

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(ENGLAND)
ORDER 2015**

To: FCC Environment,
Sutton Courtenay Waste Management Centre
Appleford Sidings
Abingdon
OX14 4PW

CONDITIONAL PLANNING PERMISSION

Application to continue the development of 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 at Sutton Courtenay Landfill Site, Appleford Sidings, Sutton Courtenay

The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority hereby GRANT PLANNING PERMISSION for this development SUBJECT TO the conditions set out in the attached Schedule 1.

The reasons for the imposition of the conditions are as set out in the attached Schedule 1.

The relevant Development Plan policies are set out in the attached Schedule 2.

The reasons for approval are set out in the attached Schedule 3.

Dated: 3rd August 2015



Planning Regulation Service Manager
On behalf of Director for Environment & Economy

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Notes

IMPORTANT

- This permission does not convey or imply any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- The submitted environmental information was taken into consideration in making this decision.
- Application for approval under the Building Regulations must be made to the Council for the district in which the land is situated.
- Except in the case of small domestic development, the Chief Fire Officer, Sterling Road, Kidlington, Oxford, OX5 2DU, Telephone: Kidlington 4211, should be consulted before work is commenced. This may save expensive alterations at a later stage.
- In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

- If you are aggrieved by the decision of the County planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, however if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the County Planning Authority's decision on your application then you must do so within either 28 days of the date of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier. Appeals must be made on a form, which you can get from the Planning Inspectorate at Temple Quay House, 2, The Square, Temple Quay, Bristol. BS1 6PN Helpline: 0117 3726372 Website: www.planningportal.gov.uk/planning/appeals
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the County planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the District in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Schedule 1 - Conditions

Note: The restoration conditions on this permission take precedence over those on planning permission APF/616/56-CM

This permission does not override the provisions of permission APF/SUT/1815-CM

1. 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, as updated April 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.

Reason: To ensure that the development is carried out in accordance with the approved plans and details. (OMWLP PE18)

Minerals

2. From the date of this permission no sand or gravel shall be dug from the site with the exception of block 13 as shown on plan 1032/C as approved under permission SUT/APF/616/33-CM and from the margins of phases 3 and 4 as shown on approved plan SC 2/2 as part of the landfill engineering works.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details. (OMWLP PE18)

3. No import of aggregates shall take place other than to the areas shown as 'land subject to continuing industrial use' and 'rail sidings/plant site' on approved plan S2.L/52D. No imported aggregates shall be stored other than within that area. No aggregates won from within the site shall be stored other than within the area outlined in red on approved plan S55m/113

Reason: To prevent the uncontrolled import and storage of aggregates to the benefit of the visual amenities of the residents of Appleford and Sutton Courtenay and to reduce lorry traffic. (OMWLP W7)

4. Blocks 1 and 12 as shown on plan 1032/C approved under permission SUT/APF/616/33-CM shall remain flooded until such time as they are required for clay extraction or waste disposal.

Reason: To ensure that the temporarily unused area is partially restored to the benefit of the visual amenities of the residents of Appleford and Sutton Courtenay. (OMWLP W7)

5. With the exception of any sand and gravel that needs to be removed for the purposes of landfill cell engineering works no extraction of sand or gravel shall take place after 31st December 2020, or after the date two years from the final restoration of Bridge Farm Quarry, whichever is the sooner .

Reason: To comply with Schedule 5 para 1 of the Town and Country Planning Act 1990.

6. Clay shall not be extracted or stockpiled except in the areas shown as 'areas for the disposal of non-hazardous waste' on approved plan SC 2/2

Reason: For the avoidance of doubt and to limit extraction to those areas permitted for subsequent disposal of waste. (OMWLP W7)

7. No clay will be extracted at a depth below 36 metres AOD.

Reason: To ensure that sufficient depth of clay remains to prevent incursion of water from the aquifer below and to prevent the subsequent pollution of that aquifer with leachate to ensure the least possible harm to the environment (OMWLP W7)

8. No more than 125,000 cubic metres of clay shall be extracted from the site and exported off site in any calendar year.

Reason: To ensure that lorry traffic generation is limited in the interests of highway safety. (OMWLP PE18)

9. With the exception of clay required for landfill engineering works, no extraction of clay shall take place after 31 December 2020.

