

## Planning & Environment Committee

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<b>Title:</b>	<p><b>Land adjacent Sewage Works Moorend Lane OX9 3HW</b>  <a href="#"><u>(MW.0163/22)</u></a></p> <p><b>ADDITIONAL INFORMATION / AMENDMENT NO.1</b>          Use of part of the land as a permanent aggregate and soil recycling facility, with final restoration of the remaining land to agriculture by regrading already deposited materials. Erection of a new site office and weighbridge, and retention of the surfacing of part of the site with hardcore. (Additional information and amended plans received 21 August 2023)</p>
<b>Date:</b>	<b>19 September 2023</b>
<b>Contact Officer:</b>	<b>Graeme Markland, Neighbourhood Plan Continuity Officer</b>

### Background

1. This application for a permanent construction, demolition and excavation waste handling facility was first considered by the Town Council on 17 January 2023. Additional information and amended plans have been submitted by the applicant in response to comments made by consultees, including Thame Town Council, against the original application. The officer report presented on 17 January 2023 is repeated at the end of this report for reference.
2. The Town Council objected to the proposal on the following grounds:
  - The development would be contrary to Oxfordshire Minerals and Waste Core Strategy (OMWCS) Policies W1 and W4
  - The proposal would be contrary to OMWCS Policy C10 (b)
  - The proposal is at risk of being contrary to OMWCS Policy C5
  - The proposal is contrary to OMWCS Policy C3
  - The proposal appears contrary to South Oxfordshire District Council (SODC) Local Plan 2035 Policy ENV4
  - The proposal would be contrary to OMWCS Policy C8 and Thame Neighbourhood Plan Policy ESDQ16.
3. The report that follows will look at each of the Town Council's objections and note how the amendments or extra information may have overcome them.

### Proposed Development

1. Some information has been supplied with regards to site operational matters. The proposed amendments from the earlier scheme are relatively minor in nature and few would affect the visual appearance:
  - The public footpath that runs along the northern boundary of the site would be changed in gradient to enable accessibility.
  - Greater detail on landscaping and habitat creation have been supplied.
2. It is still, however, proposed that the development would be for the import, processing and reuse off site of 100,000 tonnes per annum (tpa) of construction, demolition and excavation (CDE) waste. Within the newly submitted Access Management Plan, the applicant has stated they

would be willing to limit the site's intake to 55,000 tpa for 5 years to enable monitoring of complaints regarding the site's operations and the HGV movements. This is not, however, the application that is before the Town Council; the application is seeking a maximum of 100,000 tpa.

## Transport

3. The applicant starts by noting the Local Highway Authority (the County Council) has no objection to the applicant reusing the routeing agreement from the expired application. Under this Agreement, vehicles would theoretically only be able to enter the site travelling east from the A418 / Aylesbury – Oxford Road and exit the site travelling westwards towards the A418.
4. The applicant has submitted a document, the Moorend Lane Access Management Plan which they propose to use to mitigate the facility's use of Moorend Lane, public bridleway 383/2. This notes:
  - Vehicles will be limited to 10mph on Moorend Lane
  - Vehicles will be fully sheeted to prevent dust and debris from being spilled
  - HGV drivers will be instructed not to leave the site until bridleway users have reached the part of the lane just south of the sewage works (the reasoning for this is not explained)
  - HGV drivers will be instructed to ensure a minimum of 2 metres clearance of bridleway users when passing them
  - Mirrors will be installed at the southern end of Moorend Lane to enable drivers to see into the lane before entering
  - Use of the lane on Saturdays will be infrequent and they will use banksmen to manage lorry movements safely on those busier days
  - Place additional signage to warn bridleway users / drivers of each other and place a sign with details of who to the public can complain to
  - The proposal to limit the site to “only” 55,000 tpa for the first 5 years and raise this to 100,000 if it is proved they have been a “good neighbour”
  - The traffic management will be monitored with annual reports provided to the District Council detailing throughput and the number of complaints / issues raised about the use of the lane by HGVs.
5. The applicant does not state if or how many daily movements would be made by support vehicles (street sweepers, water bowsers, service vehicles, etc.). It is not clear if there is a water supply on site which, given the proposed level of water use, could be significant.
6. It is not understood how the County Council's Highway Team response has changed from a position of caution when considering the original expired consent and its extensions. It was originally viewed as having an impact on the local highway network that required the control of HGV movements, and could only be considered if granted as a temporary permission “without possibility of extension”. The original, temporary permission was granted with recognition that the westward visibility splay does not comply with standards for a 40mph road (it is 10 metres short of the requirement). The current view of the County Council represents an unexplained volte face.
7. The County's January 2023 transport response fails to mention Moorend Lane is a public bridleway with potentially vulnerable users. Comments made are restricted to the impact of HGVs on the A4129 and the Moorend Lane junction.

