

**Planning Report**

**For: PLANNING AND REGULATION COMMITTEE – 27 JULY 2015**

**By: Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)**

**Development Proposed:**

**Update on Review of detailed scheme approved pursuant to Condition 31 (external lighting scheme) of Planning Permission 08/02472/CM (MW.0044/08)**

**Division Affected:** Ploughley

**Contact Officer:** David Periam **Tel:** Oxford 895151

**Location:** Ardley Energy from Waste Site

**Application No:** MW.0067/13

**District Council Area:** Cherwell

**Applicant:** Viridor

1. Members will recall that at the meeting of the Planning and Regulation Committee on 22 June 2015, officers advised under Chairman's Updates that a response had just been received from Viridor in response to a letter sent outlining members views on the required Review of the external lighting scheme and also the impacts of the internal lighting from the Energy from Waste facility following the meeting of this committee on 13<sup>th</sup> April 2015. The letter sent to Viridor is attached as Annex 1. The response is attached as Annex 2.
2. With regard to the required Review of external lighting, the key point is that Viridor has agreed that the phased switching- off of the lights has been revised such that the minimum level of external lighting is now commenced at 8.30 pm in the evening through to 5.00 am the next morning, rather than commencing at 11.00 pm. It is also advised that Viridor will regularly monitor the external lighting to identify extraneous lighting that is not required for the safe operational of the site in the 1/3 lighting phase.
3. With regard to the impact of the internal lighting and also the coloured panels which had also been identified in the County Council's letter as being of concern, the response is that the facility has been built in accordance with all approved details. Viridor is open to looking at further mitigation measures and has had further discussions with the contractor with regard to the current internal lighting Lux levels but is not prepared to invest any more significant resource on this issue. In the event that the County Council is able to reach consensus on the

detailed nature of the changes that are required, has secured the necessary planning approvals and the funding to carry out the changes, then Viridor would be willing to discuss the issue further at that point. It is also noted that Viridor will be submitting a revised restoration scheme with levels that will be able to take into account the views of the facility, particularly from Ardley.

4. Clearly it is not for the County Planning Authority to secure further planning permissions or funding on behalf of Viridor. A further letter has been sent in response which is attached as Annex 3. I will advise the committee in due course of any further response from Viridor.
5. However, I would advise that at the site liaison meeting on 8<sup>th</sup> July and somewhat in contrast to the response set out above, representatives of Viridor advised that they had already trialled the placing of blinds to see if this would reduce the internal light escaping the building and that further such would be carried out later this year as the nights draw in. It was also advised that local residents' representatives on the liaison meeting would be advised of this so that they could provide feedback on the effect.
6. With regard to the Review of external lighting, if members have any further comments to make then these will be passed on to Viridor. My advice on this aspect would be that the action taken following the view should be welcomed and that no further correspondence on this matter is required. With regard to the other points, I will further update the committee as and when any further response is received.

#### **Recommendation**

7. **It is RECOMMENDED that the Committee notes the report and advises officers if there are any further comments they would wish to be passed on to Viridor with regard to the Review of the external lighting.**

BEV HINDLE

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

July 2015



**Environment & Economy**  
**Speedwell House**  
**Speedwell Street**  
**Oxford OX1 1NE**

**Sue Scane**  
**Director for Environment & Economy**

**Date:** 16<sup>th</sup> April 2015  
**Our ref:** MW.0067/13  
**Your ref:**

Mr A Kirkman  
Finance Director  
Viridor  
Great Western House  
Station Approach  
Taunton  
Somerset  
TA1 1QW

Dear Mr Kirkman,

**Review of Lighting at Ardley Energy from Waste Facility, Oxfordshire**

I write to advise that at the meeting of the County Council's Planning and Regulation Committee on 13<sup>th</sup> April 2015, the Committee resolved as follows:

*Condition 31 – review of external lighting:*

- i) That Viridor ensure that the staged switch-off of lighting approved pursuant to condition 31 of planning permission no. 08/02472/CM be implemented every evening/night;
- ii) Viridor to introduce measures to secure a further reduction in levels of external lighting in compliance with the minimum required for health and safety at all times wherever possible.

*Additional concerns for Viridor's attention*

In the light of concerns expressed by members of the Committee both at the meeting and on the basis of a recent visit to the site and by local residents that Viridor be requested to consider introducing measures at the Ardley Energy from Waste facility including:

- The reduction of internal lighting to the minimum required for health and safety at all times;
- The minimisation of light drift from within the building including the provision of curtaining to be drawn during all hours of darkness;
- Measures to reduce the reflection of external light (including sunlight) back on to the surfaces of the building.

Related to the above, some time ago, concern was raised with Paul Rowland of Viridor with regard to the appearance of the coloured panels which have been used in the Energy from Waste facility building. The conclusion was that the opportunity should be taken to review the panels once the building had been completed. The key issues with the panels are that they do not appear as was anticipated when the samples were approved, they act to reflect significantly natural sunlight and they contribute to the problem of internal light spill through not containing light from within the building. I would therefore be most grateful if this could also now be

considered along with the concerns raised by the committee with regard to the lighting.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Chris Kenneford', with a long horizontal flourish extending to the right.

Chris Kenneford  
Service Manager Planning Regulation  
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[Chris.kenneford@oxfordshire.gov.uk](mailto:Chris.kenneford@oxfordshire.gov.uk)



**Transforming waste™**

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Chris Kenneford  
Service Manager Planning Regulation  
Oxfordshire County Council  
Environment & Economy  
Speedwell House  
Speedwell Street  
Oxford OX1 1NE

10 June 2015

Dear Mr Kenneford

**Ardley ERF Facility, Ardley Fields  
Planning Permission ref: 08/02472**

Thank you for your letter dated 16 April 2015.

