amenity and represent an improvement on the baseline consented scheme.

21. The Landscape and Visual Impact section concludes that none of the landscapes affected by the scheme would experience significant landscape impacts. There would be some significant adverse impacts on rights of way through the site during operations only. The restoration would benefit the site and area.
22. The Ecology and Biodiversity section concludes that the proposals would result in a beneficial impact on a number of species. The loss of the existing lagoons would impact on birds using that habitat. Within the boundaries of Phase 3 this would be a significant adverse impact, however but this would be offset by enhancements to the balancing pond to the south of the landfill.
23. The noise section assesses the cumulative noise of Phases 3 and 4 and the impact of train movements to the site and finds that impacts would be neutral to minor.
24. The emissions to air section considers the potential for dust and the cumulative impact of infilling Phases 3 and 4 at the same time. This states that the mitigation measures in the Environmental Permit would continue to be adhered to and that there would be an insignificant effect on nearby sensitive receptors.
25. The amenity section states that the potential for many adverse amenity impacts, including vermin and odour would be reduced through the proposal to infill Phase 3 with inert waste rather than biodegradable waste. It concludes that the amenity issues associated with the proposals are insignificant.
26. The surface water drainage and flood risk section concludes that the proposals would have a neutral to positive impact on flood risk and the surface water regime. Filling Phase 3 to lower levels with reduced surface gradients would result in reduced surface water runoff.
27. The section on ground stability confirms that settlement of the inert waste now proposed to be used in Phase 3 would be negligible and the likelihood of any resulting ground instability is likely to be low.

• **Part 2 – Other Viewpoints**

Representations

28. Four letters of representation have been received. The first expressed concern about litter on the roads and the second stated that the application was confusing. The third and fourth both object on the basis that conditions should be adhered to and expresses concern about litter and other adverse impacts of landfilling.

Consultations

29. Consultation responses are available to read in full on the eplanning website¹ and are summarised below. There has been no objection from statutory consultees.
30. Vale of White Horse District Council Planning – No objection. The proposals would benefit the local visual amenity and character of the area by lowering the final restoration and restoring Phase 3 earlier than planned. The biodiversity enhancement measures and the creation of a public right of way will also be of benefit to the local environment and an improvement over the existing approved scheme.
31. Vale of White Horse District Council Environmental Protection – No comments received.
32. Sutton Courtenay Parish Council – No comments. Decline to comment until; the drainage condition on previous applications is enforced.
33. Appleford Parish Council – No comments received.
34. Didcot Town Council – No strong views.
35. Environment Agency – No objections. The proposal is for the engineered liner to have a lower specification than was required for domestic waste. Groundwater quality issues will therefore need to be addressed at the permitting stage.
36. Thames Water – No comments. There would be no effects on Thames Water.
37. National Grid –The proposal is in close proximity to a high voltage overhead line, a high pressure gas pipeline and an underground cable. Provides information to the applicant in relation to working near these.
38. Highway Authority – No objection as HGV movements and hours of operation are to remain unchanged.
39. Biodiversity – First response – further information and clarifications are needed.
40. Final Response – No objection subject to the amended plans being referenced in the new conditions and informatives as per the current consent.

¹ <http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/WCHVARYLOGIN.display>

41. Drainage – No objection. The scheme will be an improvement as it would reduce the surface water flows on the site.
42. Rights of Way - No objection. Sutton Courtenay footpath 12 runs through Phase 3 and has been diverted temporarily until 2019. As it appears that restoration of this site will extend beyond 2019, FCC should apply for a further diversion order.

Part 3 – Relevant Planning Documents

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

43. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
44. The relevant development plan documents are:
 - The Vale of White Horse Local Plan (VLP)2011
 - The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996
45. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was subject to consultation in February/March 2014. This document is now at a more advanced stage of preparation and further weight can now be given to the policies it contains. At the meeting of the full County Council on 24th March 2015, the OMWCS was approved for publication and submission to the Secretary of State for independent examination following consideration of any representations received. It is therefore appropriate to consider draft policies which are relevant to this development.
46. 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 between February and May 2013 and a Consultation Statement published in February 2014.