## Flood Risk

8. The Town Council noted that there was no suggested means of ensuring that the site's working surface, made from permeable hardcore, would not be made impermeable over time through the deposition, movement, and compaction of fine materials. It was also pointed out that some works would appear to be within 10 metres distance of the river, contrary to Local Plan 2035 (LP 2035) Policy ENV4.
9. Through a submitted Flood Risk "Project Technical Note" the applicant claims the worked area will now lay outside the 10m buffer zone required by ENV4. Regarding the permeability issue, it is claimed the site is "largely unaffected" by surface water flooding and under the Environmental Permit EPR/HB39OOHT the surface will be inspected regularly for degradation or clogging. When necessary, the surface would be replaced with a new permeable hardstanding. The relevant documentation does not appear to be immediately within the public domain and so it has not been possible to report, here, if the prescribed monitoring regime includes surface water ponding and run-off. The document has been requested from the Environment Agency.
10. The Environment Agency seems similarly concerned about surface water flood risk and has requested that the applicant prepares a flood risk assessment that takes account of climate change. This does not appear to have been included within their submitted documentation.

## Landscaping

11. The Town Council had made observations about there being no plan to reinforce planting along the eastern boundary. Within their Response to 3<sup>rd</sup> Party Representations the applicant has stated this is "densely vegetated" and has submitted one photograph as evidence. The plants and trees along this boundary are relatively immature but may appear dense due to scrubby species such as bramble. On this boundary there is a concern there would be reliance on growth that is outside of the application site's boundary and therefore outside of the applicant's ability to control and manage.
12. Given the site's relationship with public bridleway 383/2 it is considered that the objection on this matter should be maintained.

## Ecology/biodiversity

13. A Biodiversity Net Gain Technical Note has been submitted to demonstrate how a net gain in habitat will be provided. The metric states it has compared the existing site against the "permitted" (expired) scheme's proposed restoration to pasture and their new proposal. This appears to have been at the advice of the County Council's Biodiversity Officer. It is claimed the new proposal would lead to a habitat gain in excess of the ideal 10%.
14. There are, however, apparent discrepancies in the calculations. For example, the total area declared for the "permitted" scheme's landscape and planting is 0.47ha short of the site's area. The metric for the expired scheme seems to include 1.06 ha of bare ground rather than restored pasture. The rural tree habitat areas appear at risk of having been double counted. Such apparent discrepancies, if genuine, could skew the calculated habitat gains.
15. The Note mentions that bat boxes and bug hotels etc. could be introduced but there would be no commitment to doing so.

## Noise

16. A Noise Impact Assessment has been submitted. This declares the closest sensitive receptor is the cluster of homes to the north of Cromwell Avenue, closest to the site's entrance, approximately 275 metres away. This would be within the area of the site last used as a wheel wash area. The submitted calculations appear to demonstrate that even when "adding" extra noise to take account of nuisance arising from the tone of the machinery the homes would be just inside the noise limit recommended by the World Health Organization.
17. Numbers 2 – 12 Roundhead Drive are about 50 metres closer to the operational area and due to topography have a clearer line of sight to the operational area. It is not, therefore, clear why Cromwell Avenue was chosen as the nearest receptor. Given that this has not been tested nor explained it would be reasonable to consider that the applicant has failed to demonstrate there would be no significant impact on nearby households.
18. The applicant has stated that noise arising from Tythrop Way (the A4129) would exceed their site's contribution. This statement could be generally correct but the applicant has failed to consider the impact of their own site's traffic contribution. While it is lawful for HGVs and other vehicles to travel along the A4129 they tend to do so at a consistent speed, once away from the major junction with the A418. Local residents have, however, noted that the noise is sufficient to rise above the background flow and they can discern site HGVs, and whether they are either entering the application site (from brake noise, suspension / moving load, etc.) or exiting the site (acceleration, etc.). It is worth the Town Council noting this matter now it has been raised by residents due to the anticipated increase in vehicle movements.

## Dust

19. The applicant has submitted a proposed Dust Emissions Management Plan. Within this they describe the operations which can be summarised as tipped, crushed, screened, loaded. The main issue in dust terms is declared as "dry conditions".
20. It is proposed that staff will monitor and manage the control of dust and conditions of the operational area with all staff given dust and emissions training on-site. When conditions are deemed dusty the working surface will be dampened. The crusher will have its own internal misting system and the stockpiles will be compressed to minimise tumbling of material. Stockpiles would be wetted at the end of each working day to minimise dust emissions. The proposed 5-meter high bund is declared as having a role in helping mitigate the spread of dust.
21. It is stated that bespoke wheel washing equipment will not be required as the surface will be compacted hardcore and any wheel washing will be undertaken by a pressure washer. The haul road will be checked twice daily and pressure washed as necessary. The HGVs themselves will use "sheeting" to cover the loads before entering or exiting the site.
22. There are several operations that will require use of a water bowser, including general misting of operational areas, dust reduction, dampening of stockpiles / loading / tipping operations, cleaning of the haul road and wheel washing. It is not clear if there would be capacity to simultaneously carry out two or more of these functions which could give rise to dust escaping.
23. It is proposed that operations would cease on days when temperature has been above 35 °C for 3 consecutive days and when wind speeds are higher than 25mph operations involving crushing or screening will be reduced to "fewer hours each day" with incoming loads limited. Additional misting / closure of the site would be undertaken as necessary.