Reason: To comply with Schedule 5 para. 1 of the Town and Country Planning Act 1990. (OMWLP PE18)

Waste Disposal

10. 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.

Reason: To ensure orderly development in such a way as to provide the residents of Appleford and Sutton Courtenay with sufficient visual and noise screening. (OMWLP W7)

11. No deposit of waste shall take place after 31 December 2030

Reason: To minimise the duration of disturbance from the disposal operation. (OMWLP PE18)

12. No deposit of putrescible waste shall take place in the months of June, July and August except between the orange lines shown on plan S55/gr/37b approved under SUT/APF/616/33-CM.

Reason: To minimise the effect of odour from the landfill on the residents of Appleford and Sutton Courtenay. (OMWLP W7b)

13. No landfilling shall take place in cells 13 or 14 or 15 as shown on approved Drawing SC 5/1 unless there is a bund of overburden and topsoil, to a height of 2 metres, stretching from the western edge of the cell for at least 100 metres to the west of the cell. The bund shall not be located other than in the area shown as 'landscape screen bank' on approved Drawing SC 2/2 and it shall be evenly graded, grassed and kept free of weeds.

Reason: To ensure that landfilling is properly visually screened. (OMWLP W7k)

14. No landfilling shall take place in phase 4.3a on plan S55/gr/37b approved under APF/SUT/616/33-CM except in accordance with the Culvert Protection Scheme approved under APF/SUT/616/33-CM. A scheme of engineering works sufficient to reduce the flow through the culvert under the railway (marked C on approved plan S55/gr/37b) to less than 595 litres per second for any period in excess of 2 hours shall be submitted to the waste planning authority within 2 months of that figure being exceeded for that period. Any engineering works that are approved in writing shall be implemented in accordance with the timescale set down in that approved scheme.

Reason: To protect the railway to ensure the least possible harm to the environment. (OMWLP W7)

Landfilling Levels

15. 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.

Reason: To ensure that the development is completed satisfactorily. (OMWLP PE13)

16. 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.

Reason: To ensure that the site is not over-tipped (OMWLP PE18)

17. The final restored levels of the site shall be as shown on approved plan 427R220F.

Reason: To ensure that the development is completed satisfactorily. (OMWLP PE13)

Concrete Batching

18. Any temporary concrete batching plant shall only be erected on the site shown as “area of industrial development ‘coffin area’” or ‘rail sidings/plant site’ on approved plan SC 2/2. Details of its elevations and location shall be submitted to the minerals planning authority and only those that are approved in writing shall be implemented.

Reason: To prevent indiscriminate siting of the plant in the countryside. (OMWLP PE18)

19. Any temporary concrete batching plant shall not operate if two ready mixed concrete plants are fully operational on site.

Reason: To prevent over development of the site. (OMWLP PE18)

20. Before the concrete batching plant hereby approved is brought into use, bays shall be constructed for the washing down of mixer trucks and the cleaning out of mixer truck barrels. This shall be in accordance with details of the bay construction and the arrangements for drainage from the bays area submitted to and approved in writing by the mineral planning authority. No washing down or cleaning of concrete mixer trucks shall take place except in the bays constructed for this purpose and approved in writing by the mineral planning authority. The slurry and concrete wastes collected in the bays shall be regularly removed for disposal off-site or to any area of the site where the disposal of such waste is permitted.

Reason: To ensure that no pollution of watercourses occurs. (OMWLP PE18)

Pulverised Fuel Ash

21. Storage of PFA shall not take place except in the area marked as such on approved plan SC 5/1

Reason: To ensure that the development is carried out in accordance with the approved plan (OMWLP PE18)

22. No import of pulverised fuel ash or furnace bottom ash shall take place to the site except that originating at Didcot Power Station It shall be imported only via the access marked to the Didcot Power Station as marked on approved plan SC 2/2.