Relevant Policies

47. 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
 - W7 - Landfill
 - PE11 – Rights of way
 - PE13 – Restoration of mineral workings and landfill sites

PE14 – Nature conservation
PE18 – Imposition of conditions to protect amenity
SC3 – Routeing agreements in Sutton Courtenay area

• Draft Oxfordshire Minerals and Waste Core Strategy (DOMWCS)

M10 – Restoration of mineral workings
C5- General environmental and amenity protection
C7 – Biodiversity and geodiversity
C8 – Landscape
C11 – Rights of Way

• Draft Vale Local Plan 2031 (DVLP)
Policy 44 - Landscape

Part 4 – Analysis and Conclusions

Comments of the Deputy Director (Strategy & Infrastructure Planning)

48. The key planning issues are restoration policy, amenity, landscape, biodiversity, rights of way,

Landfill and Restoration Policy

49. OMWLP policy PE13 states that mineral workings and landfill sites should be restored within a reasonable time to an afteruse appropriate to the location and surroundings.
50. OMWCS policy M10 states that mineral workings will be restored to a high standard and in a timely and phased manner to an afteruse that is appropriate to the location and delivers a net gain in biodiversity. It includes a list of factors to take into account in considering whether an afteruse is appropriate in an area, including flood risk, landscape character, transport, biodiversity and local communities.
51. The applicant has not applied to bring the date for completion of restoration forward, however it is clear that the proposed changes would enable the landfill site to be restored earlier than would be the case without the changes, through allowing simultaneous infilling of Phase 3 and Phase 4. The applicant has stated that this amendment would ensure that the infilling could be completed within the existing timeframe for the completion of landfilling at the site (by 2030). The facilitation of an early restoration would comply with the requirements in OMWLP policy PE13 and OMWCS policy M10 for restoration to be timely.
52. The incorporation of biodiversity enhancements into the Phase 3 restoration is considered to be appropriate given that emerging policy is clear that a net gain in biodiversity should be sought. The overall afteruse of agriculture is considered to be appropriate in this area, which is characterised by agricultural fields. The re-instatement of the diverted footpath through the

middle of the Phase 3 area would ensure that the restoration proposals includes benefits to local communities, whilst keeping amenity use low key so that it would not have adverse impacts on the local roads or have the potential for nuisance.

53. Overall, it is considered that the proposals are supported by existing and emerging policy relating to landfill and restoration including OMWLP policy PE13 and OMWCS policy M10.

Impacts on Amenity

54. OMWLP policy W7 (b) states that proposals for landfill will be assessed against a number of criteria, including that there should be no material damage or disturbance to the environment or the amenities of residential or other sensitive uses, including by noise, dust, vermin, smell, visual impact. OMWLP policy PE18 states that in making decisions the Code of Conduct will be taken into account, this sets out how operations should take place in terms of buffer zones, landscape screening, hours of working, noise, dust and odour. Policy DC9 of the VLP makes similar provision.
55. OMWCS policy C5 states that proposals for minerals and waste development should demonstrate that they will not have an unacceptable adverse impact on the environment, residential amenity and other sensitive receptors, including from noise, dust, visual intrusion, vermin, birds, litter and cumulative effects of development.
56. None of the representations received object to the specific proposals being put forward in this application. They are concerned that conditions which have been imposed for reason should not be removed at a later date, but in this case the variations of conditions is a mechanism to allow and require the site to be filled to a lower level with a waste type that is likely to have less impact on amenity.
57. There is the potential for cumulative impacts due to the proposal to infill Phases 3 and 4 at the same time rather than in sequence. However, there is no proposal to increase the overall waste that is permitted to be imported into the site per year. This would limit any cumulative impact. Filling the two phases at the same time would also ensure that any impacts are experienced for a shorter time period. Having taken account of the assessments in the Environmental Statement I am satisfied that the proposals can be carried out without a significant impact on amenity, subject to appropriate conditions being applied and complied with.
58. The landfill operations are already subject to a large number of planning conditions and these would be brought forward to any new permission granted. In general, complaints about the operations at the landfill site are low, although these are received when new applications for development on the site are out to consultation. The site has a well-established local liaison committee which would continue. There has been a recent problem with litter

from the site due to high winds. However, this is being addressed by the applicant as required by the waste permit. The proposed change to infill with inert waste, rather than domestic waste, would lessen the potential for litter in Phase 3.

59. The development is considered to be acceptable in terms of impact on amenity. The changes now proposed would be likely to cause less potential amenity impacts than the currently approved scheme. The development is considered to be in accordance with OMWCS policy C5 and OMWLP policies W7 (b) and PE18.

