

For: PLANNING AND REGULATION COMMITTEE – 30 NOVEMBER 2015

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

Development Proposed:

To continue the development of 'To crush, screen, blend and stock reject building blocks, furnace bottom ash and reject materials from concrete making to make material for block making' without complying with condition 5 to allow operations to take place 52 weeks a year

Division Affected: Sutton Courtenay and Marcham
Contact Officer: Mary Thompson **Tel:** 01865 815901
Location: Hanson's Sutton Courtenay Site
Application No: MW.0135/15 P15/V2432/CM
Applicant: Hanson Quarry Products Europe Limited
District Council Area: Vale of White Horse
Date Received: 1 October 2015
Consultation Period: 15 October – 5 November 2015

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Recommendation

The report recommends that the application (MW.0135/15) be approved.

- Part 1 – Facts and Background

Location (see plan 1)

1. The site lies within the Sutton Courtenay minerals and waste complex between the villages of Sutton Courtenay (900 metres to the west) and Appleford (1 kilometre to the east). The B4016 Appleford road is 700 metres to the north and Didcot Power Station 1 kilometre to the south. Didcot lies 1.6 kilometres (1 mile) to the south.

Site and Setting

2. The site is 2.5 hectares in extent and forms part of an aggregate stocking area associated with the sand and gravel processing plant currently processing gravel from the Bridge Farm workings north of the B4016. The processing plant and a concrete batching plant lie immediately to the north.
3. To the south is a green waste composting site, waste transfer station (WTS) and materials recovery facility (MRF) operated by FCC waste management company. Abutting the site to the west is a ditch leading to the River Thames. There is a tree screen between the ditch and the stocking area. To the east there are old silt ponds.

Background and History of the Site

4. Sand and gravel extraction has taken place at the Sutton Courtenay complex since the 1930s and landfilling since the 1970s. In the late 1990s the site ownership was split between two firms, Hanson and FCC.
5. Hansons have completed extraction in the main complex but were granted planning permission for sand and gravel extraction (APF/SUT/1815-CM) in 2008 for extraction at Bridge Farm, north of the B4016, until the 30th September 2012 and this was subsequently extended (P12/V1729/CM) until 30th September 2018.
6. The landfill site has permission until 2030. In 2015 FCC were granted an amended permission (P15/V0530/CM) with changes to the conditions to allow the site to be restored using less waste. The application site is within the landfill permission but no landfilling is to take place within this area.
7. Planning permission for the crushing of reject blocks on this part of the wider site was granted in 2013 (MW.0129/11, district reference 11/02440/CM).

Details of the Development

8. The site has permission to import reject thermalite blocks from the Company's block making site at Coleshill at Birmingham (600 tonnes a

week), Thatcham (500 tonnes a week) and nearby Milton (25 tonnes a week). Blocks are stocked, crushed, screened and blended with reject materials from concrete making on the adjacent area (50 tonnes a week). The total importation therefore equates to about 5100 tonnes per calendar month. Until the closure of Didcot A power station, total import included 400 tonnes per week of Furnace Bottom Ash (FBA) and so equated to 6825 tonnes per calendar month, although the FBA was transported on internal roads and not the public highway. The resulting material is sent to the Milton Blockworks for use in the production of blocks.