Reason: To minimise lorry traffic on local roads. (OMWLP W7h)

23. Notwithstanding the Town and Country Planning (Use Classes) Order 1987, as amended, or any order revoking and re-enacting that order, no industrial uses shall be undertaken on site other than those that are entirely related to aggregates processing, treatment, preparation for sale, consumption or utilization or those that are entirely related to waste processing, treatment, storage or transfer. No form of use that involves incineration of waste shall be undertaken on site. These uses shall not be undertaken except in the area shown as 'area of industrial development 'coffin area' or 'rail sidings/plant site' on approved plan SC 2/2

Reason: To ensure that uses inappropriate to the countryside and this site do not locate here and to prevent industrial development being scattered across the countryside. (OMWLP PE18)

Rail Sidings

24. No additional rail siding shall be constructed until details, including elevations, together with details of surfacing adjacent to the siding and methods of transferring waste from rail to site vehicles has been approved in writing by the waste planning authority.

Reason: To ensure that adverse environmental consequences are minimised. (OMWLP PE18)

25. No import of rail ballast shall take place to the site except direct by rail to the railway sidings.

Reason: In the interests of highway safety and of the local environment. (OMWLP W7h)

26. The processing of rail ballast shall not take place on site except in the area shown as "area of industrial development 'coffin area'" on approved plan SC 2/2.

Reason: To properly control development in the interests of the amenities of residents of Appleford and Sutton Courtenay. (OMWLP PE18)

Industrial Uses

27. No industrial uses shall be undertaken in the area shown as "area of industrial development 'coffin area' " on approved plan SC 2/2 except in accordance with details agreed in writing by the mineral planning authority which shall include layout, elevations and construction materials, and external colouring of any buildings or structures, surface and foul drainage, materials to be used for site surfaces, alignment, height and materials of any walls and fencing, planting,

traffic circulation, parking, noise and dust control, access and control of landfill gas .

Reason: To ensure that adverse environmental impact of the development is minimised. (OMWLP PE18)

Restoration

28. The approved restoration scheme Plan 427R220F shall be implemented in full.

Reason: To ensure that landfilling is properly visually screened and adequately restored. (OMWLP PE13)

29. Notwithstanding the timing in the scheme approved under condition 28, the planting of restored areas shall be carried out in the first planting season following restoration of any part of the site to be planted. Any trees or shrubs which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that landfilling is properly visually screened and adequately restored. (OMWLP PE13)

30. 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.

Reason: To ensure proper restoration of the site in accordance with approved plan SC5/2 (OMWLP PE13)

31. The first restoration operation, as described in condition 30 (capping), of the whole site shall take place by 30th September 2031 and the second restoration operation, as described in condition 30 (top-soiling), of the whole site shall take place by 30th September 2036.

Reason: To ensure that the development is carried out in accordance with the approved plans and details. (OMWLP PE13)

32. All plant, buildings, machinery and structures (except plant or facilities for the monitoring or control of landfill gas or leachate and the access roads shown in brown and the land shown as “area of industrial development ‘coffin area’” or ‘rail sidings/plant site’ on approved plan SC 2/2) shall be removed and the land restored in accordance with conditions of this permission by 30th September 2036.

Reason: To ensure proper restoration of the site at the earliest possible date. (OMWLP PE13)

Enhancement

33. The existing balancing pond to the south east of the site (marked as Balancing Pond on approved plan Detailed Restoration Master Plan, Drawing Number 427R220F) shall be enhanced in full accordance with the details shown on approved plan Balancing Pond Restoration Plan LE12535-003. The approved works shall be undertaken during the first planting season following the date of this permission.

Reason: To encourage the foraging and roosting of wading and overwintering birds such as lapwing, greenshank and sandpiper to ensure that the development does not result in a loss of biodiversity in accordance with Oxfordshire Minerals & Waste Local Plan (1996) PE14 and NPPF paragraphs 9, 109 and 118.

Aftercare

34. The approved aftercare scheme ‘Sutton Courtenay Detailed Restoration and Aftercare scheme January 2015 Rev B (FCC Environment)’ shall be fully implemented.

