

Application No. 08/02518/CM

Case Officer: Tracey Morrissey

Site Visited: N/A

Site Address: Finmere Quarry, Banbury Road, Finmere

Proposal: 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 Material Recycling Facility and Associated Infrastructure)

Site Description & Proposal

This application is linked with 08/02519/CM.

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

In October 2007 an appeal was allowed and permission granted for the operation of a Materials Recycling Facility (MRF) with associated infrastructure at the site.

This consultation relates to an application to be determined by the County Council as Minerals and Waste Planning Authority and is also linked to application no. 08/02519/CM.

Permission is now sought as part of this application to continue the MRF development without complying with conditions C3, C24 and C27 of the consent granted at appeal.

Condition C3 states that 'The acceptance of waste for the purpose of recycling shall cease by 31st December 2014. Buildings, plant and machinery to which this permission relates shall be removed by 31st December 2015'

The applicant seeks to amend this condition to permit the acceptance of waste up to 31st December 2020, with the removal of buildings, plant and machinery by 31st December 2021.

Condition C24 states that 'The site shall be restored in accordance with conditions 21, 28, 29 and 32 of planning permission 00/1480/CM and the aftercare shall be carried out in accordance with planning permission 00/01480/CM'.

The applicant seeks to amend this condition to take into account the permission sought in concurrent application (08/02519/CM), in particular to vary the restoration profile, scheme and timetable.

Condition C27 states that 'The operation of the MRF shall not commence until the waste in excess of the pre-settlement restoration levels at the adjoining landfill has been excavated and relocated so as to accord with the pre-settlement restoration levels shown on plan no. FGL 4/1B dated November 2000 approved under permission 00/01480/CM'

The applicant seeks to have this condition removed.

Application Publicity & Comments

County matter application therefore no external consultation/publicity necessary

Consultations

Head of Building Control and Engineering Services - no objection

Relevant Policy

PPS10 : Planning for Sustainable Waste Management

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.

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.

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.

Appraisal

Key issues include:

- History
- Impact on landscape
- Impact on amenity of residents of Finmere and surrounding area
- Traffic

Site history

In 2007 under 07/00650/CM the applicant sought to continue the development of Finmere Quarry Landfill site without complying with condition no. 7 of permission 00/01480/CM which involved the revision of the phasing of the permitted landfilling operation. The development was to consist of introducing a new working order for the filling of cells, revising the direction of working and to allow for some cells to be filled before other cells have been restored.

This condition was relative to the phasing of the continuation of the development which involved the deposit of commercial and industrial waste at the quarry. The phasing operation was considered necessary to ensure that the deposit of waste in certain cells, should not take place in more than phase at a time, and also involved the restoration of previous phases to ensure that the sand and gravel resources are husbanded and progressive landfilling and restoration of the site takes place.

However, notwithstanding the reasons for the condition, it would appear that following enforcement action at the quarry by the County Council (as a result of over-tipping of cells 3 to 6 inclusive), a new working order needed to be introduced for the filling of cells, and revising the direction of working which is to allow for some cells to be filled before other cells have been restored. Some waste would need to be excavated and relocated as required by an enforcement notice, which was also upheld on appeal (appeal ref: APP/U3100/C/06/2008163). This rephrasing would enable the applicant to relocate the over tipped waste in order to comply with Enforcement Notice.

Current problem

It became apparent however, that prior to the determination of this application, the Environment Agency undertook some monitoring of the site and advised that it would be dangerous to relocate the waste and objected to the application. Essentially levels of hydrogen sulphide

within cell 5A were of such a high level that if released posed a severe risk to human health and therefore it was recommended that the waste remains in situ.

There is currently a temporary cap over the waste with some landfill gas control by venting and some by flaring. There does however continue to be serious issues of odour from the site and complaints raised from up to 2km from the site boundary.

Consequently the application was refused by Oxfordshire County Council for the following reason 'that it would damage and disturb the health and amenity of local residents by reason of smell and gas'.

This has left the situation rather complicated and contentious. Following several meetings between the applicants and officers of the County Council, Environment Agency and Cherwell Council and Finmere Parish Council steps are being taken to ensure that:

1. There is no risk to human health
2. The matter is resolved as quickly as possible
3. The life of the quarry is not greatly prolonged
4. The amount of traffic is not increased to the site in order to resolve the situation
5. and the site is restored to an acceptable landform

Proposed scheme

An agreeable scheme has been found that will essentially deal with all the above, however in order to reach this point, conditions relating to the MRF and continuation at the quarry need to be dealt with. At the time of the appeal in respect to the MRF it was assumed that the overfilled waste would be excavated and relocated prior to the commencement of the operation of the MRF. However as this is no longer an option, at the invitation of the County Council the application has been made to vary the planning permission for the landfill operation and to revise the restoration of the site.