**External Lighting**

As part of the information submitted pursuant to the discharge of planning condition no. 31 of the above mentioned planning permission at the above-mentioned facility you will note that the external lighting was proposed to utilise a three phase switch off:

- 3/3 – (three thirds/all lighting) from 0700 to 2030 (when required)
- 2/3 – (two thirds lighting) from 0500 to 0700 and 2030 to 2300 (when required)
- 1/3 – (one third lighting) from 2300 to 0500

However, following the commissioning of the plant our operational staff have identified that they can safely operate utilising the following three phase switch off:

- 3/3 – from 0700 to 2030
- 2/3 – from 0500 to 0700
- 1/3 – from 2030 to 0500

Therefore we can confirm that measures have already introduced to reduce external lighting at the site. In addition to this the operation staff at the ERF shall also regularly monitor the external lighting to identify extraneous lighting that is not required for the safe operational of the site in the 1/3 lighting phase.

### Internal Lighting

Viridor can confirm that the ERF has been built in accordance with the approved plans and the principle of translucent/transparent Danpalon has been long established. It must also be noted that the facility was approved by both the Planning Inspectorate as well as the OCC Planning and Regulation Committee. In addition the materials used in the construction of the ERF were approved by the OCC Planning and Regulation Committee on 25 April 2013 following a very long and carefully considered process. In taking account of this process, the current immature state of the landscaping and further required earthworks/landscaping on the adjacent landfill, I should advise you that whilst Viridor is open to looking at further mitigation measures and has had further discussions with the EPC contractor with regard to the current internal lighting Lux levels it is not prepared to invest any more significant resource on this issue.

However, in the event that you are able to reach consensus on the detailed nature of the changes that are required, you have secured the necessary planning approvals and the funding to carry out the changes, then we would be willing to discuss the issue further at that point.

Please also note that, in order to meet the requirements of condition 36, Viridor will be submitting a revised restoration scheme with levels that will be able to take into account the views of the facility, particularly from Ardley. You will also note that the soil emplacement adjacent to the access road is starting to obscure views of the site from the B430.

Yours sincerely



Andrew Kirkman  
Finance Director



**Environment & Economy  
Speedwell House  
Speedwell Street  
Oxford OX1 1NE**

**Sue Scane  
Director for Environment &  
Economy**

**Date:** 7<sup>th</sup> July 2015  
**Our ref:** MW.0067/13  
**Your ref:**

Mr A Kirkman  
Finance Director  
Viridor  
Great Western House  
Station Approach  
Taunton  
Somerset  
TA1 1QW

Dear Mr Kirkman,

**Review of Lighting at Ardley Energy from Waste Facility, Oxfordshire**

Thank you for your letter dated 10<sup>th</sup> June 2015 which was only received by the County Council by e-mail on 22<sup>nd</sup> June 2015.

With regard to the review of the external lighting required pursuant to the details approved pursuant to condition 31 of planning permission no. 08/02472/CM (APP/U3100/A/09/2119454), the commitment to revise the timing of the staged switch-off of the external lighting and to undertake ongoing monitoring to identify extraneous lighting that is not required for the safe operation of the site in the 1/3 lighting phase is welcomed. I will report the details to the Planning and Regulation Committee and advise whether the committee has any further comments to make.

With regard to the internal lighting and the consideration of options for addressing the concerns raised with regard to the coloured panels, I fully appreciate that the facility has been built in accordance with the planning permission and in accordance with the materials as approved. The reality is though that the impact of the internal lighting escaping the building does not appear to have been appreciated at the time of the Public Inquiry and so was not addressed by the Secretary of State as perhaps it could have been and the coloured panels in situ just do not appear as was envisaged when the samples of material were considered by the County Planning Authority. I do not therefore seek to suggest that Viridor has not carried out the works as approved but rather, as good neighbours who will have a presence in the local community for many years to come, whether there are measures that could be taken to mitigate this issue. I appreciate what you say about revisions to the restoration scheme and also acknowledge that planting as it matures will serve to some extent to screen the facility, but it does seem clear that this will not for many years mitigate these impacts. Both at the site liaison meetings and in meetings with my officers, representatives speaking on behalf of Viridor have clearly committed to look into these concerns and indeed, it is my colleagues' recollection that this was only delayed because it was stated by your representatives that it would be better addressed once the facility had been constructed than when the contractors were on site. Discussions included the provision of some form of blinds, possibly the provision of a wash being applied to the coloured panels to dull their appearance and reflectivity and that any internal lighting would be restricted to lower levels and to be down facing wherever possible. It remains entirely unclear to the County Planning Authority as to why the internal lighting needs to be switched on other than

in those areas where the site staff are based ( the main operations room appears to be entirely enclosed with no external windows) and the routes to and from it and clearly when required should any issues arise. Surely the majority of lights could be switched off other than when required to be switched on in emergencies ?

I would advise, and I am sure you are in any instance aware, that it is not for the County Planning Authority to make planning applications nor to fund any works at this or any other waste management site operated by a third party. It is not however obvious to me why any of the potential measures which have been previously discussed would require further planning applications to be made. At most, any change to the coloured panels might require a revised submission pursuant to condition 33 of the planning permission for which the application fee would be only £97.

I would accordingly ask that you instruct your representatives to engage further with my officers on this issue as soon as possible with regard to identifying solutions to the issues raised which can be brought forward, preferably such that this issue is addressed before the hours of darkness significantly lengthen through the forthcoming autumn and winter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Kenneford', with a horizontal line underneath.

Chris Kenneford  
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