Reason: To ensure that the restored site is properly husbanded. (OMWLP PE13)

35. Within six months of the date of this permission, the applicant shall organise a site meeting to include the waste operator, the Waste Planning Authority, the landowner and Natural England. The meeting shall also be attended by the person responsible for undertaking the aftercare steps. Any proposals that are agreed shall be incorporated into the annual programme for approval, as required by condition 36

Reason: To ensure the productive afteruse of the land (OMWLP PE18)

36. Within 12 months of the date of this permission and every 12 months thereafter throughout the aftercare period, the applicant shall submit to the Waste Planning Authority a detailed annual aftercare programme including:

- a) proposals for managing the land in the forthcoming 12 months including proposals which have been agreed in the annual meeting required under condition 35
- b) a record of aftercare operations carried out on the land during the previous 12 months.

Any programme which is approved by the Waste Planning Authority shall be implemented in full.

Reason: To ensure the beneficial afteruse of the land (OMWLP PE13)

37. Aftercare of each restored area of land shall take place for a period of 5 years and in accordance with the relevant approved aftercare scheme and any detailed scheme agreed following annual meetings, such period beginning when restoration is completed in any area in accordance with conditions of this permission.

Reason: To ensure that the restored site is properly managed. (OMWLP PE13)

Trees and Hedgerows

38. The existing hedgerows on the boundaries shall be retained and maintained at a minimum height of 1.5 metres in good condition and, where required by the waste planning authority, reinforced with further hedge planting upon completion of the development hereby approved. The details of such additional planting shall be in accordance with the scheme approved by the waste planning authority under condition 29.

Reason: To aid in visual screening and to provide landscaping framework for the site. (OMWLP W7)

39. No trenches for services or drains or any excavation or deposit of material or any roadway shall be sited within 1¼ times the crown spread of any trees that are to be retained on site.

Reason: To protect trees from damage or destruction. (OMWLP PE18)

40. There shall be at least 1.5 metres of soil beneath any hedgerow planted on the site.

Reason: To protect the cap over the waste from damage from root growth. (OMWLP PE18)

41. 10 metre wide grassland or woodland buffer verges shall be provided and maintained around all fields to be restored to agriculture.

Reason: To protect and promote nature conservation. (NPPF)

Sand Martins

42. No extraction of minerals shall take place from or deposit of materials shall take place over areas occupied by nesting sand martins except between 16 September and 31 March in any year.

Reason: To protect sand martins. (OMWLP PE14)

Soil Handling

43. No stripping, storage or replacement of soils, removal of in-situ soils off site or construction or management of soil bunds shall be undertaken other than in compliance with the approved scheme of soil moving and restoration

Reason: To ensure proper restoration of the site. (OMWLP PE13)

44. Soil handling, cultivations and trafficking over the topsoils and subsoils shall not take place other than when the moisture content of the soils is at or below the lower plastic limit of the soils. The determination of the suitability of the soil for handling cultivations or trafficking shall be agreed between the operator and the Waste Planning Authority in conjunction with Natural England and shall be based on the MAFF 2000 soil handling guidance note.

Reason: To ensure that the site can be properly restored.(OMWLP PE13)

45. All internal site haul roads shall be maintained in a condition free from pot holes while in use and with the exception of the roads coloured grey on approved plan S2.L/52D shall be removed when no longer required or during the course of site restoration, whichever is the sooner. Sections of haul road formed to a level higher than one metre below the final restoration level shall be removed before overburden and soils are respread. All sections of haul road shall be ripped before being covered with overburden and soils during restoration.

Reason: To prevent noise disturbance and ensure that the site is properly restored. (OMWLP W7, PE13)

46. Trafficking of part restored surfaces should be for essential works only, and any essential trafficking should be restricted to dedicated routes only.

Reason: To protect the soil from compaction prior to final topsoil placement (OMWLP PE18)

47. Prior to final topsoil placement over phases 3 and 4 vegetation should be cut to a height of 100mm or less and the cuttings removed

Reason: To ensure that the restoration is carried out effectively (OMWLP PE13)

48. Topsoil placement should be completed in strips, and the footprint area of each strip in turn, should be thoroughly deep loosened, using a wing tined subsoiler. The subsoiling should create full breakout of the subsoil profile to at least 45cm depth, which will require final tine spacing of about 50cm.

Reason: To protect the soil from compaction prior to final topsoil placement (OMWLP PE13)

49. There shall be no trafficking on the loosened strip area by dump trucks during the topsoil placement. During topsoil placement, dumptrucks shall tip at the edge of the strip, and the soils shall be moved into place and levelled using the bucket of a 360° excavator, or by blading out with a wide tracked (LGP) bulldozer.