The development proposal comprises three main components that are to be dealt with under application no. 08/02519/CM, which are the variation of the restoration profile and the restoration scheme for the landfill, the variation of the phasing of the landfill operations at the site and the variation of the life of the landfilling operations at the site. Application no. 08/02518/CM seeks to regularise the potential conflict between the operation of the landfill and the operation of the MRF.

If the County Council grants consent for the revisions to the operation of the MRF, the applicants assume that the MRF can be operational by early January 2010 and a low permeability cap will be provided as soon as possible to improve the environment.

In terms of volume of waste necessary to achieve an acceptable landform in cells 3 to 6 and cells 8 and 9, approximately 97,000m³ of non-hazardous waste will be required. The use of non-hazardous waste for restoration provides a homogenous waste mass to ensure uniform settlement. The use of inert waste does not give a uniform settlement and also takes longer to fill, as this type of waste is harder to source. Based on the need to cap as soon as possible cells 3 to 6 and 8 and 9 it is proposed that direct landfilling in these cells to achieve the revised restoration profile commences as soon as possible. The MRF will be operated from early 2010 and the residues from the MRF will be deposited in cells 7, 10 and 11.

The void available in cells 7, 10 and 11 is approx. 665,000m³ and based on a waste input comprising the residues from the MRF of 60,000m³ pa. it will take approx. 4.5 years to infill cell 7 and approx. 6.5 years to infill cells 10 and 11. Accordingly it is anticipated that landfilling operations will be completed by the end of 2020.

In terms of the capping of the cells, a membrane cap is to be used, as a clay cap would involve the generation of more traffic to the site. The life of a membrane is less than a clay cap, but the Environment Agency is confident that the right processes are in place to deal promptly with problems with a membrane should they arise.

With regards to the impact on the landscape, the overtipping of cells 3 to 6 has resulted in waste being placed above the permitted restoration profile for the site. The current waste profile is too high and does not facilitate effective surface water management. There is a north south orientated step between overfilled waste in cells 5 and 6 and the consented restoration level of waste in cells 8 and 9. Adequate stability of the step cannot be demonstrated and the presence of the step is not acceptable for the proposed after use of the site.

It is proposed that the restoration proposals for the site are revised to create an acceptable landform. It is necessary to consider the stability of the landform, the visual impacts of the landform, the intended afteruse of the site and surface water management.

The proposed revisions to the restoration profile have been discussed with Cherwell District Officers, Oxfordshire County Council officers, Finmere Parish Council and the Environment Agency, and is the preferred scheme, as it would be the minimalist and quickest option in order to resolve the matter.

To create an acceptable landform it is necessary to import additional waste into cells 3 to 6 inclusive, to the area of the step between cells 5 and 6 and cells 8 and 9 and to use materials available on site to regrade the northern slope to cells 4 and 5 and the southern slope to cell 3. Its is also necessary to revise the restoration profile to cell 7 to incorporate the revised restoration profile of cells 1 and 3 located to the north of cell 7.

The landfill is operated on the principle of containment. Engineered low permeability basal and side wall liners are constructed progressively and a low permeability cap is placed over the waste once the finished levels are reached. Groundwater, leachate and landfill gas management infrastructure is installed progressively. The principles of the engineering of the site and operation of the groundwater, leachate and landfill gas management infrastructure will not be affected by the proposals to revise the restoration of the site.

A system of surface water drainage ditches will be excavated at the external edges of the landfill to convey surface water running of the site to the surrounding surface water drainage system.

The restoration of Finmere Quarry Landfill is to include a mixture of arable farmland, deciduous woodland and new hedgerow, grass heath and number of aquatic and marginal habitats.

Clearly the management and monitoring of the site have been an issue, which has resulted in the applications now before Members, however given the above assessment of the current situation the following recommendation is made:

Recommendation:

That Oxfordshire County Council is advised that Cherwell District Council is very disappointed that the life of the quarry is to be extended as a result of the applicant's over tipping at the site. As the height of the over tipped heap cannot be reduced without causing serious harm to

health, there is no objection to the varying of conditions that will allow the operations to continue until the land is finally restored.

The Council would however suggest that the opening and operation of the MRF, should not take place until Oxfordshire County Council is content that all the necessary cells have been engineered and capped, and that future tipping is monitored on a regular basis to ensure that over tipping does not occur again.