

Application Nos: 09/01030/CM 09/01031/CM 09/01032/CM 09/01033/CM	Ward: Fringford	Date Valid: 31/07/09
Applicant:	Premier Aggregates Ltd	
Site Address:	Finmere Quarry, Banbury Road, Finmere, Oxon, MK18 4AJ	

Proposals: 09/01030/CM: For the continuation of the non-hazardous landfilling operations at Finmere quarry without complying with the requirements of conditions 1, 3, 4, 7, 14, 16, 17, 18, 21, 24, 26 and 33 of planning permission reference 08/02519/CM to allow the variation of the restoration profile and the restoration scheme for the non hazardous landfill and to extend the life of the landfill operations (Restoration Option C). OCC ref. MW.0168/09

09/01031/CM: To continue development without complying with conditions C1 (Complete Accordance), C3 (Time Limits), C24 (Restoration Scheme) and C27 (Commencement of Development) of planning permission 08/02518/CM (Application to continue development without complying with condition C3 (Time Limits), C24 (Restoration Scheme) and C27 (Commencement of Development) of planning permission APP/U3100/A/06/2030613 (A Materials Recycling Facility), (Restoration Option C). OCC ref. MW.0169/09

09/01032/CM: For the continuation of the non hazardous landfilling operations at Finmere Quarry without complying with the requirements of condition 1, 3, 4, 7, 14, 16, 17, 18, 21, 24, 26 and 33 of planning permission reference 08/02519/CM to allow the variation of the restoration profile and the restoration scheme for the non hazardous landfill and to extend the life of the landfill operations (Restoration Option A). OCC ref. MW.0163/09

09/01033/CM: Application to continue development without complying with conditions C1 (Complete Accordance), C3 (Time Limits), C24 (Restoration Scheme) and C27 (Commencement of Development) of planning permission 08/02518/CM (Application to continue development without complying with conditions C3 (Time Limits), C24 (Restoration Scheme) and C27 (Commencement of Development) of planning permission APP/U3100/A/06/2030613 (A Materials Recycling Facility), (Restoration Option A). OCC ref. MW.0167/09

1. Site Description and Proposal

1.1 The application relates to Finmere Quarry and Landfill, which has operated since 1993 as a mineral extraction and infilling with inert waste site.

- 1.2 This consultation relates to applications to be determined by the County Council as Minerals and Waste Planning Authority
- 1.3 Permission is now sought through these applications to continue the deposition of commercial and industrial waste, without complying with conditions attached to 08/02518/CM and 08/02519/CM (which were considered by this committee on 29 January 2009).
- 1.4 Four applications have been made and these are essentially two pairs (09/01030/CM & 09/01031/CM and 09/01032/CM & 09/01032/CM) which relate to two different options (Options A and C) for extending the life of the site beyond that approved under 08/02518/CM and 08/02519/CM (Option B).
- 1.5 The three options came about following pre-application discussions in mid-late 2008 between OCC, CDC, the EA, Finmere Parish Council and Premier Aggregates following the discovery that it would be impossible to re-profile the unauthorised, over-tipped mound as this would be hazardous to human health. During these discussions it was agreed that Option B represented the best solution in terms of resolving the issues at the site and leading to the most acceptable, and quickest end to the use of the site and eventual restoration of the landscape.
- 1.6 The scheme approved under 08/02518/CM & 08/02519/CM (Option B) allows for 108,000m³ of directly imported waste and 738,000m³ of waste from the Materials Recycling Facility (MRF) to be deposited on the site to complete the landfilling and allow restoration, totalling 846,000m³, with a completion date of 2020.
- 1.7 The variation proposed under 09/01030/CM & 09/01031/CM (Option C) allows for 210,000m³ of directly imported waste and 775,000m³ of waste from the Materials Recycling Facility (MRF) to be deposited on the site to complete the landfilling and allow restoration, totalling 985,000m³, with a completion date of 2023.
- 1.8 The variation proposed under 09/01032/CM & 09/01033/CM (Option A) allows for 213,000m³ of directly imported waste and 875,000m³ of waste from the Materials Recycling Facility (MRF) to be deposited on the site to complete the landfilling and allow restoration, totalling 1,088,000m³, with a completion date of 2025.
- 1.9 The conditions to be varied by the applications are listed and summarised in the Appendices (1-3) attached to the end of this report. They refer largely to the time-scales, volumes of waste, drawing numbers and other operational matters related to the correct implementation and monitoring of the permissions.

2. Application Publicity

- 2.1 As a County Matter application, no publicity necessary

3. Consultations

- 3.1 Head of Building Control and Engineering Services – no comments
- 3.2 Landscape Planning Officer – believes that the already approved Option B

(08/02518/CM & 08/02519/CM) offers the best solution for the site as the profile is more varied and appears more natural. She considers that the landform is already an un-natural and alien form in relatively flat countryside, and that a smooth profile would look less natural than a form with some variation.