9. When the application was originally submitted and approved, it was proposed to undertake crushing and screening operations for only 6 weeks in each year. However, the applicant has been undertaking these operations in excess of this and therefore the current application has been made to regularise this. The applicant states that the 6 week period referred to in the application must have been an error as it would not have been possible to crush the permitted tonnages in such a short time period. The applicant states that the original application should have read 6 *months* per year. They have now applied for condition 5 to be completely removed, to allow operations to take place up to 52 weeks each year.
10. The conditions on the existing consent do not include a limit on the tonnages of material imported to the site, although the application stated that this would be 1125 tonnes per week by road, plus 400 tonnes per week of furnace bottom ash (FBA) from the adjacent Didcot Power Station and 50 tonnes per week of reject concrete from within the site, both delivered by internal roads. Imports of FBA have ceased following the closure of Didcot A Power Station and it is now proposed to increase the import from Milton from 25 to 50 tonnes per week. This would not cause any increase in vehicle movements because vehicles would be travelling to Milton to deliver the material produced in the plant in any case and material would be backhauled. It would result in an average import to the plant (including reject concrete from elsewhere in the Sutton Courtenay site) of 5200 tonnes per calendar month.
11. The proposed development is for a temporary period to end on 31st December 2030, in line with the timescales for the restoration of the wider landfill site.
12. No change is proposed to the access route, which is onto the Didcot Perimeter road (A4130). This is secured by a condition on the existing consent which would be carried forward onto any new consent granted.

• **Part 2 – Other Viewpoints**

Representations

13. One letter of representation was received. This states that the application is an attempt to greatly increase the activities at the site with

a considerable cost to the local communities and of no benefit to those communities.

Consultation Responses

14. Sutton Courtenay Parish Council – Object. Information has not been provided on the additional throughout which would result and therefore more information is required on vehicle movements and the origins of the material.
15. Appleford Parish Council – Object to the proposals on the basis that the removal of the constraints in the condition would subject the Parish to an increase in nuisance from traffic, including not merely traffic using local roads, but also increased environmental impacts of noise, dust and fumes, which would also arise from the additional use of the site.
16. Didcot Parish Council – No strong views
17. Vale of White Horse District Council Planning – No objection.
18. Environment Agency – No comment.
19. Thames Water – No comments.
20. Natural England –no comment to make.
21. OCC Transport Development Control – No objection. There is little information about trip generation; however a condition limiting import to no more than 5200 tonnes per calendar month to ensure that there is no intensification of the use of the site would be appropriate. This is a reasonable variation and recommend such a condition is imposed along with the existing conditions and obligations granted under MW.0129/11, condition 5 excepted.
22. OCC Biodiversity – No objections.
23. OCC Drainage – No response received at the time of writing report.

Part 3 – Relevant Planning Documents

Relevant Planning Policies – (See policy annex attached to this Agenda)

24. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
25. The relevant development plan documents are:
 - The Vale of White Horse Local Plan (VLP)2011
 - The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996

26. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was subject to consultation in 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.
27. The Vale of White Horse District Council's Local Plan 2031 Part One was submitted to the Secretary of State for independent examination in March 2015. Therefore, as with the OMWCS the plan is at an advanced stage and the draft policies can be applied as relevant. However, it does not contain a general policy on amenity and therefore there are no relevant policies.

Relevant Policies

28. The relevant policies are:

- Vale of White Horse Local Plan (VLP) 2011
DC9 – Neighbouring amenity
- Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996
PE18 – Imposition of conditions to protect amenity
SC3 – Routeing in Sutton Courtenay area
- Draft Oxfordshire Minerals and Waste Core Strategy (OMWCS)
C5- General environmental and amenity protection

Comments of the Deputy Director for Strategy and Infrastructure Planning

29. The issue which needs to be considered in determining this application is the proposed amendment to the number of weeks per year the operations would take place.

Amendment to Crushing Timings

30. OMWLP policy PE18 refers to the Code of Practice which sets out guidance on hours of working, noise, dust and transport. OMWCS policy C5 states that proposals for minerals and waste development shall demonstrate that there would be no adverse impact on the local environment, human health or residential amenity, including from noise, dust, traffic and air quality.
31. VLP policy DC9 states that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider

environment in terms of a number of factors including noise or vibration, dust, pollution or external lighting.