24. It is claimed within the Response to Third Party Representations document that the nearest dust-sensitive receptors are:
- Residential properties at 260 metres (compared to the noise assessment's 275) and 220 from the access road
  - The all-weather football pitch at 110 metres
  - The skate park, at 130 metres.
25. In terms of distance from the operational area of the site, the distances to the nearest sensitive receptors are:
- 225 metres to the houses at Roundhead Drive
  - about 45 metres to the all-weather football pitch and other pitches
  - 130 metres to the closest hard surface of the skate park.
26. The applicant states in paragraph 3.14 of the Third Party document that dust will be kept below the nuisance rate of deposition (which is described as 200mg/sq.m. per day) by the proposed controls and that the dust is likely to drop out within 100 metres.
27. It is notable that the applicant's focus on nuisance from deposited dust is different from the concerns raised by the Town Council and other consultees. This focused on particulate inhalation by those playing at the skate park and football pitches and the contamination of playing surfaces. The new all-weather pitch is around 8 metres from the site's western boundary, so it appears the applicant's own statement confirms that particulates including fine sands and clays will be deposited on the natural and artificial football pitch playing surfaces (and potentially inhaled by those playing there).

## Policy and Guidance

28. Within their Response to Third Party Representations document the applicant states the facility would be compliant with Oxfordshire Minerals and Waste Core Strategy (OMWCS) Policy W1 as it would provide for net self-sufficiency in Oxfordshire's waste management capacity needs. It is stated that the test is not that Oxfordshire should be self-sufficient. This was not stated by the Town Council; while the term self-sufficient was used within the 17 January 2023 officer report to Committee net self-sufficient / net self-sufficiency was used more frequently. Furthermore, the objectives of the OMWCS were quoted which demonstrate that Oxfordshire is working towards net self-sufficiency for waste matters and encouraging other authorities to do so, too. The Town Council fully understood how the Minerals and Waste Authority have defined net self-sufficiency on 17 January.
29. The applicant points to paragraph 5.12 of the OMWCS which notes there will continue to be cross-boundary movement of waste and that net self-sufficiency is defined in the OMWCS glossary as "provision of waste management capacity equivalent to the amount of waste arising and requiring management within a plan area". The applicant appears to be suggesting that capacity will be based on the amount of waste that arises in Oxfordshire, or that must be managed within Oxfordshire. This would, however, be contradictory to the objectives of the OMWCS mentioned above; the correct interpretation is that Oxfordshire is seeking to provide capacity for the management of waste that arises from within Oxfordshire, recognising, for example, that some waste will always be disposed of at specialist facilities outside the County.
30. Most of the CDE waste will, however, arise from Buckinghamshire. The Buckinghamshire Minerals and Waste Local Plan is also seeking net self-sufficiency in waste management capacity. Policy 11 of the 2036 Buckinghamshire Minerals and Waste Local Plan (BMWLP) notes that Buckinghamshire does not need any extra CDE recycling capacity from 2021 onwards

as they will be self-sufficient. They project an approximate requirement of 680,000 tonnes p/a capacity that remains static across the rest of their plan period.

31. It would, therefore, be feasible for a similar application on the edge of a Buckinghamshire Town to be refused partly or wholly because there would be no recognised need for a new facility. Given Buckinghamshire's need, it is probable that this application is driven by market opportunity. While not a planning consideration, the proposal would provide for a strategic scale CDE facility for another County that has no requirement for one. While not explicitly prohibited by the OMWCS, this would enable a site of strategic significance that could practically only serve one geographic area, Buckinghamshire, through potentially providing for over one-seventh of their County's annual CDE need. This would be contrary to the OMWCS objectives outlined above. The Buckinghamshire Minerals & Waste Team have submitted no objections or commentary, which is regrettable; the potential "offshoring" of such a significant proportion of annual CDE needs would be judged a failure against their Plan's vision and policies.
32. Meanwhile, within the OMWCS, the CDE recycling need for Oxfordshire is stated as uncertain and no forward projection of recycling capacity has been given, only a single annual production figure based on 2016 data. OMWCS Policy W2 requires an increase in the amount of non-hazardous CDE waste that is recycled, up 5% from 2021 to 2026. Due to Oxfordshire's arisings this could be as much as 50,000 tpa. The proposed facility would not, however, meet OMWCS policy regarding siting and would primarily handle CDE waste from Buckinghamshire.
33. It is considered that the section on Policy and Guidance within the officer report of 17 January 2023 remains relevant.

