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## **PLANNING & REGULATION COMMITTEE – 11 APRIL 2011**

### **FINMERE QUARRY**

#### **APPLICATIONS FOR**

- (1) THE CHANGE OF USE OF THE MATERIALS RECYCLING FACILITY AT FINMERE QUARRY WHICH IS THE SUBJECT OF PLANNING PERMISSION REFERENCE 10/00361/CM TO ADD BIODRYING AND GASIFICATION WASTE TREATMENT TECHNOLOGIES AND ASSOCIATED POWER GENERATION TOGETHER WITH THE EXTENSION OF THE OPERATIONAL LIFE OF THE MATERIALS RECYCLING FACILITY;**
  
- (2) TO CONTINUE DEVELOPMENT OF NON HAZARDOUS LANDFILLING OPERATIONS WITHOUT COMPLYING WITH CONDITIONS OF PLANNING PERMISSION 00/01480/CM (AS VARIED BY APPEAL REF. APP/U3100/A/09/2117987/NWF) RELATING TO PHASING OF LANDFILLING AND RESTORATION, LIFE OF THE SITE, RESTORATION AND AFTERCARE SCHEMES, AND TIPPING LEVELS.**

**Report by the Deputy Director for Environment & Economy -  
Growth & Infrastructure)**

**Location:** Finmere Quarry

**Applicant:** Premier Aggregates

**Application Nos:** (1) 11/00015/CM and (2) 11/00026/CM

**District Council Area:** Cherwell

#### **Introduction**

1. These planning applications have been made by Premier Aggregates, to (1) modify the permission for the Materials Recycling Facility (MRF) at Finmere Quarry to include plant for the biodrying and gasification of non-hazardous waste to produce energy and, (2) under Section 73 of the Town and County Planning Act 1990, to vary seven conditions of the existing planning permission for landfilling of non hazardous waste at the quarry. The changes

proposed to the landfill are deemed necessary to adapt to the proposed changes to the MRF and to improve restoration procedures

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

2. Finmere Quarry is located in the north-east of Oxfordshire adjacent to the boundaries with Northamptonshire and Buckinghamshire. It is accessed off the A421 which runs north of the quarry site. Finmere village lies 450 metres to the north east from the edge of the landfill site and 7.4 miles (12km) north east of Bicester.

### **The Sites and their setting (See Plan 2)**

3. Finmere Quarry comprises a non-hazardous landfill site within an area that has been worked for sand and gravel. It lies within a predominantly agricultural rural countryside. There is landfill gas utilisation plant on the southern flank of the landfill generating electricity. The site of the consented but not yet operational MRF is 200 metres south of the landfilled area where a disused sand and gravel processing plant is currently located.
4. Land immediately west of the landfill (marked 'western extension') has permission for sand and gravel working and inert landfill and land to the south east has permission for clay extraction and filling back with inert material from the existing quarry area. Neither has been implemented.
5. The nearest properties to the site are; Widmore Farm, approximately 250 metres to the west of the landfill, Foxley Field Farm Bungalow (currently owned by the applicants) that lies just within the landfill site boundary on its eastern edge and Boundary Farm that lies approximately 450 metres south of the landfill and 400 metres south east of the MRF site.
6. The landfill is flanked by two rights of way. Immediately to the east is bridleway 6 running from Finmere village southwards. Bridleway 7 is a southerly continuation of bridleway 6 which has been diverted away from the MRF site in 2008. Bridleway 4 runs from Widmore Farm to Finmere village and was diverted in 2009 away from the quarry to run on the north west edge of the Landfill site.

### **Background and History of the Site**

7. Permission was originally granted for sand and gravel working and inert waste infilling on appeal in 1993. Permission for commercial and industrial landfill was granted in 1998. In 2005 permission was given to increase the height of the landfill based on advice from the Environment Agency that it was necessary to ensure run off from the landfill. The operator tipped to levels higher than those permitted in 2005 and an enforcement notice was served and upheld on appeal to remove the over-tipped waste.
8. In May 2008, in line with the enforcement notice, an application was made to remove the over-tipped waste to other waste cells within the site. The

Environment Agency objected as levels of hydrogen sulphide detected from the landfill were above those regarded as acceptable to the health of people on and off the site. As a result the application was refused. Permission was then given for retaining the over-tipped waste in 2009 (on advice from the Environment Agency).

9. Permissions for a MRF and for extraction of sand and gravel and clay and inert filling on adjacent land were granted on appeal in 2007 but have yet to be implemented. In 2010 permission was granted for delaying the implementation dates of these permissions. Permission was granted in 2009 to extend the life of the landfill and the MRF to 2020.

## **Details of the Development**

### The MRF Application

10. With the exception of the number and position of external doors it is not proposed to change the external appearance of the MRF or its position. The eastern half of the building would have the new plant and the western end the already permitted recycling activities. The plant will comprise a biodryer, gasifier and power generator. It is expected that two thirds of the waste input of 150,000 tonnes per annum would be directed to the biodryer and gasifier direct. The rest would be recycled traditionally.
11. Of the 50,000 tonnes p.a. of waste recycled traditionally half would be recovered, 6,000 tonnes sent to the gasifier and 21,000 tonnes sent to landfill. The gasifier would produce 10,000 tonnes p.a. giving a total of 31,000 tonnes p.a. of residues from the MRF going to the adjacent landfill.
12. Organic waste such as green waste, food waste and wood would be fed into one of two steel cylinders which comprise the biodryers and dried using waste heat from the gasifier. It would then be transferred to the gasifier where it would undergo a partial oxidation process producing a synthetic gas (syngas) which would be directed to the power plant. Ash and clinker from the process would be sent to the Finmere landfill.
13. The power generator would burn the gas to produce 6MW of power, 5MW of which would be exported to the nearby electricity grid by a connection authorised as permitted development. The remainder of the power would run the plant. Exhaust gases would be fed through an abatement system to the stack.
14. The effect of the plant would be to reduce the amount of residue from the recycling processes going to the landfill from 60,000 tpa to 31,000 tpa. As a result of this slow down in landfilling the applicant's estimate that the landfill would last until 2035 and so the life of the MRF is proposed to be extended from the current end date of 2020 to 2035 as well.
15. The Plant in the MRF is proposed to be operated continuously but the rest of the MRF, including traffic generation, would operate standard hours.

