

**THE CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS)
TRANSPORT & WORKS ACT ORDER INQUIRY**

**STATEMENT OF CASE
GRUNDON WASTE MANAGEMENT LIMITED**

Introduction

- 1 This document is the statement of case of Grundon Waste Management Limited (**the Objector**) prepared for the Chiltern Railways (Bicester to Oxford Improvements) Transport & Works Act Order Inquiry (**the Inquiry**) setting out the details of its objection to the proposed Chiltern Railways (Bicester to Oxford Improvements) Order (**the Order**) applied for by The Chiltern Railway Company Limited (**the Applicant**) on 6 January 2010.

New waste reduction and materials recovery facility

- 2 On 6 December 2006 the Objector entered into an agreement for the purchase of 1.62 hectares of land upon which the Gosford grain silo stands with the freehold owners of the property (**the Property**). The purchase of the Property has completed on 1 March 2010. The Property, which is numbered 23009, 23010 and 23011 on the plans and sections deposited with the Order, is located approximately 0.5 kilometres south of Kidlington in Oxfordshire, east of the A4165 (Oxford Road) and adjoins the north-west side of the Water Eaton Park and Ride site.

3 On 9 August 2007 the Objector applied to Oxfordshire County Council (**the Council**) for planning permission (application number: 07/01857/CM) to authorise the development of a new waste reduction and materials recovery facility (**MRF**) and ancillary development to be located on the Property. The MRF is being developed to treat waste from Oxfordshire and will be capable of processing or transferring 150,000 tonnes of household, commercial and non-hazardous industrial waste per annum. The MRF will provide urgently-needed facilities for the recovery of household and other waste to meet new challenging national targets for recycling and composting of materials. The MRF is to be housed in a building 127.5 metres long and 45 metres wide and will require the use of the whole of the Property. The works necessary to complete the development of the MRF are anticipated to take approximately 18 months to complete.

4 Planning permission for the development was granted by the Council as the relevant Waste Planning Authority on 19 February 2010.

5 The decision to grant planning permission and the completion of the purchase of the Property is the culmination of a process which has taken over four years to complete and has involved substantial expense and investment by the Objector. Suitable sites for facilities such as the MRF are very difficult to locate and obtain permission for. The Property is ideally located particularly because of its proximity to the source of the waste which will be processed or transferred and its access to appropriate parts of the transport network. Despite any future changes resulting from the adoption of the Oxfordshire Minerals and Waste Development Framework (not expected before late 2012), there is no guarantee that an alternative suitable site could be found easily or at all. The Objector intends to commence construction work immediately to enable the

MRF to enter into operation as soon as possible (currently anticipated to be February 2012).

Powers of compulsory acquisition

- 6 Article 22 of the proposed Order would authorise the Applicant to compulsorily acquire the whole of the Property for the purposes specified in Schedule 2 to the Order, principally the construction of a new railway station, Water Eaton Parkway Station, and car park. The Objector understands, from the Environmental Statement prepared in support of the Order, Volume 2, paragraph 5.7.4, that the whole of the Property will be required for the development of the Water Eaton Parkway Station, car park and rail aggregates depot.

Objection

- 7 The Objector objects to the Order on the grounds that it would result in the compulsory acquisition of the whole of the Property and the demolition of the MRF. The Objector considers the strategic location of the Property and the development of the MRF to be key to the successful delivery of its services to its clients, including the Council, facilitating the achievement of national recycling and composting targets. The Order, if made, would disrupt the delivery of this essential service in Oxfordshire for a period anticipated to be at least three years by requiring the Objector to cease operating the MRF, locate a suitable alternative site, obtain permissions for and develop an alternative MRF.

List of documents

- 8 A copy of the planning permission for the development granted by the Council dated 19 February 2010 is attached to this statement.

Conclusion

- 9 For the reasons set out above the Order should not authorise the compulsory acquisition of the Property and thereby the demolition of the MRF.

Bircham Dyson Bell LLP

6 August 2010

Application No: 07/01857/CM

OXFORDSHIRE COUNTY COUNCIL

County Planning Authority

TOWN AND COUNTRY PLANNING ACT 1990
LOCAL GOVERNMENT ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995

To: Grundon Waste Management Ltd
Estates Office
Grange Lane
Beenham
Reading
Berks
RG7 5PY

CONDITIONAL PLANNING PERMISSION

Development of a waste reduction and material recovery facility with ancillary developments at Gosford Silos near Kidlington, Oxford

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: 19 FEB 2010



^{JRB} 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.
- 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 your local 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 for the Environment, Transport and the Regions 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, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN
- 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 local 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