3.3 Anti-Social Behaviour Manager – no observations to make

4. Relevant Planning Policies

4.1 PPS10 : Planning for Sustainable Waste Management

4.2 Oxfordshire Minerals and Waste Local Plan (1996) – Policy W3 – states that proposals for re-use/recycling will normally be permitted provided that the site is close to the source of the waste and/or the market for the re-used/recycled material; the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic and does not pose an unacceptable risk to the water environment.

4.3 Policy W4 – states that proposals for re-use/recycling will not normally be permitted in the open countryside unless the development is to form part of a mineral extraction/landfill site and will be removed on completion of extraction/landfill.

4.4 South East Plan 2009 Policies W5, W6, W7 and W13 address landfill, waste and recycling and seek to ensure that targets for diversion from landfill of all waste needs to be achieved in the region but making provision for waste that can be recycled.

4.4 There are no specific adopted local plan policies that are directly relevant to waste management or mineral extraction as these are largely addressed by Oxfordshire Minerals and Waste Local Plan and government guidance contained in PPS10.

5. Appraisal

5.1 The previously approved applications to vary the planning permission for the landfill operation and to modify the restoration profile (08/02518/CM and 08/02519/CM) were essentially made at the invitation of the County Council following extensive pre-application discussions with interested parties as outlined in paragraph 1.5 above.

5.2 The reports for the 'Option B' scheme approved under 08/02518/CM and 08/02519/CM are attached to this report as Appendices 4 and 5. These reports outline in greater detail the site history and current approval which the applicant seeks to alter.

5.3 The schemes now under consideration are essentially the two options which were rejected by the interested parties during those pre-application discussions.

5.4 The main issues to consider when assessing the current schemes against the approved scheme are:

-the amount of waste to be brought into the site

-the amount of waste to be tipped on the site arising from the use of the MRF

-the date for the end of the use of the site and its restoration

The figures showing the differences in the proposed and approved amounts are shown below.

Option	Waste to be imported (m ³)	Waste from MRF(m ³)	Total (m ³)	End date
B (approved under 08/02518/CM and 08/02519/CM)	108,000	738,000	846,000	2020
C (09/01030/CM & 09/01031/CM)	210,000 (+102,000 on approved scheme)	775,000 (+37,000 on approved scheme)	985,000 (+139,000 on approved scheme)	2023
A (09/01032/CM & 09/01033/CM)	213,000 (+105,000 on approved scheme)	875,000 (+137,000 on approved scheme)	1,088,000 (+242,000 on approved scheme)	2025

- 5.6 It is also important to consider the impact on the appearance of the landscape of the proposed variations to the approved scheme.
- 5.7 As shown in the table above, the alternative options now proposed involve an increased volume of waste to be deposited on the site, and this will change significantly the restored profile of the land following the end of the use of the site for landfilling operations.
- 5.8 Option C (09/01030/CM & 09/01031/CM) would see the 'mound' associated with the landfill extend from its current permitted end between the boundaries of Cells 5/6 and Cells 8/9 to the boundary of Cells 8/9 and Cells 10/11 (the line of the current access track).
- 5.9 Option A (09/01032/CM & 09/01033/CM) would see the 'mound' associated with the landfill extend from its current permitted end between the boundaries of Cells 5/6 and Cells 8/9 to the Western boundary of the site adjacent to the dismantled railway line.
- 5.10 The Council's Landscape Officer advises that the composite drawing shows a measurable maximum difference between option B and A/C of approx 5m. Option B would keep the height of the restoration on the western edge nearer to the level it should have been before the overtipping. The proposed schemes will lead to an increase in the height of the restored land of up to 5m over the approved profile, meaning that, at its maximum the additional fill of A and C will be 40% greater in height above the natural contours of the site than those of the approved option B. Given the relatively flat nature of the site and surrounding countryside, this is not considered to be an insignificant amount of extra height.
- 5.11 Premier Aggregates, the owners and operators of the site consider that the principle

issue in these applications is the appearance of the finished landscape following completion of landfilling operations and restoration. In their view, there is no substantive landscape argument for the preference of Option B (that approved under 08/02518/CM & 08/02519/CM) over Options A or C (those proposed in these applications). Premier Aggregates consider that Option A allows for the most naturalistic finished landscape form.

- 5.12 Notwithstanding the Landscape Officers comments, It is considered that the final appearance of the landscape should not solely form the basis of this Councils' observations to Oxfordshire County Council. Instead the Council should continue to express a preference for the already approved Option B. This option was subject to intensive discussions by the interested parties is considered to offer the best overall solution in terms of the least amount of waste to be imported to/deposited on the site, the most acceptable profile of the restored land and soonest date for the end of operations on the site and minimising the impact on the locality. It is for this reason that the recommendations are as below.

6. Recommendations

09/01030/CM: That Oxfordshire County Council is advised that Cherwell District Council was very disappointed that the life of the quarry was to be extended as a result of the applicant's over tipping at the site. However, as the height of the over tipped waste could not be reduced without causing serious harm to health; there was no objection to the varying of conditions that would allow the operations to continue until the land was finally restored, in line with the timescales approved under 08/02518/CM and 08/02519/CM.

Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option C is not acceptable.

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Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option A is not acceptable

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Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option A is not acceptable.

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