## Discussion

34. The applicant has failed in part or whole to satisfy any of the objections the Town Council made on 17 January 2023 and at least some of those from other consultees. The concerns include:
  - a failure to address concerns about surface water flood risk
  - not satisfactorily addressing landscaping concerns
  - apparent discrepancies in the submitted biodiversity net gain calculations
  - failure to identify the nearest sensitive receptors in the noise assessment, and disregarding vehicle movements entering and leaving the site and Moored Lane
  - failure to demonstrate that harm will not be caused by dust to playing surfaces and their users
  - failing to recognise the Minerals and Waste site location hierarchy
  - submitting an application contradictory to the OMWCS's objectives.
35. It is considered appropriate to continue to object to the proposal on similar and additional policy grounds:
  - The development would be contrary to Oxfordshire Minerals and Waste Core Strategy (OMWCS) Policies W1 and W4
  - The proposal would be contrary to OMWCS Policy C10 (b)
  - The proposal would be contrary to OMWCS Policy C5
  - The proposal is contrary to OMWCS Policy C3 in failing to adequately demonstrate that flood risk would not be increased
  - The proposal appears contrary to South Oxfordshire District Council (SODC) Local Plan 2035 Policy ENV4
  - The proposal would be contrary to OMWCS Policy C8 and Thame Neighbourhood Plan Policy ESDQ16

- Potentially failing to satisfy Policy OMWCS C7 and the SODC LP 2035 Policy ENV3 in terms of demonstrating a net gain in biodiversity.

**Recommendation**

39. For the reasons given above, it is recommended that Thame Town Council continues to object to this application.

<b>Title:</b>	<b>Land adjacent Sewage Works Moorend Lane OX9 3HW</b> <b><a href="#">(MW.0163/22)</a></b>
<b>Date:</b>	<b>17 January 2023</b>
<b>Contact Officer:</b>	<b>Graeme Markland, Neighbourhood Plan Continuity Officer</b>

## Background

40. The application site is approximately 4.7ha in area and was originally pasture. One part of the site has been used as sewage beds and another a landfill site by the former Thame Urban and District Council. A planning permission was granted in January 2013 ([MW.0101/12](#)) to extract what was left of the former sewage bed filtration sands and import inert material to restore the ground. The former landfill area was to be left undisturbed. Approximately 20,000 tonnes of valuable filtration sands were proposed to be removed and some 163,000 tonnes of inert material (mostly soil, sub-soil and aggregate) were to be imported to backfill and landscape the site. This process was projected to take between 4 and 5 years. A claimed benefit was the creation of an elevated area of grazing land for sheep and cattle away from the floodzone beside the Scotsgrove Brook.

41. The applicant stated that the bulk of the backfill material was expected to arise from the housing and employment growth area of Aylesbury.

42. A permission was granted in May 2015 to extend the period for the extraction of sand and the restoration of the land. It was stated by the applicant that it had taken far longer than thought necessary to approve the pre-commencement planning applications with work on site not beginning until early 2014. The permission was granted subject to this condition:

*Extraction of minerals shall cease by 31/12/2020, all plant, vehicles and machinery to which this permission relates shall be removed by 31/12/2022 and restoration shall also be completed by 31/12/2022.*

*Reason: To ensure restoration takes place when sand extraction and landfilling has ended (PE13:OMWLP1996).*

43. A subsequent variation of a condition was permitted in 2015 to allow for an increase in the screening bunds to 6 metres in height. The bund was originally conditioned to provide visual and audible mitigation for the screening and crushing machinery, but the first bund was found to be inadequate for its purpose.

A further relevant variation was granted in July 2017. This permitted up to four HGVs to leave the site during each peak morning and evening periods. While this was not considered ideal by Oxfordshire County Council, who had originally stipulated that no HGV movements took place in peak hours this was deemed reasonable by them, and permission was granted. At this time, Buckinghamshire County Council's highway department had asked for a condition requiring that no HGVs be granted access along Kingsey Road

during peak hours. Such a condition was not required, however, as such movements had already been restricted via an approved, **Background**

1. The application site is approximately 4.7ha in area and was originally pasture. One part of the site has been used as sewage beds and another a landfill site by the former Thame Urban and District Council. A planning permission was granted in January 2013 ([MW.0101/12](#)) to extract what was left of the former sewage bed filtration sands and import inert material to restore the ground. The former landfill area was to be left undisturbed. Approximately 20,000 tonnes of valuable filtration sands were proposed to be removed and some 163,000 tonnes of inert material (mostly soil, sub-soil and aggregate) were to be imported to backfill and landscape the site. This process was projected to take between 4 and 5 years. A claimed benefit was the creation of an elevated area of grazing land for sheep and cattle away from the floodzone beside the Scotsgrove Brook.
2. The applicant stated that the bulk of the backfill material was expected to arise from the housing and employment growth area of Aylesbury.
3. A permission was granted in May 2015 to extend the period for the extraction of sand and the restoration of the land. It was stated by the applicant that it had taken far longer than thought necessary to approve the pre-commencement planning applications with work on site not beginning until early 2014. The permission was granted subject to this condition:

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*Reason: To ensure restoration takes place when sand extraction and landfilling has ended (PE13:OMWLP1996).*

4. conditioned Transport Statement dated June 2012. Theoretically, HGVs linked to the site were not permitted to turn left out of Moorend Lane at any time.
5. During its years of operation, the site was visited several times a year by County Council Minerals and Waste Team officers as part of routine inspection schemes and in response to complaints about debris on the surrounding road network and dust spreading across wide areas. Despite it having issued the Environmental Permit, it is not believed that the Environment Agency (EA) carried out spot checks of the site due to it falling below a certain size threshold. It is not known if the EA carried out any other inspections.
6. Due to the original operator becoming insolvent both the extraction of sands and the backfilling and regrading of the site were left uncompleted.

## **Proposed Development**

7. It is proposed that around 1.8 ha of land on the north, east and west boundaries are returned to grazing land use. Most of the northern section of land would be regraded to provide a gentle slope down to the Scotsgrove Brook. The public footpath that crosses the northern part of the site would be reinstated. It would rise approximately 4 metres at the eastern boundary before falling at a gentler gradient towards the west.
8. A working area would be created on a plateau 70 metres above ordnance datum (AOD), similar to the flat area of the site as it was left by the former operator. The north, east and west boundaries would rise from 64 / 65 m AOD to that height while the southern boundary would

only have to rise one metre to meet the plateau. A five-metre-high bund would surround the plateau to screen the works within.

9. Up to 100,000 tonnes of construction, demolition and excavation material would be brought to the site for processing and export each year. The site would operate between the hours of 07:00 – 18:00 Mondays to Fridays and 07:00 – 14:00 on Saturdays.
10. A site office and weighbridge would be permanently installed around 80 metres north of the site's access onto Moorend Lane. Behind the proposed bunds mechanical screening and crushing equipment would process concrete, brick, mineral-based construction waste etc. for reuse as aggregates and process soils and sub-soils for infill and top-soil use. Materials would be stored on site until they were processed and transported away. All materials would be sourced from and exported to other sites.

## Employment

11. In the application form it is stated that the site would provide the equivalent of 3 full-time employees (fte) while the applicant's Transport Statement declares 5 fte equivalents.

## Transport

12. The applicant notes that a routing agreement has been built into the (conditioned) Transport Statement required as part of the original application that ensures HGVs visiting the site can only turn left into Moorend Lane and right out of it. The restriction on the number of vehicles that can exit the site during peak hours is also noted, as is the presumption that there is no limit on the number of vehicles that can enter the site during peak hours.
13. In addition to the restrictions placed on vehicle movements for the original application, Oxfordshire's Highway Team made further relevant mitigation proposals:
  - That the access road be widened to 5.5 metres for at least 33 metres into the site, with Moorend Lane metalled to 20-tonne standards
  - The works would be temporary without the possibility of extension
  - Signage was improved on and off the site with particular attention to warning HGV drivers of the presence of pedestrians / horse riders
  - Trips to be combined for import and export.
14. Within the Transport Statement that accompanies the application, it is noted that the widening of the site access has been carried out. This was presumably required to prevent queuing of HGVs on Moorend Lane, a farm access and public bridleway (Public Right of Way reference 383/2). It also confirms that visibility splays and turning radii were provided at the junction of Moorend Lane with Tythrop Way / Kingsey Road (the A4129) as part of the original application.
15. The Statement declares that attempts will be made to ensure that up to 50% of HGVs entering the site with materials will also leave with materials, to help reduce the overall numbers of vehicle movements. While a positive intention, it is noted that there would be no practical means of monitoring or enforcing this.
16. The Transport Statement estimates that the current, expired permission would have given rise to approximately 9 inward and 9 outbound trips per day, based on an estimate of moving in approximately 40,000 tonnes per annum (tpa).

17. The new proposal for 100,000 tpa is estimated to give rise to approximately 30 inward and 30 outward movements per day. This is based upon the assumption that:
- HGVs capable of carrying an 18 tonne load would be used
  - Work would take place for 5.5 days a week, for 50 weeks of the year and with 50% of inward vehicles exporting materials
  - An average of 364 tonnes of material per day would be moved.
18. The applicant's planning statement separately notes that the worst-case scenario would result in 40 movements in and 40 movements out per day. This estimate is takes into account that HGVs could be empty for either one trip inward our outward bound. Based on the above information, it is expected there could be anywhere between 42 and 62 additional HGV movements per day compared with the original operation.
19. The applicant's Transport Statement declares the additional movements per day would be reasonable and there would be no reason to restrict movements during peak hours as this would only result in around 5.5 trips per hour when spread across the day.

### **Flood Risk**

20. Due to the current and proposed gradient on the site, only the northern-most area would fall within reasonable risk of flooding. The public footpath that crosses the site would continue to run a few metres above the flood plain.
21. It is explained that the working plateau would be topped with permeable hardcore. There is no committed management plan suggested that would prevent the permeable surface from degrading over time.