32. The only change proposed to the existing development is the number of weeks per calendar year during which it would be permitted to operate the crusher. No change is proposed to the size of the site, the operations that take place within it, hours of operation and there would be no increase in the amount of material which is imported to the site and crushed. The application has been made because it is not possible to crush the amount of material which the permission allows to be imported, within a six week period. The applicant believes that the original application contained an error in referring to a six week crushing period per year and it should have been six months.
33. The site is remote from residential properties and located within a wider site which is already subject to ongoing waste disposal, waste recycling and mineral processing uses. There have been no complaints from local residents about the impact of the development since it was permitted even though it has been operating in breach of the requirements of condition 5. There are a number of conditions on the existing conditions, which would all be carried forward onto a new consent. Many of these cover amenity issues including a restriction on operating hours, location of plant, height of stockpiles and retention of vegetation, noise limits and white noise on reversing vehicles and dust suppression. The consent is temporary until 2030, in line with other development in the wider site.
34. Due to the distance between the development and the nearest properties, it is considered that there would be no significant impact on amenity as a result of increasing the number of weeks that crushing is permitted to take place, particularly given the controls on noise, dust, visual impact and hours of operation secured by other conditions.
35. The applicant has requested that condition 5 limiting the number of weeks during which crushing operations can take place is removed altogether, rather than amended to correct the alleged mistake in the original application and refer to a 6 month (26 week) crushing period, rather than 6 weeks. This is to remove the administrative burden of keeping and producing records to show on which days crushing operations took place.
36. I consider that the removal of condition 5 is acceptable. It was originally applied in order to ensure that the development was carried out as set out in the application. However, the potential for amenity impacts are very limited due to the site location and the other conditions and so the condition is not considered to be necessary to protect amenity. In the absence of a condition limiting the activity on the site through a restriction on crushing activity, it is recommended that an additional condition is put on the consent to limit the tonnages of imported material to what is proposed. This would ensure that the removal of the condition limiting crushing activity did not allow the development to intensify such that there could be an adverse impact on the highway network.

37. Therefore, subject to a condition to limit the amount of material imported to the site, I consider that the removal of condition 5 limiting crushing activities to 6 weeks a year would not have an adverse impact on local amenity and the proposal is in accordance with OMWLP policy PE18 and the provisions of the Code of Conduct, and also with OMWCS policy C5 and VLP policy DC9.
38. OMWLP policy SC3 requires that developments in this area are subject to a routeing agreement so that HGVs do not use routes through local villages. The existing permission is not subject to a routeing agreement but rather includes a condition requiring that HGVs only access the site via the access onto the Didcot Perimeter Road (A4130) and this condition would be carried forward onto any new consent. As there are other conditions ensuring that material is only brought from Coleshill, Thatcham and Milton and only exported to Milton, the condition for the use of the southern access only would be sufficient to ensure that local roads are not used in association with this development. Subject to this, the development is in accordance with the principles of OMWLP policy SC3.

Conclusions

39. The proposal to remove the condition restricting crushing to six weeks per year is considered to be acceptable. Amenity would be adequately protected by other conditions on the consent, in accordance with OMWLP policy PE18, OMWCS policy C5 and VLP policy DC9.
40. A further condition to require that the amount of material imported to the site remains as proposed would ensure that there would be no unacceptable increase in activity at the site or increase in vehicle movements as a result of the relaxation on crushing duration.
41. The development would be subject to the existing condition covering routeing and access, in accordance with OMWLP policy SH3.

RECOMMENDATION

- 42. It is RECOMMENDED that subject to the same conditions as permission MW.0129/11 (the original planning permission) amended as set out in Annex 1 and as may be otherwise necessary to reflect the approval of schemes previously required pursuant to conditions, that planning permission for application MW.0135/15 be granted.**

BEV HINDLE

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

November2015

Annex 1

Amendments to Conditions:

Conditions to remain as on existing consent (reference MW.0129/11 District Ref: 11/02440/CM) except for the deletion of condition 5:

From the date of this permission the operator shall keep a record of the dates that block crushing takes place and that record shall be kept on the land and made available to the Waste Planning Authority at any time upon request. Block crushing shall not take place except for up to 6 weeks in any calendar year.

And the addition of a new condition as follows:

No more than 5200 tonnes of material shall be imported to the site in any calendar month. Written records of all imports to the site shall be kept and made available to the Waste Planning Authority within 14 days of a request being made.