### The Landfill Application

16. It is proposed to continue the landfill at Finmere quarry without complying with conditions 1, 3, 7, 21, 25, 29 and 33 of the non-hazardous landfill permission (ref. 08/02519/CM). The conditions and the proposed changes to them are set out in **annex 1**. The main effects of the proposed changes would be to extend the life of the landfill from 2020 to 2035 and to vary the phasing of the landfilling operations.
17. No change is proposed to traffic generation associated with imported waste, the type and volume of waste, the post settlement restoration levels, the restoration scheme or the size of the landfill.
18. If the application for changes at the MRF are approved the amount of waste going to landfill would half to 31,000 tpa and would have a volume of 31,000 cubic metres. With the exception of the cells currently being filled the remaining void to be landfilled has been calculated by the applicant as 723.000 cubic metres giving a remaining life of 23.5 years from 2012, the date when the MRF would start to operate.
19. The treated residues from the MRF would have less potential to settle compared with the current non-hazardous waste input so it is proposed to review the pre-settlement levels at 3 yearly intervals and adjust the pre-settlement profile, and hence the landfill life, in consultation with the County Council.
20. The phasing of filling and restoration is proposed to be changed so that once the current cells have been completed the remaining northern section, which is opposite Finmere village, would then be infilled and restored to minimise potential visual impacts for the village. Only the access to the site and reception area would be retained in this northern area. The phasing would then revert to filling cells to the south away from the village.
21. The applicants conclude that the design of the site would not increase risk to the water environment. Great crested newts are present on site and it is proposed to provide new habitats for them as part of the restoration. The newts are planned to be managed in accordance with a licence from Natural England.
22. It is argued that the controls in the current landfill permission and Environmental Permit are sufficient to protect the amenity of neighbours even with an extension of time.

## **Consultation Responses and Representations**

### **Cherwell District Council**

23. No objections subject to conditions covering environmental pollution and monitoring. All activities would be regulated by the EA through their environmental permit.

### **Finmere Parish Council**

24. Have concerns. There is no clear definition of the equipment to be used in the MRF. The environmental impact cannot be assessed. There may be unexpected landuse consequences as a result. Conditions are needed to deal with the unclear specification.
25. Landfill is a low level technology that can be monitored to prevent serious outcomes for a village that is less than 1 km away. The plant is a higher technology presenting more risk. Higher temperatures means more safety measures needed with more potential points of failure not necessarily detectable in the early stages before a major incident occurs. Therefore, it is too close to the village and should be refused on safety grounds.
26. The end date for operations at the site has been put back twice since permission first given and a third is now proposed. OMWLP policy W7(i) states there should be progressive restoration of sites within an acceptable period. The County Council cited this policy when deciding on the proposal with the shortest life for the treatment of the over-tipped land in 2007. They should do so again and reject the proposals as contrary to that policy. The end date should not keep extending to suit the commercial aspirations of the developer.
27. On appeal the Inspector said that the MRF should not be operated until the over-tipped land had been excavated and relocated. The EA stopped the excavation but they require that no non-hazardous waste be imported until the over-tipped land has been capped. Therefore, there should be a condition to stop operation of the MRF before the over-tipped land is remedied.
28. No other sites have been found that use the proposed technology successfully. The viability of the operations is at risk. It is possible an end date of 2035 is granted and the technology does not work. Any planning permission could then be used as a lever to get replacement technology. There should be a condition to revoke any permission for the plant if the technology fails or is not fully implemented, which should be considered after 3 years and every 2 years afterwards.

### **Environment Agency**

29. Application 1 –MRF  
No objection. An environmental permit is needed to ensure compliance with the Waste Incineration Directive. This sets tight limits for emissions to air and requires continuous emissions monitoring. It would also have conditions relating to control of noise, odour and pests. The landfill permit would control dust emissions from the landfill. If there are breaches of emission limits the EA will take appropriate action under enforcement and prosecution policy. The operator would pay for the EA to regulate the site.

30. Application 2 -landfill
1. MRF and gasifier residues must fulfil the waste acceptance criteria for the Finmere landfill in order to be tipped. Partial pyrolysis by-products from some waste streams may exceed the criteria.
  2. The long-term settlement assessment should not be prolonged such that capping of the waste is delayed.
  3. The reduction in the rate of landfilling would lead to cells being open for longer, taking in more rainwater, which would mean more leachate in cells. As cell containment is in contact with groundwater and is underlain by a principal aquifer a build up of leachate puts pressure on that containment and presents a risk to groundwater quality. That should not be allowed to happen.
  4. Therefore, cells should be subdivided. This subdivision would
    - a) lead to earlier knowledge of the degree of settlement of residues,
    - b) better control of waste deposit and leachate levels and
    - c) earlier capping of the waste which would reduce potential nuisance from windblown dust.

### **Natural England**

31. Application 1 –MRF  
Unlikely to affect SSSIs. Consult your ecologist on protected species and effects on adjacent County Wildlife site.
32. Application 2 -landfill  
Unlikely to affect SSSIs. No comments on soils and agriculture. Consult your ecologist on protected species.

### **Ecology**

33. There is a great crested newt population on site. A licence is needed from Natural England to mitigate the effects of development on them before that development is permitted. OCC must consider whether a licence is likely to be given, the three tests for a licence should be met. They are 1. the development is of overriding public interest; 2. there is no satisfactory alternative and 3. the action authorised is not detrimental to the maintenance of the species.

### **Transport DC**

34. No objection as levels of traffic proposed do not impact on highway. A SUDS (sustainable urban drainage system) system is needed for drainage works on site.

### **Rights of Way**

35. Application 1 -MRF  
The definitive line of bridleway 7 runs immediately east of the site. It is temporarily diverted to avoid permitted extraction but must go back on its

definitive line at the end of 2014. It should then be adequately screened to reduce the impact of the operations on users of the bridleway.

36. Application 2 -landfill

Bridleway 4 is temporarily diverted from the site until 2016 when it goes back on its definitive line through the quarry. The applicant should discuss extending the diversion with ROW officers now as diversion procedures are lengthy.