Landscape

60. DVLP policy 44 states that the key features that contribute to the quality of the landscape in the district will be protected and enhanced where possible. VLP policy NE9 states that development in the Lowland Vale will not be permitted if it would have an adverse effect on the landscape, particularly on long open views. VLP policy NE10 states that development that would harm the essentially open character of areas that are important gaps between settlements will not be permitted. VLP policy NE11 states that proposals in areas of damaged or compromised landscape must provide a landscaping scheme to enhance the appearance of the area. Policy C8 of the OMWCS seeks to see landscape character respected and enhanced.
61. It is considered that the proposals would have a landscape benefit, as Phase 3 would be restored to previous ground levels rather than higher. This would fit in better with the surrounding landscape and improve openness compared to the currently approved domed landfill. Once restored the site would fit into the open and rural character of the area and the landscape would be improved compared to the current operational site. Detailed restoration and landscaping proposals have been submitted.
62. The proposals are therefore considered to be in accordance with relevant landscape policies including DVLP policy 44, VLP policy NE9, VLP policy NE10, VLP policy NE11 and OMWCS policy C8.

Biodiversity

63. OMWLP policy PE14 states that proposals that would affect a nature conservation interest will be assessed taking into account the importance of the affected interest.
64. OMWCS policy C7 states that waste development should conserve and where possible deliver a net gain in biodiversity.
65. The application site currently comprises water filled lagoons, which provide habitat for breeding and overwintering birds. However, there is an existing consent for infilling these lagoons with waste and so only the amendments to that scheme now proposed should be assessed against policy. The revised

scheme would offer more potential benefits for biodiversity than the existing approved scheme as it includes habitat creation and enhancement of an existing balancing pond elsewhere on the landfill site to provide alternative habitat for the birds currently attracted to the Phase 3 lagoons.

66. Therefore, it is considered that the proposed changes to the existing landfilling consent would improve biodiversity on the site, in accordance with OMWLP policy PE14 and OMWCS policy C7.

Rights of Way

67. OMWLP policy PE11 and OMWCS policy C11 state that the rights of way network should be maintained and diversions should be temporary, safe and convenient.
68. The definitive route of Sutton Courtenay footpath 12 runs east-west across the application site, but is currently diverted around the northern boundary. This is a temporary diversion until 2019. It is proposed to re-instate this footpath across the middle of the site, however this will not be possible by 2019 as infilling works will be ongoing. Therefore, an extension to the diversion period will be required. However, a longer extension to the diversion would be required if the development was to be carried out in accordance with approved plans as the completion of infilling would take longer. The diversion route is considered to be acceptable, but the definitive route is more convenient and as the proposals would allow an earlier return to the route across the site, they are considered to be in accordance with OMWLP policy PE11 and OMWCS policy C11.
69. The landscape assessment has identified that the concurrent infilling of phases 3 and 4 would have an adverse impact on views from rights of way within the Sutton Courtenay complex. However, these would be temporary for the duration of infilling which would be shorter due to these proposals.

Legal Agreements

70. OMWLP saved policy SC3 states that planning permissions in the Sutton Courtenay area will not be granted unless a routeing agreement has been secured to ensure that HGVs use the Didcot Perimeter Road and do not travel through the villages of Sutton Courtenay, Appleford and Long Wittenham.
71. The existing permission is subject to a routeing agreement and a legal agreement which secures long term management, public access, highways contributions and a hinterland from which waste can be imported. The provisions relate to the landfill activities but would apply to anybody implementing the planning permission. These agreements would continue to apply to any replacement permission issued under Section 73 and so no new agreements are required. Therefore, the development would comply with OMWLP policy SC3.

Conclusions

72. The proposed amendments to the conditions on the landfill consent would facilitate the timely and satisfactory restoration of the site, in accordance with OMWLP policy PE13 and OMWCS policy M10. The proposed changes to the final contours would lessen the visual impact of the approved landfilling by reducing the height that Phase 3 would be filled to, in accordance with policies aimed at protecting the landscape, including VLP policies NE9, NE10 and NE11. The incorporation of biodiversity enhancements into the restoration of Phase 3 would have benefits for biodiversity in the area, in accordance with OMWLP policy PE14 and OMWCS policy C7
73. The amendment to the sequence of filling to infill phases 3 and 4 simultaneously is not considered to have adverse amenity impacts, especially given that the overall levels of waste import would remain as currently permitted. This is in accordance with policies protecting amenity, such as OMWLP policies W7 and PE18.