Reason: To protect the soil from compaction prior to final topsoil placement (OMWLP PE13)

50. The approved Soil Movement Plan 427A2185A Soil Movement Plan 2012 FINAL shall be implemented in full.

Reason: To ensure that there is up to date information regarding soil movement on site (OMWLP PE13)

Access and traffic

51. No access shall be constructed or used to the site other than those as shown on approved plan SC 2/2 or an access direct to the Didcot Power Station complex as marked on the above plan. The latter access shall only be used for the import of pulverised fuel ash, furnace bottom ash or waste materials from, or the export of construction materials to, the Didcot Power Station site.

Reason: In the interests of highway safety. (OMWLP W7h)

52. No more than 600,000 tonnes of waste shall be delivered to the site in any calendar year, of which not more than 350,000 tonnes shall be delivered by road. Notwithstanding this there is no limit to the amount of pulverised fuel ash which can be imported from Didcot power station, providing that it is delivered via the access marked with an X on approved plan SC 2/2 and not via a public road.

Reason: To encourage rail transport from London and discourage road transport. NPPF)

53. No lorry shall leave the site unless its wheels are sufficiently clean to prevent mud and debris being carried onto the highway.

Reason: In the interests of highway safety. (OMWLP W7 (h))

54. No access shall be gained to the land comprising phases 3 and 4 as shown on approved plan SC 2/2 for any purpose whatsoever, other than by vehicular access constructed directly off the Corridor Road or Portway including that shown on planning permission APF/616/55-CM

Reason: To prevent the use of the public rights of way off the Portway and Hobbyhorse Lane by site vehicles as far as possible. (OMWLP PE18)

55. The approved public rights of way conflict reduction measures shown on plan S55/gr/142a approved under SUT/APF/616/33-CM shall be implemented from the date of this permission and maintained until the end of this permission.

Reason: To protect the safety of users of the rights of way (OMWLP PE11)

Operating Hours

56. No operations authorised or required by this permission, except those specified in conditions 57 and 58 shall be carried out and plant shall not be operated, other than during the following hours:

between 0700 and 1800 hours Mondays to Fridays
0700 and 1300 hours on Saturdays,

except that on 8 nominated Saturdays a year, agreed in advance in writing by the waste planning authority, waste disposal operations may take place until 1800 hours. No operations shall take place on Sundays or on recognised public holidays or, with the exception of the deposit of rail-borne waste, on Saturdays immediately following bank holiday Fridays.

Rail deliveries of waste to, or the removal of empty waste containers from, Appleford Sidings by rail may take place outside the hours.

Reason: To protect the amenities of the residents of Appleford and Sutton Courtenay. (OMWLP PE18)

57. Notwithstanding condition 56, plant for the utilisation, monitoring or control of landfill gas, or pumps for the dewatering of mineral workings may be operated at any time provided that, outside the hours permitted in condition 56, there is no increase in noise greater than 3dBA (corrected) in accordance with BS 4142 above the ambient noise level at 3.5 metres from the facade of any residential building within or close to the site.

Reason: To prevent noise intrusion for residents of Appleford and Sutton Courtenay. (OMWLP PE18)

58. Notwithstanding condition 56, no waste delivered from household recycling centres, as operated by local authorities or their agents, shall be disposed of at the site other than during the following hours:-

between 0700 and 1800 hours Mondays to Saturdays and
0800 and 1800 hours on Sundays.

Reason: In the interests of the amenities of the residents of Appleford and Sutton Courtenay. (OMWLP W7b)

Amenity

59. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than beepers whose noise levels adjust automatically to surrounding noise levels or those that use white noise.

Reason: To protect the residents of Appleford and Sutton Courtenay from noise intrusion. (OMWLP PE18)

60. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that order, no fixed plant or machinery, buildings or structures shall be erected or placed on site without the prior approval of the waste planning authority in writing.

Reason: To prevent the proliferation of plant across the site and to avoid visual and noise intrusion for residents of Appleford and Sutton Courtenay. (OMWLP PE18)

61. No waste skips or solid waste containers shall be stored on site except within the area approved for such use under permission SUT/5950. No skips and containers stored in this area shall be stacked to a height greater than 3 metres.