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

37. Six letters of objection has been received to these planning applications which make the following points:

- National Energy Technology Laboratory (US) questions the reliability and commercial viability of gasification
- High tech operation requires constant operation, therefore more nuisance
- The operators cannot run a low tech landfill satisfactorily, how will they run a high tech operation
- Applicants are under funded so will not be able to manage the site properly
- The site has not been rigorously controlled, cannot expect it to be properly controlled in future, to the detriment of residents of Fimmere
- There is no detail on the equipment to be used or how emissions or dust are to be controlled
- Risks from variable waste streams would create an unstable process
- Process is potentially hazardous; threats of explosions, gas leaks, air borne toxins and unknown hazards from untried technology
- Risks to health from excessive heat of process
- Need to assess air quality taking into account EfW developments at Ardley and Calvert
- There are breathing difficulties caused by the tip
- Cannot control feedstocks to gasifier to screen out unpleasant inputs
- Syngas contains hydrogen sulphide which caused smell problems at the landfill
- Threats of noise (24 hours a day), odour, heavy traffic
- Too near residences and a school
- The nearby HS2 raises risks of problems from vibration and air pressure fluctuations and danger of high speed collisions with trains
- Proposals are a ploy to extend the life of the landfill
- The Plant could be delayed leading to an even longer life for the site
- Gasification process doubles the time for restoration
- The site brings waste from London contrary to MWLP policyW2 There should not be any permissions until landscaping requirements are met.
- Overtipping indicates dishonesty or incompetence and it continues
- The County Council has a conflict of interest between determining the application and its responsibilities for the health and safety of residents

**Relevant Planning Policies – (See Policy Annex attached to this Agenda)**

- 38. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
- 39. The Development Plan for this area comprises the South East Plan, the saved policies of the Oxfordshire Structure Plan and Oxfordshire Mineral and Waste Local Plan (OMWLP); the adopted Cherwell Local Plan 1996 (CLP) & Non-Statutory Cherwell Local Plan 2011 (NSCLP).
- 40. Planning Policy Statement 10: Planning for Sustainable Waste Management and Planning Policy Statement 9: Biodiversity and Geological Conservation and Planning Policy Statement 23: Planning and Pollution Control all apply.
- 41. Whilst the South East Plan (SEP) forms part of the Development Plan the Government has made it clear that it intends to abolish regional strategies. This intention has been upheld as being a material consideration in determining planning applications.
- 42. All relevant policies are listed in the policy annex. The key policy considerations relate to moving waste up the waste hierarchy, the environmental and amenity effects of gasification and whether it is reasonable to allow extra time to restore the landfill. Other issues relate to the impact of the proposed developments on groundwater quality, protected species and rights of way.
- 43. Relevant policies are South East Plan (SEP) policies W5, W7, W12, W13, W17, NRM5 and NRM9; OMWLP policy W7, PE4 and PE11; For the protection of the environment and amenity, policies C2, C31 and ENV1 of CLP and policy EN3 of NSCLP.

**Comments of the Deputy Director for Growth and Infrastructure**

- 44. The two applications are intimately associated and, therefore, are dealt with together. Any introduction of gasification plant will reduce the amount of waste for landfilling and mean a longer landfill life to ensure that the landfill is completed and restored.
- 45. The main issues to be addressed in deciding these applications are the need to divert waste from landfill, the environmental and amenity effects of gasification and the increased time needed to carry out the developments.
- 46. Other matters to be considered relate to the protection of groundwater and protected species and the effects on rights of way.

**Need to divert waste from landfill**

47. Planning policy statements and the SEP encourage Planning Authorities to secure the diversion of waste from landfill to other forms of waste treatment thus moving the waste up the waste hierarchy. In this case, the introduction of gasification plant would mean that half the residual waste that would come from the MRF could be treated to produce energy instead of being landfilled. The proposals would allow landfill space to be husbanded and used only for wastes that could not be recycled or recovered.

**The environmental and amenity effects of gasification**

48. The introduction of gasification plant in the building does not alter the external appearance of the building except with respect to the number of doors to be provided. Additional doors do not have an effect environmentally or in terms of amenity. The building would continue to be hidden from views from properties and be sufficiently far away from these properties not to cause them noise nuisance.
49. The possible differences between the permitted MRF operation and its operation with a gasifier would be related to dust, air quality and odour. All these matters are for the Environment Agency (EA) to control through an Environmental Permit and the EA has not objected on these issues.
50. I am concerned that sufficient room is maintained in the building to carry out the already permitted non-hazardous recycling operation so if permission is granted there should be a condition restricting the footprint of the gasification equipment to the eastern half of the building only.
51. There are concerns that the applicant will not be able to manage the technology. To cover that matter, if that turned out to be the case and the plant ceased to function then any permission should have a condition requiring the unused plant to be removed so that the MRF had additional recycling space to compensate. If the plant were not managed properly but continued to operate the EA has indicated that it would enforce and prosecute.
52. The proposed variation of the phasing of the landfill would mean that cell 10 would be filled after cells 1-6 and 8 and 9 have been completed. The completion of these latter cells and their restoration would have a significant effect in terms of improving visual amenity for Finmere village as they are the closest part of the site to the village. The completion of cell 10 subsequently would give a complete visual barrier to Finmere behind which the remaining landfilling and operation of the MRF would not be seen from the village.
53. Concerns are expressed that 24 hour operation of the plant will be noisy. The gasifier would need to operate continuously but the rest of the MRF would not. A condition could be attached to any permission limiting the site operation to standard hours with the exception of operations related to gasification conducted entirely within the building.

54. The Parish Council states that the Inspector at the Appeal into the MRF required over-tipped waste to be removed and relocated in the landfill before the MRF commenced operation. Although that over-tipped waste is now permitted to remain they say that the principle of remedying the over-tipping, by condition, before the MRF operates should still apply.
55. However, a permission (10/00361/CM) was granted to modify the conditions of the MRF permission, including the commencement one, following the decision to retain the over-tipped waste. That permission removed the commencement condition. There does not seem to be any necessity to control the start date of the MRF now as it will be screened more than adequately from the village behind the soon to be restored over-tipped landfill.