Recommendation

74. **It is RECOMMENDED that Application MW.0039/15 be approved subject to conditions as on existing consent P14/V0479/CM, with the amendments to conditions and additional conditions and informatives to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with the details set out in Annex 1 to this report and with any necessary updates to the wording of existing conditions to ensure clarity and reflect changes to policy since the original permission was issued.**

BEV HINDLE

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

July 2014

Amendments to Conditions and additional conditions and informatives

Condition 1

Current Wording: This condition lists the approved documents.

FCC proposed wording:

The Development shall only take place in complete compliance with the approved plans and particulars for planning permission SUT/APF/616/56-CM as may be superseded by the approved plans and particulars for planning permission SUT/616/59-CM except as they are modified by conditions of this permission. The approved plans and particulars comprise: planning application and supporting statement dated 27 March 2008, Drawing No. SC 5/1 Phasing Within Phase 4 dated March 2008, Drawing No. SC 5/3 Restored Pre-settlement Contours dated July 2006 (in so far as this relates to Phase 4 only), Drawing No. SC 5/4 Approved and Proposed Restoration Surfaces dated July 2007, Drawing No SC 5/5 Isopachyte between Approved and Proposed Restoration Surfaces dated July 2007, Drawing No SC5/6 Existing and Proposed Rights of Way dated March 2008, Drawing No SC 2/2 Existing Land Use dated July 2007 and Drawing SC 2/1 Site Location dated Oct 2007, Drawing No S55M/113 Aggregates Storage Area dated Jan 10, Detailed Restoration Masterplan Plan 427R220F dated 06/04/2011; FCC Environment Phase 3 Quarry Restoration, Environmental Statement (Text, Drawings, Figures and Appendices), February 2015; Sutton Courtenay Detailed Restoration and Aftercare scheme January 2015 Rev B (FCC Environment); Drawing No. LE12535-002 Final Contours and Detailed Restoration Plan (Phase 3) dated 21/11/2014; Drawing No. LE12535-003 Balancing Pond Restoration Scheme dated 10/12/2014; Drawing No. LE12535-006-A Phasing Plan; 427A2185A Soil Movement Plan 2012 FINAL; Lighting Management Plan 2012; Appendix A Lighting Tower Plan 2011-2012, Appendix A Lighting Tower Plan 2012-2013; Appendix B Amida Tower Lights; Surface Water Scheme v2.3 January 2013; Application form dated 20/12/2013, Site Location Plan - Drawing No. SC2/1, Reserves & Method of Working Plan - Drawing No. 1032 C, Email and plan from Dave Norminton dated 10/03/2014 showing Extraction area and details of stand-off, letter from Dave Norminton dated 19th December 2013.

Comment: The proposed changes are acceptable. Updated plans now included in the condition include LE12535-006-A (Updated Phasing Plan) and Plan 427R220F (updated restoration plan).

Additional plans and documents now referenced in the condition include Environmental Statement February 2015 (containing details of the amendments to phase 3), Drawing No. LE12535-002 (restoration contours and details levels for Phase 3), Drawing No. LE12535-003 (Balancing Pond Restoration Scheme showing proposed enhancements) and Detailed Restoration and Aftercare scheme January 2015 Rev B.

Plans superseded by the new and amended plans are no longer referenced in the condition, including Plan 427R220E (previous restoration plan) Detailed Restoration and Aftercare scheme April 2013 Rev A.

Condition 10

Current Wording: The disposal of waste shall not take place other than in the sequence described in section 5.36 of the planning application statement and following the phasing as shown on approved plan SC 5/1

FCC proposed wording: The disposal of waste shall not take place other than in the sequence described as follows:

- the continued infilling of the Phase 4 area with non-hazardous wastes as shown on approved plan SC 5/1 and the infilling of the Phase 3 area with non-hazardous, non-biodegradable wastes as shown on Drawing LE12535-006-A.
- infilling the remainder of the “summer tipping area”, lying between Corridor Road and the overhead electric transmission line;
- infilling of the Phase 5 area with inert/non-biodegradable wastes, following the removal of the aggregate processing plant and concrete batching plant.

