

Application No. 08/02519/CM

Case Officer: Tracey Morrissey

Site Visited: N/A

Site Address: Finmere Quarry, Banbury Road, Finmere

Proposal: Application (i) To continue development (for the deposit of commercial and industrial waste) without complying with conditions 2, 20 and 21 of permission no. 96/00591/CM (to allow for an increase in the height of the final restoration levels) and (ii) development of an inert materials recycling facility using an existing vacant agricultural building, land at Foxley Fields Farm landfill site, Finmere, Oxfordshire - OCC Ref: MW.0051/08

Site Description & Proposal

This application is linked with 08/02518/CM.

The application relates to Finmere Quarry and landfill, which has operated since 1993 as a mineral extraction and infilling with inert waste 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. 08/02518/CM.

Permission is now sought as part of this application to continue the development of deposit of commercial and industrial waste without complying with conditions 2, 20 and 21 of planning permission 96/00591/CM. Essentially the application has been submitted as a result of overtipping at the site and in order to resolve the matter certain conditions relating to the restoration profile and scheme approved under the 1996 consent cannot be complied with.

In order to change the restoration profile and the restoration scheme to that which has been agreed to be acceptable by officers of the County and District Council and members of Finmere Parish Council and Environment Agency the following conditions will need to be varied to take account of the agreed detail and drawings submitted.

Condition 2 states that 'The development shall be carried out in complete accordance with the plans and particulars submitted with the application except as modified by conditions of this permission'

Condition 20 states that 'Restoration levels immediately following disposal of waste shall not be other than in accordance with approved plan no. 90024/17'.

Condition 21 states that 'Final restoration should not be otherwise than in accordance with approved plan no. 90024/18 and as described in the application.

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

As this application is linked to 08/2518/CM, the issues regarding the problem faced and how this is to be dealt with can be seen as part of that application report.

Essentially at the invitation of the County Council the application has been made to vary the planning permission for the landfill operation and to modify the restoration profile and restoration scheme for the site, to that, which has been agreed.

Given the assessment made 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.