### **Increased time to carry out developments**

56. If the gasifier is permitted it would mean that the landfill would take longer to fill and that the MRF would be retained until the end of the landfill. That would ensure the landfill was properly husbanded for use only for non-recyclable or recoverable wastes as required by SEP policy. Equally OMWLP policy requires restoration of mineral and waste sites to take place within reasonable timescales. The gasifier process would mean that the site will take much longer to restore (unacceptably long in the view of Finmere Parish Council) and the question is whether or not the proposed time period, a doubling of the landfill life to a total of 24 years, is acceptable.
57. Policy W7 of the OMWLP does also say the site should be capable of progressive restoration and have regard to the particular circumstances of the case. In this instance, progressive restoration is still possible and proposals mean that for most of the life of the landfill the operation would be hidden from the village. The only noticeable effect would be a prolongation of traffic from the site but that would travel on the A421 which by-passes the village. I conclude, therefore, that the gain in the efficiency of the gasification process and the value of husbanding the landfill, in this case justify extending the period of disturbance and conclusion of final restoration.
58. The EA had concerns that residues from the gasifier would not meet the waste acceptance criteria to enable deposit into the non-hazardous Finmere Quarry landfill. The applicant has stated that only non-hazardous waste is permitted to be brought into the Quarry site and its gasification would only produce a non-hazardous residue, except on infrequent and exceptional circumstances. Therefore, very little, or none, of the residue would have to be taken offsite to a hazardous landfill site. It is reasonable to expect that the rate of proposed input of residues from the MRF would be sufficient to ensure the landfill is filled by the end date now proposed.
59. Objectors are concerned that if the plant fails to work or is not built then the landfill would last longer. In fact it is likely that the opposite is true. If there is no plant to process waste then more waste would be directed to landfill, filling it up sooner. The Parish Council want a condition to be imposed on any

permission requiring the plant to be removed if, on review, it is shown not to be working or not working effectively.

60. I agree that any non-functioning plant should be removed. A specific review is not needed as regular monitoring by the Council would reveal its operating status. A condition could be attached to any permission requiring removal of any unused plant after a period of time that it was not functioning. If this happened then the MRF building would remain and continue to fulfil recycling activities.
61. The applicant has proposed regular reviews of settlement of the deposited waste because residues from the gasifier would not settle as much as other non-hazardous wastes. It means that final pre-settlement levels would not have to be as high as currently approved to achieve the post-settlement final level and, therefore, less material would have to be deposited to achieve final levels, potentially meaning that the landfill could be finished earlier. The change to condition 4 to incorporate these reviews is to be welcomed.

### **Other matters**

#### Groundwater

62. The Environment Agency have expressed concern about delayed reviews of settlement of the landfill and also reduction in waste deposition. They say cells would be open for longer allowing more rain to enter creating more leachate which could put pressure on the cell containment putting the aquifer below at risk of contamination.
63. With respect to reviews of settlement the applicant says that they can be completed in six weeks limiting the time that cells are open to rainfall.
64. With respect to cells being open for longer this seems to be a matter that the Environment Agency could control through its environmental permit. The planning permission can control the phasing of deposition of the waste and restoration to ensure the remainder of the site is adequately screened from the village but the protection of groundwater from pollution is a core function of the Agency.

#### Protected species

65. There are great crested newts on site. They are a protected species. The new Habitats Regulations 2010 require the Planning Authority to be satisfied that there is a likelihood that Natural England would grant a licence to mitigate the effects of development on them before granting permission for that development. The applicant submitted answers to the three tests which the Council's ecologist considers represents a likelihood that a licence would be granted (see Annex 2).

Rights of Way

66. If permission is given cell 10 will still be being filled when bridleway 4 should go back on its definitive line in 2016. The current diversion is reasonable and, if planning permission is resolved to be granted, the applicant should be asked to enter a legal agreement beforehand to apply for an extension to the diversion to cover the period of the development there. It should be made within sufficient time to secure the extension before 2016.
67. Bridleway 7 is due to revert to its definitive line at the end of 2014. It will then run alongside the MRF. If permission is granted for extending the life of the MRF then it will run alongside for 20 years. Therefore, if permission is given there should be a condition requiring screening vegetation between the path and the MRF site.

Other issues

68. There are two current planning obligations (dated 11<sup>th</sup> July 2005 and 1<sup>st</sup> May 2009) related to the landfill which controls the area from which waste can be brought into the site (the hinterland) and payments to secure restoration. A supplemental agreement is necessary to ensure that these provisions apply to any new permissions. The applicant is also willing to sign an agreement which would require him to apply for a diversion of bridleway 4.
69. A number of objections are raised about the gasification technology. It is possible that the technology may not work but that is a risk for the developer primarily as is the funding for the project. The Environment Agency can control the operation of the gasification plant to minimise pollution risks and a condition on any planning permission can require plant to be removed if not operating.
70. An objection has been raised that there is a conflict of interest within the County Council in terms of responsibilities for health and safety. I do not see any conflict.
71. The line of the proposed HS2 scheme (high speed rail) runs along the western boundary of the landfill permission. Objections have been raised about conflicts with this scheme. However, it is only a proposal and if it is to be implemented it will have to adapt to any developments approved on its boundaries. In any event I cannot see any conflict with the operation of the landfill and the MRF is 250 metres from the line, sufficient distance for there not to be any conflict.

**Conclusions**

72. The operation of the gasification plant is supported by policies for treatment of waste that move waste up the hierarchy. There are no significant adverse amenity and environmental effects that cannot be controlled by planning obligations, planning or permit conditions or a licence from Natural England. The plant would reduce the annual amount of waste going to landfill which

would allow the landfill space to be husbanded for wastes that could not be recycled or recovered without adverse environmental or amenity effects. The extra time it would take to complete the landfill would have no significant additional adverse effects on the village of Finmere particularly as the phasing of landfill and restoration would create a restored barrier to the village at an early stage.

73. The applicant is willing to sign agreements related to payments, hinterlands and bridleway diversions which I consider are necessary.

### **Recommendation**

74. **It is RECOMMENDED that:**

- (a) **subject to a legal agreement requiring restoration payments and operation of a hinterland that planning permission be granted for Application (1) (11/00015/CM (MRF) ) subject to conditions to be determined by the Deputy Director for Environment Growth and Infrastructure the heads of which are set out in Annex 3 to this report; and**
- (b) **subject to a legal agreement requiring early application for diverting bridleway 4, restoration payments and operation of a hinterland that planning permission be granted for Application (2) (11/00026/CM (Landfill)) subject to the condition changes proposed in the application as set out in Annex 1 to this report (with the exception of condition 4), the modified condition 4 and any other conditions to be determined by the Deputy Director for Environment & Economy - Growth and Infrastructure but to include the heads of which are set out in Annex 3 to this report.**

MARTIN TUGWELL  
Deputy Director (Growth & Infrastructure)

Background papers: Planning application

March 2011

**Condition 1**

The condition currently states:

*The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by the conditions of this permission. The approved plans and particulars comprise the application letter dated 31 October 2008, document PR/FI/GT/1500/01rev dated October 2008 and revised January 2009 (Supporting Statement with Environmental Statement) and drawings labelled PR/FI/11-08/14687 (Site Location), PR/FI/11-08/14688rev A (Site and Surrounding Area), PR/FI/11-08/14689revA (Landfill Phase Layout and the Landfill Cell Layout), PR/FI/11-08/14691revA (Proposed Pre-Settlement Restoration Contours), PR/FI/11-08/14692revA (Proposed Post-Settlement Restoration Contours), PR/FI/11-08/14690revA (Proposed Restoration Scheme).*

The proposed wording is:

The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by the conditions of this permission. The approved plans and particulars comprise the application letter dated 31 October 2008, Section 9 of document PR/FI/GT/1500/01rev dated October 2008 and revised January 2009 (Supporting Statement with Environmental Statement), the application letter dated December 2010, document PR/FI/GT/1500/01/LFSS/FIN dated December 2010 (Supporting Statement) and drawings labelled PR/FI/09-10/15726 (The location of Finmere Quarry Complex and the non hazardous landfill), PR/FI/10-10/15806 (The site and the surrounding area), PR/FI/09-10/15768 (The consented pre settlement restoration contours), PR/FI/09-10/15769 (The consented post settlement restoration contours), PR/FI/09-10/15770 (The consented restoration scheme), PR/FI/09-10/15771 (The revised cell layout for the non hazardous landfill together with the proposed order of filling).

**Condition 3**

The condition currently states:

- a. *No waste shall be deposited at the site after 31 December 2020.*
- b. *Unless authorised to remain on the site by another subsisting planning permission, all buildings shall be dismantled and removed from the site by 31 March 2021. All plant and machinery shall be removed from the site by 31 March 2021 unless necessary for the purposes of site restoration in accordance with condition 17 and 18. Unless being used in final restoration in accordance with condition 18 all plant and machinery shall be removed from the site by 31 December 2021. Plant and machinery being used in the final restoration in accordance with condition 18 shall be removed from the site within 4 weeks of the completion of final restoration.*

- c. *Subject to condition 18, restoration shall be completed by 31 December 2021 in complete accordance with the approved restoration scheme specified in Section 9 of the document PR/FI/GT/1500/01rev (Supporting Statement with Environmental Statement) and approved drawing PR/FI/11-08/14960revA (Proposed Restoration Scheme).*

The proposed wording is:

- (a) No waste shall be deposited at the site after 31 December 2035.
- (b) Unless authorised to remain on the site by another subsisting planning permission, all buildings shall be dismantled and removed from the site by 31 March 2036. All plant and machinery shall be removed from the site by 31 March 2036 unless necessary for the purposes of site restoration in accordance with condition 17 and 18. Unless being used in final restoration in accordance with condition 18 all plant and machinery shall be removed from the site by 31 December 2036. Plant and machinery being used in the final restoration in accordance with condition 18 shall be removed from the site within 4 weeks of the completion of final restoration.
- (c) Subject to condition 18, restoration shall be completed by 31 December 2036 in complete accordance with the approved restoration scheme specified in Section 9 of the document PR/FI/GT/1500/01rev (Supporting Statement with Environmental Statement), as amended by document PR/FI/GT/1500/01/LFSS/FIN (Supporting Statement) and approved drawing PR/FI/09-10/15770 (The consented restoration scheme).

#### **Condition 4**

The condition currently states:

*No waste shall be deposited above the pre-settlement contours shown on approved plan PR/FI/11-08/14691revA (Proposed Pre-Settlement Restoration Contours).*

The proposed wording is:

No waste shall be deposited above the pre-settlement contours shown on approved plan PR/FI/09-10/15768 (The consented pre settlement restoration contours). As landfilling progresses through cells 10, 7, 11A and 11B the operator shall reassess the allowance being made for settlement and submit their findings in writing to the Waste Planning Authority. The first assessment shall be carried out when the waste level in Cell 10 reaches the surrounding ground level and thereafter the reassessments shall be carried out at three yearly intervals. Where shown that the required surcharging is different from that assumed the pre settlement contours shall be adjusted and landfilling thereafter undertaken to accord with the approval revised calculations for settlement.

**Condition 7**

The condition currently states:

*Landfilling operations shall not be carried out except in complete accordance with the approved plan PR/FI/11-08/14689revA (Landfill phase layout and the landfill cell layout) and paragraph 9.13 of the approved document PR/FI/GT/1500/01rev (Supporting Statement and Environmental Statement) as set out below:*

- i. no waste shall be deposited in Cells 3, 6 and 9 until the deposit of waste in Cells 4, 4 and 8 is complete. Cells 4, 5 and 8 shall be permanently capped whilst the deposit of waste in Cells 3, 6 and 9 is progressing*
- ii. no waste shall be deposited in Cell 7 until the deposit of waste in Cells 3, 6 and 9 is complete. Cells 3, 6 and 9 shall be permanently capped whilst the deposit of waste in Cell 7 is progressing*
- iii. no waste shall be deposited in Cell 10 unless the deposit of waste in Cell 7 is complete. Cell 7 shall be permanently capped whilst the deposit of waste in Cell 10 is progressing*
- iv. no waste shall be deposited in Cell 11 until the deposit of waste in Cell 10 is complete. Cell 10 shall be permanently capped while the deposit of waste in Cell 11 is progressing*
- v. no waste shall be deposited in the Cell 11 Extension until the deposit of waste in Cell 11 is complete. Cell 11 shall be permanently capped whilst the deposit of waste in the Cell 11 Extension is progressing*
- vi. the Cell 11 extension shall be permanently capped by 31 December 2020.*

*No deposit of waste shall take place in any cell until the sand and gravel has been completed extracted from that cell.*

The proposed wording is:

Landfilling operations shall not be carried out except in complete accordance with the landfill phasing shown on approved plan PR/FI/09-10/15771 (The revised cell layout for the non hazardous landfill together with the proposed order of filling) and paragraphs 8.8 to 8.10 of the approved document PR/FI/GT/1500/01/LFSS/FIN (Supporting Statement) as set out below:

- i) no waste shall be deposited in Cells 3, 6 and 9 until the deposit of waste in Cells 4, 5 and 8 is complete. Cells 4, 5 and 8 shall be permanently capped whilst the deposit of waste in Cells 3, 6 and 9 is progressing*
- ii) no waste shall be deposited in Cell 10 until the deposit of waste in Cells 3, 6 and 9 is complete. Cells 3, 6 and 9 shall be permanently capped whilst the deposit of waste in Cell 10 is progressing*
- iii) no waste shall be deposited in Cell 7 until the deposit of waste in Cell 10 is complete (with the exception of the access corridor). Cell 10 (with the exception of the access corridor) shall be permanently capped whilst the deposit of waste in Cell 7 is progressing*
- iv) no waste shall be deposited in Cell 11A until the deposit of waste in Cell 7 is complete. Cell 7 shall be permanently capped while the deposit of waste in Cell 11A is progressing*

- v) no waste shall be deposited in Cell 11B until the deposit of waste in Cell 11A is complete (with the exception of the access corridor). Cell 11A (with the exception of the access corridor) shall be permanently capped whilst the deposit of waste in Cell 11B is progressing
- vi) Cell 11B and the access corridor shall be permanently capped by 31 December 2035.