Comment: The wording proposed by the applicant is acceptable.

Condition 15

Current Wording: The restored levels of the site immediately following restoration shall be as shown on approved plan SC 5/3

FCC proposed wording: The restored levels of the Phase 4 area immediately following restoration shall be as shown on approved plan SC 5/3.

Comment: Under these proposals Phase 3 would be infilled with inert waste, which does not settle in the same way as biodegradable waste. Therefore, it is appropriate not to reference existing plan SC 5/3 in relation to Phase 3. However, the condition should reference a plan showing the restored levels of Phase 3 immediately following restoration. This is needed for the avoidance of doubt, for monitoring purposes and to prevent over tipping.

Therefore, it is recommended that additional wording is inserted and the condition should read:

The restored levels of the Phase 4 area immediately following restoration shall be as shown on approved plan SC 5/3. The restored levels of the Phase 3 area immediately following restoration shall be as shown on approved plan LE12535-002.

Condition 16

Current Wording: Waste shall not be tipped to a height greater than 1.1 metres below the pre-settlement levels of the site shown on approved plan SC5/3, or such that condition 15 would not be possible to comply with.

FCC proposed wording: In Phase 4 waste shall not be tipped to a height greater than 1.1 metres below the pre-settlement levels of the site shown on approved plan SC5/3, or such that condition 15 would not be possible to comply with.

Comment: As above, the final tipping height for Phase 3 also needs to be controlled by condition. Recommended wording for this condition is as follows:

In Phase 4 waste shall not be tipped to a height greater than 1.1 metres below the pre-settlement levels of the site shown on approved plan SC5/3, or such that condition 15 would not be possible to comply with. In Phase 3 waste shall not be tipped to a height greater than 1.1 metres below the final contours shown on approved plan LE12535-002.

Condition 17

Current Wording: The final restored levels of the site shall be as shown on approved plan SC 5/2.

FCC proposed wording: The final restored levels of the site shall be as shown on approved plan 427R220F.

Comment: The replacement plan is acceptable.

Condition 28

Current Wording: The approved restoration scheme Plan 427R220E shall be implemented in full.

FCC proposed wording: The approved restoration scheme Plan 427R220F shall be implemented in full.

Comment: The replacement plan is acceptable.

Condition 30

Current Wording: Restoration of Phases 3 and 4 shall take place in two distinct operations. The first operation shall involve the placement of 0.85 metres of subsoil on the landfill cap. The second operation shall be the placement of 0.25 metres of topsoil on that subsoil. The second operation shall not take place earlier than 5 years, and no later than six years, after the first operation in any area

FCC proposed wording: Restoration of Phases 3 and 4 shall take place in two distinct operations. The first operation shall involve the placement of 0.85 metres of subsoil on the landfill cap.

The second operation shall be the placement of 0.25 metres of topsoil on that subsoil. 5 years, and no later than 6 years, from the completion of the first operation in any area, the area will be checked for soil erosion and differential settlement and where required additional topsoils will be placed to remediate these areas.

Comment: The proposed amendment to the wording is acceptable.

Condition 32

Current Wording: Once the first operation referred to in condition 30 has been carried out the surface shall be cultivated and seeded with a grass seed mix and shall be maintained as a grassed area until the second operation referred to in condition 30 is carried out. The approved restoration plan, submitted and approved under condition 28, shall be implemented following the second operation.

FCC proposed wording: Delete

Comment: This condition can be deleted as there would no longer be a period between the first operation and the second operation and the requirement to seed and plant the area is covered by the restoration condition.

Condition 34

Current Wording: The approved aftercare scheme 'Sutton Courtenay Detailed Restoration and Aftercare scheme April 2013 Rev A (FCC Environment)' shall be fully implemented.

FCC proposed wording: The approved aftercare scheme 'Sutton Courtenay Detailed Restoration and Aftercare scheme January 2015 Rev B (FCC Environment)' shall be fully implemented.

Comment: The proposed amended scheme is acceptable.

Additional Conditions:

It is recommended that an additional condition is added to specifically refer to the biodiversity enhancements proposed to the balancing pond, requiring these to be implemented within the next planting season following the grant of consent.

Annex 2 - European Protected Species

European Protected Species

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

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

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

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

Our records and 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.