### **Landscaping**

22. District guidance requires that on sites at town fringes judicious tree and shrub planting should be used to screen and integrate development. It also recommends reinforcing field margins and buffer zones with planting to benefit fauna and, where necessary, emphasising water courses with willows and ash trees.
23. It is proposed that over a period of 2-3 months the northern slope and plateau would be regraded to form a slope and bunds which would be overlaid with 30 cm of top soil. The northern slope would be seeded with wildflower grassland mix and, close to the Scotsgrove Brook, planted with willows to emphasise the river course and margin. Stockproof fencing would surround the bunds and prevent animals entering the watercourse.
24. The bunds are proposed to be 5 metres in height above the working plateau. It is noted that the original site operator applied for permission to raise an established bund to 6 metres above the site's working level to ensure that equipment was adequately screened from view.
25. The existing vegetation on the site's eastern boundary is proposed to be retained while the western boundary would be reinforced with planted hedgerow and tree species.

### **Ecology/biodiversity**

26. The applicant has submitted an Ecological Report based on desktop assessments of previously produced reports and a site visit in November 2022. It is claimed that no protected species have

been found on the site but there may be limited roosting opportunities for bats present on the eastern boundary.

27. With regard to foraging opportunities, the eastern and southern boundaries are described as providing limited opportunities with the presence of bramble, buddleia and horsetails and both provide limited cover opportunities beneath the tree canopies. The broadleaf trees and other shrubs present on the boundaries provide opportunities for shelter and forage, but they are not seen as being especially important.
28. It is suggested that the proposed works providing new hedgerows and trees and the Scots Grove Brook buffer zone would be beneficial as would a careful ongoing management plan for the site. It is recommended that works could be undertaken to remove less desirable species (such as the horsetails) and the site could incorporate bug hotels and log piles, etc. It is declared that no new lighting will be introduced onto the site.

## Dust and noise

29. The Planning Statement declares that the existing Dust Management Plan approved under the Environmental Permit will be used. The applicant states there have been no reported complaints regarding dust. To manage poor air quality the Plan states:
  - Material drop heights will be minimised
  - Stockpiles and hard surfaces will be dampened in dry / windy conditions
  - Storage areas will be regularly cleaned
  - Processing plants will be fitted with dust suppression systems
  - Vehicles carrying friable materials will be sheeted
  - Site speed controls will be in place
  - Mechanical sweeping of internal and external roads will take place as necessary.
30. It is noted that the Town Council frequently received complaints regarding dust nuisance and debris including that of cobble and boulder-size on the A4129. While it is possible that agricultural practices could have led to similar dust and debris on the road, it is notable that no complaint has been received regarding these issues since the site closed.
31. Regarding noise, a condition of the original permission was that a 3 metre high bund would help reduce noise from the screening / crushing equipment. It had only been thought necessary to be built to the west of the installed machinery. The bund, as explained above, was subsequently raised to 6 metre in height by the former operator.
32. The applicant has demonstrated in their Planning Statement the volume of noise that typical loading, screening and crushing equipment uses. They explain that a rule of thumb is that noise levels typically drop by 6db for each doubling of distance from any point source. The applicant notes the nearest sensitive receptor for noise would be Woodyard, to the west of the busy and heavily trafficked A418.
33. The applicant does not, however, note the presence of properties some 100 metres closer, at Roundhead Drive which have a direct line of sight to the south-western corner of the application area, with only sparse trees and the open football grounds between.

## Policy and Guidance

34. The Development Plan for Minerals and Waste matters consists of the adopted Oxfordshire Minerals and Waste Core Strategy September 2017 (OMWCS). For the purposes of interpreting policy, Thame is considered a Small Town.