No deposit of waste shall take place in any cell until the sand and gravel has been completely extracted from that cell.

### **Condition 16**

The condition currently states:

*Save for the deposit of inert waste required after capping cells so as to achieve the approved restoration shown on approved plan PR/FI/11-08/1490revA (Supporting Statement with Environmental Statement) or unless authorised on the site by another subsisting planning permission, no deposit of waste shall take place outside the cells shown on the approved plan PR/FI/11-08/1469revA (Proposed Pre-Settlement Restoration Contours).*

The proposed wording is:

Save for the deposit of inert waste required after capping cells so as to achieve the approved restoration shown on approved plan PR/FI/09-10/15770 (The consented restoration scheme) or unless authorised on the site by another subsisting planning permission, no deposit of waste shall take place outside the cells shown on the approved plan PR/FI/09-10/15771 (The revised cell layout for the non hazardous landfill together with the proposed order of filling).

### **Condition 17**

The condition currently states:

*No development authorised by this permission shall take place except in accordance with the approved restoration scheme specified in section 9 of document PR/FI/GT/1500/01rev (Supporting Statement with Environmental Statement) and approved drawing PR/FI/11-08/14690revA (Proposed Restoration Scheme).*

The proposed wording is:

No development authorised by this permission shall take place except in accordance with the approved restoration scheme specified in section 9 of document PR/FI/GT/1500/01rev (Supporting Statement with Environmental Statement) and approved drawing PR/FI/09-10/15770 (The consented restoration scheme).

### **Condition 18**

The condition currently states:

*Notwithstanding conditions 3 and 17 restoration should provide for partial restoration and delayed final restoration to allow for at least three years of subsidence to take place in any finished development cell to take account of the variation between the approved pre-settlement levels shown on plan PR/FI/11-08/1469revA and the approved post settlement levels shown on approved plan PR/FI/11-08/14692revA and approved restoration scheme PR/FI/11-08/14690revA.*

The proposed wording is:

Notwithstanding conditions 3, 4 and 17 restoration should provide for partial restoration and delayed final restoration to allow for at least three years of subsidence to take place in any finished development cell to take account of the variation between the approved pre-settlement levels shown on plan PR/FI/09-10/15768 (and any subsequent plan as referred to in condition 4) and the approved post settlement levels shown on plan PR/FI/09-10/15769 and approved restoration scheme PR/FI/09-10/15770.

### **Condition 21**

The condition currently states:

*Within one year of the date of this permission details of a scheme of landscaping shall be submitted to the Waste Planning Authority; such details shall incorporate the general principles indicated in Section 9 of the approved document PR/FI/GT/1500/01rev (Environmental Statement) and particularly approved plan PR/FI/11-08/14690revA and shall include:*

- a. The layout, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations; and*
- b. The positions, species, density and initial sizes of all new trees and shrubs;*

The proposed wording is:

Within one year of the date of this permission details of a scheme of landscaping shall be submitted to the Waste Planning Authority; such details shall incorporate the general principles indicated in Section 9 of the approved document PR/FI/GT/1500/01rev (Environmental Statement) as amended by document PR/FI/GT/1500/01/LFSS/FIN (Supporting Statement) and particularly approved plan PR/FI/09-10/15770 and shall include:

- a. The layout, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations and
- b. The positions, species, density and initial sizes of all new trees and shrubs;

Any scheme that is approved shall be implemented within the first available planting season following the spreading of topsoil on any cell as shown on plan the consented restoration scheme (drawing reference PR/FI/09-10/15770).

## Condition 24

The condition currently states:

*An aftercare programme shall be submitted for that part of the site not to be restored to agricultural use for the approval of the Waste Planning Authority within one year of the date of this permission and shall include woodland areas, the water areas, surrounding margins and grass heath shown on approved plan PR/FI/11-08/14690revA (Proposed Restoration Scheme) and shall address the monitoring and management of that land, water body, plant and animal community. Any programme that is approved shall be implemented.*

The proposed wording is:

An aftercare programme shall be submitted for that part of the site not to be restored to agricultural use for the approval of the Waste Planning Authority within one year of the date of this permission and shall include woodland areas, the water areas, surrounding margins and grass heath shown on approved plan PR/FI/09-10/15770 (The consented restoration scheme) and shall address the monitoring and management of that land, water body, plant and animal community. Any programme that is approved shall be implemented.

## Condition 26

The condition currently states:

*Before the 31<sup>st</sup> January 2020 (for agricultural land) and 31<sup>st</sup> January 2021 (for other land) and every subsequent year during the aftercare period, the waste operator shall provide the Waste Planning Authority and the landowner/occupier with a detailed annual programme for the approval for the Waste Planning Authority including:*

- (ix) Proposals for managing the agricultural land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months;*
- (ii) Proposals for managing the non-agricultural land for the forthcoming 12 months;*
- (iii) A record of aftercare operations carried out on the land during the previous 12 months.*

*Any programme that is agreed shall be implemented.*

The proposed wording is:

Before the 31<sup>st</sup> January 2035 (for agricultural land) and 31<sup>st</sup> January 2036 (for other land) and every subsequent year during the aftercare period, the waste operator shall provide the Waste Planning Authority and the landowner/occupier with a detailed annual programme for the approval for the Waste Planning Authority including:

- (i) Proposals for managing the agricultural land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months;
- (ii) Proposals for managing the non-agricultural land for the forthcoming 12 months;
- (iii) A record of aftercare operations carried out on the land during the previous 12 months.