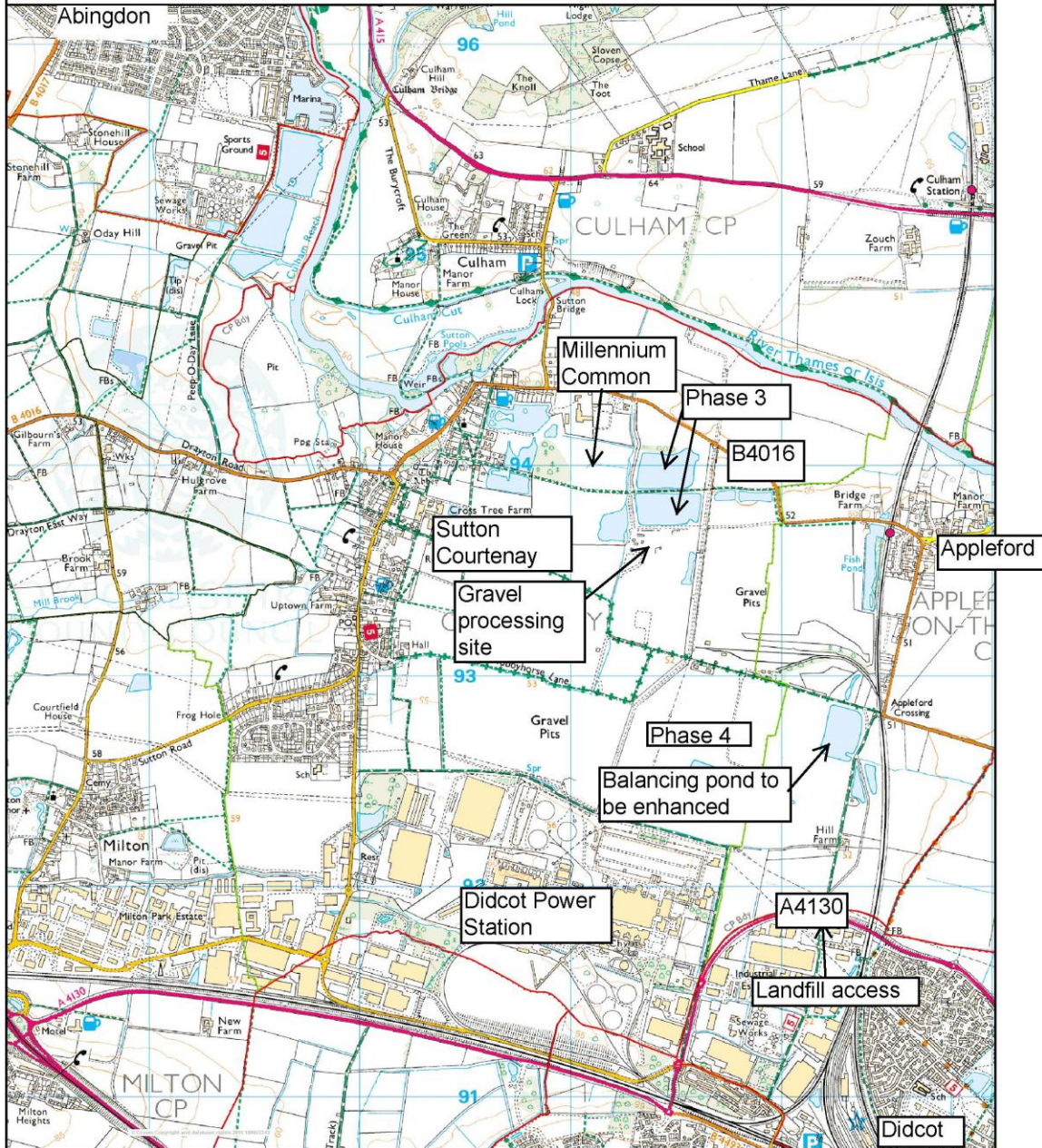
Compliance with National Planning Policy Framework

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

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

Issues which arose in the processing of the application included the need for an Ecological Assessment and this was discussed with the applicant and provided.

Sutton Courtenay Landfill Site - Location Plan



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Note: Plan is indicative only, application plans can be viewed on the eplanning website using reference MW.0039/15

Scale 1/24723 Date 3/7/2015

Centre = 450670 E 193472 N



Warning: To print this map to the scale shown, the paper size should be set to A4 Portrait and Page Scaling in the printer dialogue box should be set to None.