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 an 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.

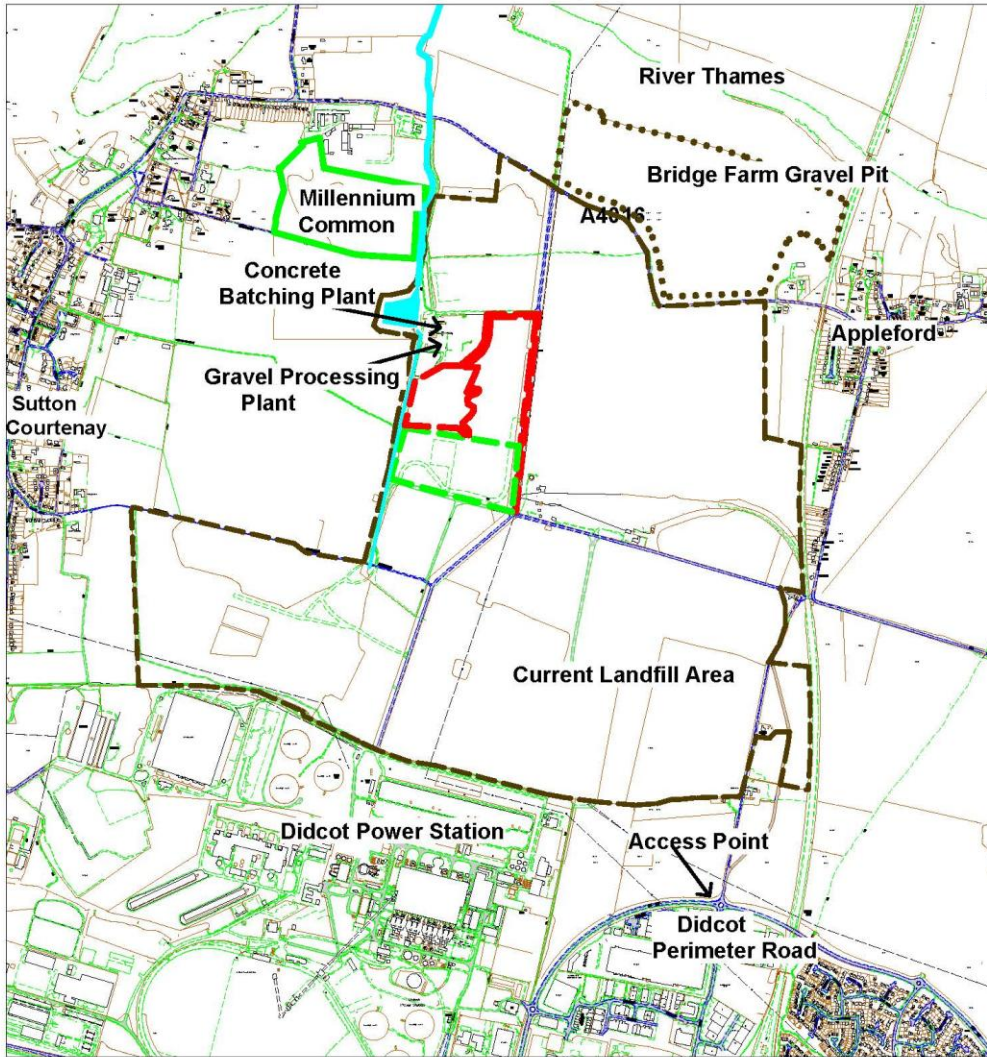
Records indicate that a European Protected Species is likely to be present near, but not on, the site.

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.

Location Plan - Block Crushing - Sutton Courtenay



Plan is for guidance only, accurate application plans can be found on the e-planning website using reference MW.0135/15

- The Site
- Millennium Common
- Landfill Permission
- Bridge Farm Gravel Pit Permission
- Composting Site
- Ditch to River Thames