Any programme that is agreed shall be implemented.

### **Condition 33**

The condition currently states:

*Notwithstanding condition 7 landfilling operations shall not commence in Cell 7 until a scheme has been submitted to and approved by the Waste Planning Authority showing how the approved pre-settlement contours of Cells 7, 10 and 11 as shown on approved plan PR/FI/11-08/14691revA (Proposed Pre-Settlement Restoration Contours) will be achieved by 31 December 2020. Any scheme that is approved shall be implemented.*

The proposed wording is:

Notwithstanding condition 4 and 7 landfilling operations shall not commence in Cell 10 until a scheme has been submitted to and approved by the Waste Planning Authority showing how the approved pre-settlement contours of Cells 7, 10 and 11A and 11B as shown on approved plan PR/FI/09-10/15768 (The consented pre settlement contours) will be achieved by 31 December 2035. Any scheme that is approved shall be implemented.

The informative is not necessary.

### **Habitat Regulations: Protected Species Tests**

The applicant has submitted information for both applications on the three tests to be satisfied set by Natural England in order to get a European Protected Species Licence. The tests are

1. (The purpose test) which must demonstrate that the proposals are in the interests of preserving public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. (The “no satisfactory alternative test”); and
3. that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The applicant has said:

#### Test 1

The need for both applications has been demonstrated by the successive grants of planning permission for them both. The optimising of the performance of the MRF moves waste up the waste hierarchy but means a longer life for the landfill. There will be restoration to a mixture of countryside afteruses. Therefore, there is a purpose which is in the public interest of a social and economic nature and is of benefit to the environment.

#### Test 2

Permission has already been granted for both the landfill and MRF and possible alternatives were considered at the time they were being determined. The current applications do not show that the existing locations are adversely affected by the proposals.

#### Test 3

A site plan will be prepared for the Finmere quarry complex to prevent killing of or injury to great crested newts and to provide new habitat for them.

Heads of conditions for 11/00015/CM

1. carry out development in strict accordance with application
2. begin development within 5 years
3. waste recycling and recovery to cease by end of 2035
4. no waste recycling or recovery operations to take place outside the building and no outside storage except in storage bays
5. waste imported that cannot be recycled or recovered shall only be taken to Finmere landfill site provided it is suitable for disposal there.
6. olive green stack
7. maximum height of stack to be 16m above ground level
8. bays only constructed in accordance with approved details
9. recyclates, unprocessed wastes to be stored in the building or bays but not above height of bays.
10. gasification residues to be stored only in building before landfilling
11. skips stored only if used for recycling or recovery and as agreed
12. Access as per plan
13. sheeted lorries for dusty loads
14. no mud on road, clean lorry wheels
15. dust suppression
16. noise levels during day of 55Db(LAeq)(1 hour)
17. no operations on site except between 7:00 to 18:00 hours Mondays to Fridays and 7:00 to 13:00 hours on Saturdays except that gasification plant and its related activities can take place in the building continuously
18. the gasification plant shall not occupy more than half the building
19. vehicles use silencers
20. noise not to include unusual sounds
21. warnings of reversing vehicles
22. chemical or fuel storage to be bunded
23. vehicle maintenance only on impervious surface
24. agree location of lighting
25. no lights at night except for security
26. retain plantation to north and screen bridleway to east
27. implement landscaping measures
28. restoration scheme and completion by end 2036 and aftercare
29. throughput of waste not above 150,000 tpa
30. no further implementation of recycling permission at Foxley Field farm
31. sustainable drainage scheme