35. A key part of the OMWCS is the Vision for waste planning. It is intended that waste management facilities will be distributed to help communities take responsibility for their own waste and keep to a minimum the distance waste needs to be moved within the County. It is expected that smaller-scale facilities would serve local areas and it is intended that these will be located to minimise the use of unsuitable roads, particularly through settlements (paragraph 3.5 c)).
36. Relevant key objectives of the Waste Plan include:
- i. That provision is made so that Oxfordshire becomes net self-sufficient in meeting its own needs for municipal solid waste, commercial and industrial waste, and construction, demolition and excavation waste. This is reflected in Policy W1 of the OMWCS.
  - ii. Seek to provide for waste to be managed as close as possible to where it rises, and encourage other Waste Planning Authorities to become net self-sufficient in meeting their own waste needs, to:
    - o minimise the distance waste needs to be transported by road;
    - o reduce adverse impacts of waste transportation on local communities and the environment; and
    - o enable communities to take responsibility for their own waste.
  - iii. Provide for a broad distribution of waste management facilities to meet local needs across Oxfordshire and make more specific provision for larger facilities that are needed to serve the whole or more substantial parts of the county or a wider area.
  - iv. Protect Oxfordshire's communities and natural and historic environments (including important landscapes and ecological, geological and archaeological and other heritage assets) from the harmful impacts of waste management development (including traffic).
  - v. Secure the satisfactory restoration of temporary waste management sites, including landfills, where the facility is no longer required or acceptable in that location.
37. Policy M1 of the OMWCS requires that as far as is practicable, aggregate minerals demanded in Oxfordshire should be from recycled and secondary aggregate materials. To assist with this, it is intended that provision will be made to enable the production and supply of some 0.926 million tonnes of recycled and secondary aggregates per annum.
38. Policy W3 of the OMWCS states that where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit that applies to the host site which shall be restored in accordance with the requirements of MWCS Policy M10. It is explained that exceptions will be made where new planning permissions are granted for retention of the facility beyond its permitted end date. This would, however, be expected to be linked to continued mineral workings as happened in May 2015 when the date for the extraction works to cease was moved to 2020, with the date for the site's restoration set at the end of 2022.
39. The OMWCS does not declare an appropriate capacity within the County for construction, demolition and excavation waste handling. This is in part due to uncertainties about the projected waste streams of this type of material and partly to encourage the recycling of aggregates. In policy terms (OMWCS W2 and W3) it cannot be argued that the County has sufficient provision. Policy W3, which deals with waste management provision, does however declare that locational policies W4 and W5 and environmental / sustainability / transport policies C1 – C12 will have to be taken into account when deciding applications.
40. Policy W4 of the OMWCS directs non-strategic waste management facilities to both larger and smaller towns and Thame is mentioned along with other South Oxfordshire towns.

41. Policy W5 of the OMWCS indicates the types of sites preferred for waste management at the promoted locations. Among other criteria, priority will be given to sites already in waste management or industrial land use or that which is previously developed, derelict or underused. The application site should, however, have been restored under the original permission (as amended) and in any case the original application has expired. It would be reasonable, therefore, to treat this location as a greenfield site.
42. Policy M1 also notes that sites found suitable for the production and supply of recycled and secondary aggregates and in accordance with locational policies in the OMWCS will be allocated in the Minerals and Waste Local Plan Part 2: Site Allocations Document. This Preferred Options document was consulted on in 2020 but remains a draft that cannot be given weight. Oxfordshire County Council have advised that further development of the Plan has been delayed due to the need to undertake a partial review of the OMWCS in order to keep it up to date with changing NPPF guidance, followed by a second review of the Preferred Options.
43. The proposed policy and text in the draft Part 2 Site Allocations Document state:
- That only non-strategic waste management facilities should be located at or close to the small town of Thame
  - Non-strategic was defined as being between 20,000 and 50,000 tpa of waste
  - The Moor End Lane site was declared a preferred option for a waste recycling / reuse facility (as was the site at Christmas Hill), as long as the intended use conformed to the OMWCS
44. It is suspected there are errors in the assessment that undelays the proposed allocation. The site is declared within the Minerals and Waste Sites Assessment (January 2020) as having an annual operating capacity of over 50,000 tpa and is of strategic scale. The throughput is declared as 130,000 tpa, yet the document notes it only hosts 18 HGV movements a day. The impossibility of this has not been questioned or commented on.
45. It is likely that the remaining capacity of landfill from the original application has been declared by the former owner and confused with the per annum throughput. In any case, the independent assessment states the site would only be suitable for non-strategic, small-scale waste activities in accordance with OMWCS Policy W4. Within the conclusion, the site is summarised as having limited potential to further intensify waste management activities, although a diversification of activities could be suitable. The site, in any case, has no current permission for extraction or waste management, should have been restored to pasture and would most likely be viewed as a new, greenfield site in any future site allocations document.
46. It is furthermore noted that the summary of the consultation on the Part 2 Plan declares no comments were received against the Moorend Lane site. Thame Town Council made detailed, valid objections to the site's proposed allocation alongside those made against the proposed allocation of the Christmas Hill site, which have been recorded.

## Discussion

47. The applicant would appear to rely upon the Environmental Permit granted for the site, which was issued for the removal of 20,000 tonnes of filtration sands and the backfilling and landscaping of the site with a total of 163,000 tonnes of inert demolition / excavation waste, an operation that was supposed to take place over 5 years.
48. Using the definition within the OMWCS Thame would not ordinarily be expected to host a strategic-level minerals or waste facility. A further argument against such a proposal can be made through Thame's location (on the border with Buckinghamshire) and the scale of the

operation. The original application, granted in 2013 noted that most of the @40,000 tpa material that would be processed for recycled aggregates and backfilling of the site would arise from Aylesbury. At this time, the 2017 OMWCS and its vision for self-sufficiency of waste management facilities for both Oxfordshire and neighbouring Minerals and Waste Planning Authority areas had not been adopted.