Reason: To prevent the proliferation of plant across the site and to avoid visual and noise intrusion for residents of Appleford and Sutton Courtenay. (OMWLP PE18)

62. The approved dust suppression scheme approved under planning permission APF/SUT/616/45-CM shall be implemented from the date of this permission.

Reason: To protect residents of Appleford and Sutton Courtenay from dust intrusion. (OMWLP W7b)

63. No floodlighting shall be erected on site except in accordance with the approved Lighting Management Plan and Appendices:

- Lighting Management Plan 2012

- Appendix A Lighting Tower Plan 2011-2012
- Appendix A Lighting Tower Plan 2012-2013
- Appendix B Amida Tower Lights

Reason: To protect the amenities of residents of Appleford and Sutton Courtenay from light pollution and disturbance. (OMWLP W7 b)

64. No development of any kind, including removal of topsoil, shall take place within 100 metres of Mill Lane Cottage, Appleford Crossing and Hartwright House as shown on approved plan SC2/2, except where the bund is to be placed until soil bunds have been constructed in accordance with plan 1032/C approved under permission APF/SUT/56-CM. All soil bunds, as shown on plan S55/gr/38a approved under permission APF/SUT/56-CM, shall be evenly graded, grassed and kept free of weeds.

Reason: To protect the amenities of the residents of the properties listed in the condition (OWMLP W7b)

65. No litter fences shall be constructed on soil bunds

Reason: To prevent visual intrusion for residents of Appleford and Sutton Courtenay. (OWMLP W7k)

Noise Levels

66. Operations shall not cause a noise level of 54 dB_{LAeq. 1hr} to be exceeded at Hartwright House, Hill Farm and Appleford Crossing, as shown on approved plan SC 2/2, as measured 3.5 metres from the façade of these buildings.

Reason: To protect the amenity of local residents (OMWLP W7b)

67. Notwithstanding condition 66 temporary day time noise limits for the purpose of essential site preparation, restoration work and construction of baffle mounds for the purpose of bringing long term environmental benefits to the site at nearby residential properties shall not exceed 70dB_{LAeq.1hr}. This temporary noise limit is restricted to no more than an aggregate of 40 days in any one year and the noise shall be monitored daily on days when the temporary noise limit is in place and details provided to the Waste Planning Authority. Noise shall be monitored at Hartwright House, Hill Farm and Appleford Crossing, as shown on approved plan SC 2/2.

Reason: To protect the amenity of local residents (OMWLP W7b)

Protection of the Water Environment

68. All tanks (other than those which are an integral part of plant or equipment) containing fuel, oil or chemicals shall be sited on a concrete or other impervious base surrounded by bund walls or other structure capable of retaining at least 110

per cent of the tank(s) volume and any spillages from fill or draw pipes. Rainwater shall not be allowed to accumulate within the bund walls and shall be periodically removed and disposed of via an oil interceptor. The bund walls shall be built and subsequently maintained in a condition such as to prevent pollution of groundwater.

Reason: To prevent pollution of groundwater. (OMWLP PE7)

69. No pumping from excavations shall take place whilst the adjoining watercourses are running "bank full".

Reason: To avoid exacerbating flooding . (OMWLP PE4)

70. No watercourse shall be incorporated into the workings.

Reason: To avoid harm to river flow and natural habitats (OMWLP PE4)

71. There shall be no direct connection between the excavations and any watercourse.

Reason: To avoid harm to river flow and natural habitats . (OMWLP PE4)

72. The balancing pond and amenity ponds shown on approved plan SC5/2 shall not be connected to any ditch or watercourse except by weirs and pipes.

Reason: To ensure the drainage regime works efficiently. (OMWLP policy PE4)

73. No development shall take place other than in complete accordance with the approved drainage scheme Surface Water Scheme v2.3 January 2013 or any subsequent amended drainage scheme which may be submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full for the duration of the development.