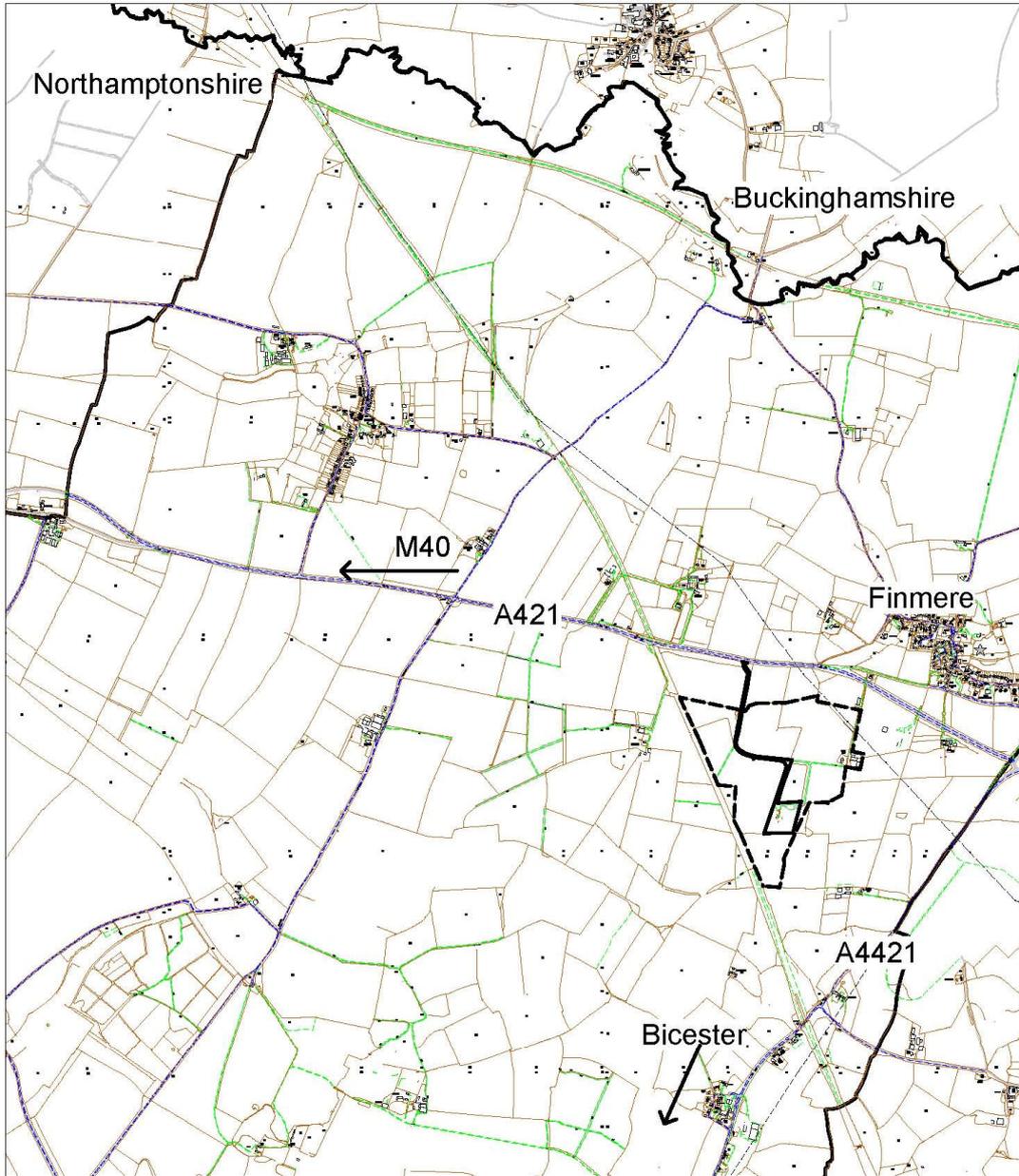
Heads of condition for 11/00026/CM

Modified condition 4. as proposed except that the height of the surrounding land level should be specified and the first assessment should take only six weeks from the time waste deposition reaches the surrounding land level. Subsequent assessments should only take six weeks.

1. no mud on road, clean lorry wheels
2. metalled access road
3. no bunds or heaps unless authorised

4. no plant etc for controlling gas or leachate without approved scheme
5. hours of operation as for MRF except for management of gas
6. noise levels as for MRF
7. vehicles use silencers
8. noise not to include unusual sounds
9. dust suppression
10. no soil stripping in windy weather
11. no deposit of waste outside cells except inert waste to achieve restoration levels
12. handling of soils only in accordance with a scheme
13. no removal of soils off site
14. site weed free
15. scope of agricultural aftercare scheme
16. scope of woodland aftercare scheme
17. aftercare meetings
18. no recycling or storage of recyclate or waste on site except in MRF area
19. no screening or crushing of aggregate materials on site
20. 3 monthly ground level surveys
21. scheme for ground level monitoring
22. sustainable drainage scheme
23. waste disposal to end at end of 2035

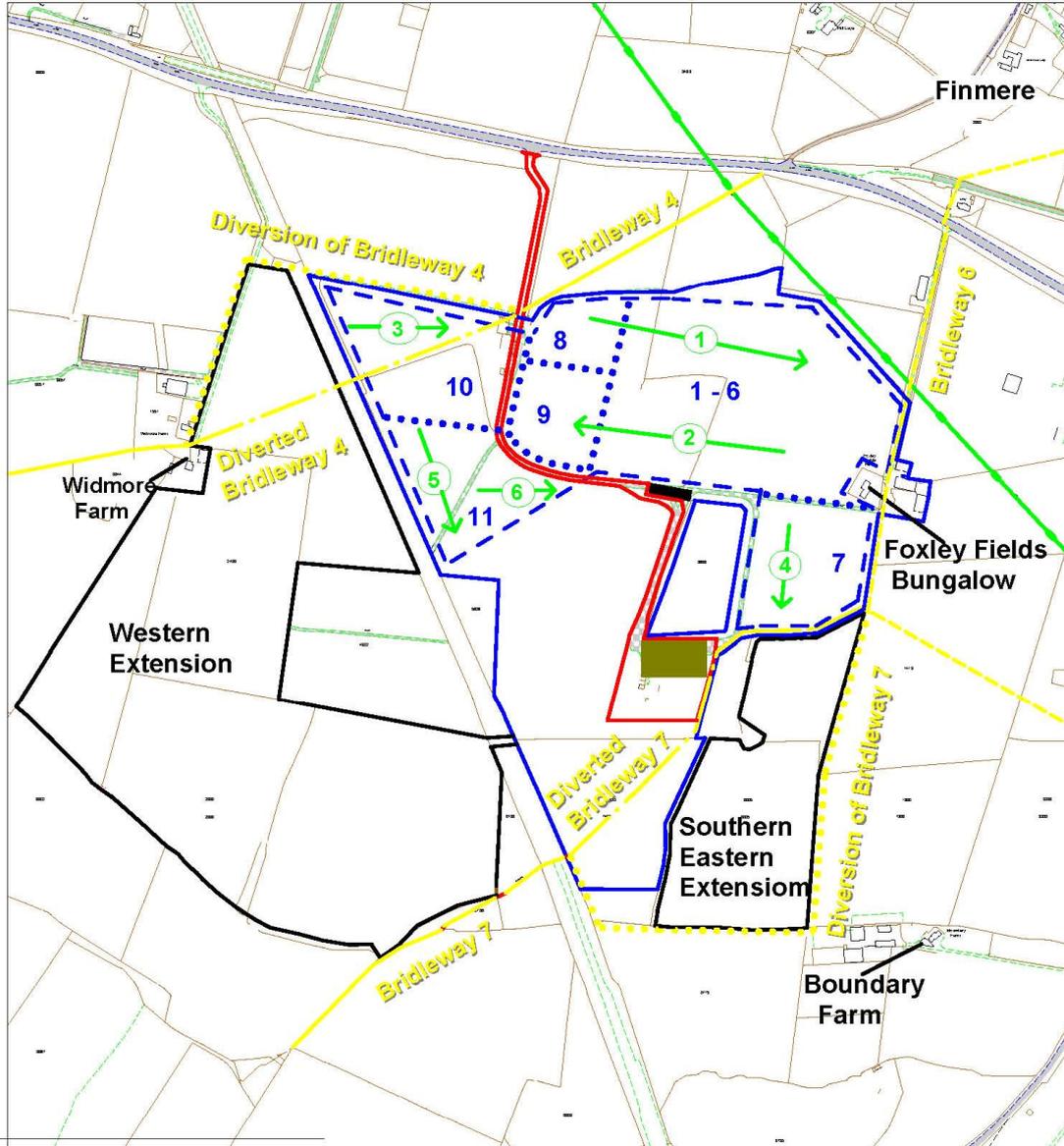
# Plan 1



- Application Site 1
- - - Application Site 2

T.Philp  
28/3/11

# Plan 2



- Key:**
- Proposed Sequence of Filling
  - Overhead Electricity Line
  - Site of Application 1 (MRF)
  - Site of Application 2 (Landfill)
  - Area Subject to Landfill
  - Landfill Cells
  - Landfill Gas Plant
  - MRF Building

28/3/11

T.Philp