49. There has been no suggestion made within the submitted documentation of where the proposed 100,000 tpa would arise from or be sent to. While it is likely that some may arise from within or near Thame, it is almost certain that most would arise from further afield and more than likely from the Haddenham / Aylesbury growth areas and perhaps even major projects such as the HS2 / East-West Rail works. This is contrary to the vision and objectives of the OMWCS and Policy W1 and may even harm the ambition for Oxfordshire to become self-sufficient as required by Policy W1.
50. In proposing a strategic waste management site in an unsuitable (smaller town) location, and on the eastern border of Oxfordshire, the proposal is considered contrary to OMWCS Policy C10 b) in failing to minimise the road distance to locations of source and demand for the waste and recycled aggregates. This is particularly relevant as other OMWCS policy directs the County to become net self-sufficient in waste handling matters as directed through Policy W1 and for other waste authorities to be similarly self-sufficient in waste management matters.
51. In terms of flood risk, and with the proposal to make the site permanent, no information has been provided to indicate how the operator would prevent soils and fines from clogging the permeable, hardcore working plateau. Without control or management, over time there would be an increased risk of storms or extreme rainfall events discharging water on the A4129. The proposal, in failing to demonstrate the site would be able to manage greenfield run-off rates throughout its operation, would be contrary to Local Plan 2035 Policy EP4.
52. The applicant is also relying upon a related Dust Management Plan that has, through experience of local residents and visitors to the Town, proved to be ineffective in its adequacy and enforcement. The site would theoretically handle 2.5 times the construction, demolition and excavation waste per annum as the former permission and would become a permanent operation. The notable presence of dust throughout the East Thame and Lea Park area from the former operation is, therefore, a major concern especially given the proximity of homes and businesses, formal and informal play areas, the skate park and the Thame Football Partnership pitches. Play and training can and does take place at all hours into the evening and across all days of the week in the immediate area.
53. The adjacent football pitches include a modern, fourth-generation pitch installed after the closure of the facility. This pitch has an expected working lifespan between refurbishments of some 8 – 10 years. Contamination with particulate matter will shorten the pitch's life, increase maintenance costs, and even increase the risk of injury to players. It is recommended that the problems already experienced with dust arising from the former site be brought to the attention of the County Council's case officer and the concerns about the Town's investment in the AGP pitch (and its interest as long-term lease holder) at Meadow View Park separately explained.
54. Given the above, this application with its considerable increase in activity risks being contrary to Policy C5 of the OMWCS in having an adverse effect on the local amenity and human health and safety. Members should be aware that this matter may be controlled through the issuing of an Environmental Permit, which the applicant may already have acquired from the Environment Agency.
55. The applicant's assessment of noise impact does not properly reflect the location or number of properties that are likely to be affected with multiple properties within 250 metres of the site's boundary in Roundhead Drive and Fleetwood Way, as will the skate park, Meadow View Park

and the Queen Elizabeth Play area and park. Again, this proposal could be contrary to OMWCS Policy C5 for its impact on the local amenity.

56. While the proposed landscape mitigation along the western and south-western boundaries may be considered adequate by the District and County Councils, nothing has been proposed to strengthen the notably weak eastern boundary. This is regrettable, given that public right of way 383/10 runs adjacent to that boundary. This may be contrary to Local Plan 2035 Policy ENV1, OMWCS Policy C8 and Thame Neighbourhood Plan (TNP) Policy ESDQ16. The ecology report is not comprehensive and does not lead on initiatives to improve biodiversity. For example, there are no proposals to improve the poor eastern boundary, short of a recommendation to possibly remove invasive flora over time; but it is otherwise a passive document that states planting proposes as part of the landscape mitigation will be sufficient to improve biodiversity. It mentions swales will be formed on the site but these are absent from all other plans and it is not clear where they could be formed on the sloping site. In terms of the site's relationship to the Scotsgrove Brook, SODC Local Plan Policy ENV4 requires a minimum 10 metre buffer to create a corridor favourable to the enhancement of biodiversity but it is not clear from the site layout if this has been adequately provided.
57. The proposed improvement to the immediate environment of the footpath is considered positive, and in line with OMWCS Policy C11. It is possible that County and District specialists may have comments to make about the footpath's proposed gradient at the entrance on the eastern boundary.
58. The applicant is dismissive of the impact of the proposed additional daily HGV movements on and off the site (estimated to be between 42 and 62 extra per day). Oxfordshire County Council originally approved the site's use due to its relatively modest trip generation, with a defined end-date for the closure of the site. Due to the relatively low number of employees on site it is likely that the impact of the proposed use would be mostly felt due to the considerable increase in HGV movements. It is presumed the impact of the HGVs would be significant enough to affect the working of the roundabout on the A418/A4129 junction, particularly during peak hours and this alone would suggest the proposed development would be contrary to OMWCS Policy C10. In significantly increasing HGV movements along a public bridleway the proposal may be contrary to Local Plan 2035 Policy TRANS5 in failing to provide for a safe and convenient access for all users to the highway network.

## **Recommendation**

59. For the reasons given above, it is recommended that Thame Town Council objects to this application.