Reason: To prevent the increased risk of flooding and to improve water quality (OMWLP policy PE4)

Landfill Gas and Leachate

74. Other than the plant shown on approved plan SC 2/2, plant for the control of landfill gas and leachate shall not be located other than in the area marked 'landfill gas engines' on approved plan SC 2/2

Reason: To reduce the long term visual impact of plant. (OMWLP W7)

75. Other than the plant shown on approved plan SC 2/2 no plant for the control of landfill gas or leachate shall be erected or used unless and until a plan showing

detailed siting and elevations have been agreed in writing by the waste planning authority. No control of landfill gas on site shall take place except in accordance with the approved plan.

Reason: To control the development in the interests of the visual amenities of the residents of Appleford and Sutton Courtenay. (OMWLP W7)

76. No mobile flares shall be erected for longer than 12 months over the duration of the permission. The Waste Planning Authority shall be notified when mobile flares are in operation.

Reason: To control the development in the interests of the visual amenities of the residents of Appleford and Sutton Courtenay. (OMWLP W7)

77. With the exception of an initial five year period following installation, no wells or other constructions used for monitoring or in controlling landfill gas or leachate shall protrude above the restored land level other than adjacent to hedges or other site boundaries where they will be restricted to 0.5 metres above ground level.

Reason: To reduce visual intrusion. (OMWLP W7)

78. Notwithstanding the other restoration conditions of this permission no plant or facilities necessary for the monitoring or control of leachate or landfill gas shall remain on site more than six months after any relevant certificate(s) of completion has (have) been issued for the site under the provisions of the Environmental Protection Act 1990 or under the replacement provisions of any successor legislation. Restoration of the site of any plant and facilities, including plant for the utilisation of landfill gas, shall be completed in accordance with conditions of this permission within a year of the issue of the certificate(s) of completion or its successor(s)

Reason: To ensure that the site is properly restored. (OMWLP PE13)

Overhead Electricity Line and Towers

79. No extraction of sand, gravel or clay shall take place within 15 metres of the base of any electricity tower on site except in accordance with the slope stability report and letters dated 17 November 1997 and 27 March 1998 approved under planning permission SUT/APF/616/33-CM.

Reason: To maintain the stability of the electricity towers to ensure the least possible harm to the environment. (OMWLP W7)

80. A 5 metre wide vehicular access shall be maintained to all electricity towers at all times.

Reason: To facilitate maintenance of the electricity towers to ensure the least possible harm to the environment. (OMWLP W7)

81. No planting of trees shall take place within 30 metres of any overhead electricity line.

Reason: To maintain the safety of the overhead electricity lines to ensure the least possible harm to the environment. (OMWLP W7)

82. No combustible materials shall be stored in any area within 50 metres of the line of the overhead electricity lines, as measured on the ground, or the electricity towers, with the exception of materials stored within the 'landfill gas engines' compound or the 'coating plant' compound as marked on approved plan SC2/2.

Reason: To protect the electricity pylons and lines to ensure the least possible harm to the environment. (OMWLP W7)

Railway Line

83. No dewatering shall take place within 400 metres of the railway boundary.

Reason: To protect the railway to ensure the least possible harm to the environment. (OMWLP W7)

84. No operations shall take place within a lateral distance of 5 metres from the railway boundary fence, and beyond 5 metres from that fence no sand and gravel excavation shall take place such as will encroach upon the plane created by a line drawn at 1 vertical to 2 horizontal downwards from a line 5 metres from the railway boundary fence

Reason: To protect the railway to ensure the least possible harm to the environment. (OMWLP W7)

85. No extraction of clay shall take place to the east of the site access road from the junction marked as 'junction allowing access to the site' on approved plan SC 2/2

Reason: To protect the railway to ensure the least possible harm to the environment. (OMWLP W7)

86. No overburden or other materials shall be tipped or any buildings erected within a lateral distance of 5 metres from the railway boundary fence. This berm shall not be used as a haul road.

Reason: To protect the railway to ensure the least possible harm to the environment. (OMWLP W7)

87. Cranes and jibbed machines used in connection with any operations on site shall not be so positioned that the jib swings over the eastern boundary of the site

Reason: To protect the railway to ensure the least possible harm to the environment. (OMWLP W7)

88. No trees (except Sycamore and Elm) shall be planted within 100 metres of the eastern boundary of the site.

Reason: To protect the railway to ensure the least possible harm to the environment. (OMWLP W7)

89. No trees shall be planted close to the eastern boundary of the site such that their mature height exceeds their distance from the eastern boundary of the site.

Reason: To protect the railway to ensure the least possible harm to the environment. (OMWLP W7)

Screening

90. Landfill screening and screen planting as shown on approved plan SC 5/2 Rev C shall be carried out in accordance with the details of that plan during the next planting season after the date of this permission.

Reason: To ensure that the site is effectively visually screened. (OMWLP W7k)

Hazardous Waste

91. No hazardous waste, as defined by The Hazardous Waste (England and Wales) Regulations 2005 as amended by The Hazardous Waste (England and Wales) (Amendment) Regulations 2009 or any regulations revoking and re-enacting those regulations, shall be deposited on site

Reason: Deposit of hazardous waste without consideration by an Environmental Assessment would contravene The Town and Country (Environmental Impact Assessment) Regulations 2011.

Protection of trees and hedgerows during mineral extraction

92. No extraction of sand and gravel, or works of site clearance in association with the extraction of sand and gravel shall be carried out, until a scheme for the

protection of trees and hedgerows has been submitted to and approved in writing by the Mineral Planning Authority to include fencing around the perimeter of the trees/hedgerows to the south-east and west of the site and prevention of disturbance to soil levels within 1.5 times the canopy/ root spread of the trees/hedgerows or British Standard 5837:2012 (Trees in Relation to Construction Design & Demolition), whichever is the greater. The fencing shall be erected, retained and maintained for the duration of the development in accordance with B.S. 5837: 2012). Nothing shall be stored or placed in the area protected and the ground levels within these areas shall not be altered. Upon completion of restoration the fencing shall be removed off site. No work shall take place other than in accordance with the approved scheme.

Reason: To ensure that flora is protected from the effects of development in accordance with OMWLP PE3 and PE10 to ensure the development does not result in a loss of biodiversity in accordance with NPPF paragraphs 9, 109, 118 and 144.

Informatives:

If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds] are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence.

Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed.

Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

- All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

- All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and injured within the active quarry after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

Notwithstanding condition 11, inert waste filling must finish by 31st December 2021 in accordance with condition 12 of planning permission APF/616/56-CM.

Tipping of waste in phase 3 shall be done to the levels approved under planning permission APF/616/56-CM.

Informatives

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

Schedule 2 - Relevant Development Plan Policies

- 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

Schedule 3 - Reasons for Approval

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

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.



Date: 15th August 2019
OCC ref: MW.0061/19

Mr Joseph Haigh
FCC

**Development Management
County Hall
New Road
Oxford OX1 1ND**

By email only

Dear Mr Haigh,

**APPLICATION FOR A NON-MATERIAL AMENDMENT FOLLOWING A GRANT OF
PLANNING PERMISSION**

Town and Country Planning Act, 1990

Non material amendment to application P15/V0530/CM (MW.0039/15) to amend the plan approved under condition 33 to change the balancing pond restoration details, to reflect what is currently on site, at Sutton Courtenay Landfill Site, Appleford Sidings, Sutton Courtenay, Oxfordshire

I refer to your submission validated on 24th June 2019 to the County Council for an application for a non-material amendment following a grant of planning permission (original application ref: MW.0039/15 issued on 3rd August 2015), as amended by details attached to your email dated 12th August 2019.

I can confirm that the information supplied on attached drawings:

- Balancing Pond Restoration Plan - Drawing No. 427R481 PLAN1 dated 12.08.19
- Supporting Statement Sutton Courtenay Balancing Pond

are acceptable and can be approved as amendments to application MW.0039/15.

These now replace previously approved plans:

- Balancing Pond Restoration Plan - Drawing No. LE12535-003

Please note that this letter should be read in conjunction with the original planning permission decision notice issued to you on 3rd August 2015. All conditions attached to the original decision notice still apply, although the approved plans listed in condition 1 are amended by this letter as set out above. This letter will now form part of the decision notice for this application. If you have any questions, please contact Mary Hudson.

Yours sincerely

Sue Halliwell

Director for Planning & Place

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Case Officers Direct line: 07393 001 257

Case Officers Email: mary.hudson@oxfordshire.gov.uk

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