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. These comprise: planning application dated 13th June 2007, Drawing Number 1699/PA002 Existing Conditions dated April 2007, Drawing Number 1699/PA001 Site Location Plan dated April 2007, Drawing Number HS/GOS/661 Site Layout of Proposed MRF dated Nov 2006, Drawing Number 0801 SK001 Rev B Proposed Materials Recycling Facility Building dated June 2008, Drawing Number 0801 SK 003 Proposed New Visitors Centre dated 01-08, Drawing Number 1699/PA006 Proposed In Pit Weighbridge dated July 2007, Drawing Number 1699/PA007 Proposed Weighbridge Office dated July 2007, Drawing Number 1699/PA008 Proposed New Fencing dated July 2007, Drawing Number 1699/PA009 Vehicle Washdown Area dated July 2007, the following paragraphs from the Environmental Statement: Section 5 paras 10.21, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.3.1, 10.3.2, 10.3.3, 10.4.1, 11.3.

Reason: To ensure that the development is carried out as proposed.

2. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 91 to 95 of the Town and County Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3. No HGVs shall enter or leave the site between 0800 hours and 0900 hours Monday to Friday

Reason: To protect the amenities of local residents. (MWLP PE18)

4. No HGVs shall enter or leave the site between 2100 hours and 0600 hours on any day

Reason: To protect the amenities of local residents. (MWLP PE18)

5. No HGVs shall take material from the site on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents. (MWLP PE18)

6. No demolition works shall commence until a historical and photographic record of the silo building on site has been taken and agreed in writing by the Waste Planning Authority

Reason: To ensure there is an historic record of the building to be removed (OMWLP PE18)

7. No demolition work shall take place when breeding birds or hibernating or roosting bats are present in the building or structure to be demolished.

Reason: To ensure bats and breeding birds are not disturbed by removal of habitat. (SEP NRM5)

8. No demolition works shall take place between 1st March – 31st August inclusive other than within the period of three days following the submission to the Waste Planning Authority of written confirmation from a qualified ecologist that there are no breeding birds present in the building or structure to be demolished.

Reason: To ensure breeding birds are not disturbed by removal of habitat. (SEP NRM5)

9. No demolition works shall take place unless:
(a) the works take place in September, October or April, or
(b) the works take place within the period of three days following the submission to the WPA of written confirmation from a qualified ecologist that there are no hibernating or roosting bats present in the building or structure to be demolished

Reason: To ensure bats are not disturbed by removal of habitat. (SEP NRM5)

10. The building hereby permitted shall not be used for recycling purposes until a plan showing locations of bat boxes and the provision of artificial swallow nests has been provided according to a plan to be submitted and approved in writing by the Waste Planning Authority. Any plan that is approved shall be implemented, before the commencement of recycling operations.

Reason: To mitigate the impact of the removal of habitat upon bats and swallows (OMWLP PE18)

11. Before any operations are commenced on the site, details of a scheme of landscaping shall be submitted to and approved by the Mineral Planning Authority; such details shall incorporate the general principles indicated in the application and shall include:

- (a) the position, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations;

- (b) the positions, species, density and initial sizes of all new trees and shrubs; and
- (c) any hard landscaping proposed.

Upon approval such scheme shall be implemented within the first available planting season following completion of the building.

Reason: To improve the appearance of the site in the interests of visual amenity and to screen the development. (OMWLP PE18)

12. No waste recovery operations shall commence on site until a scheme showing details of external lighting has been submitted and approved by the Waste Planning Authority. Any scheme approved shall be implemented. This scheme shall include details of cowling and keeping light shadow on site.

Reason: To avoid light pollution and the spillage of light. (OMWLP PE18)

13. No lighting shall be erected on site for use when the external areas of the site is not being used other than that which is designed to come on only when intruders are present on site

Reason: To avoid the spillage of light. (OMWLP PE18)

14. No operations, other than HGVs leaving and entering the building, shall be carried out in external areas of the site other than between the following times;

7.00 am to 20.00 pm	Mondays to Fridays
and	
7.00 am to 13.00 pm	Saturdays.

No operations in external areas of the site shall take place on Sundays or Bank or Public Holidays.

Reason: To protect the amenities of local residents. (MWLP PE18)

15. Notwithstanding the provisions of parts 19 and 21 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Waste Planning Authority.

Reason: To protect the amenities of the area. (MWLP PE18)

16. No development shall commence until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Waste Planning Authority. Any scheme approved shall be implemented in full in accordance with the approved details prior to the completion of the construction of the building.

Reason: To prevent the increased risk of flooding and to improve water quality (SEP NRM2, NRM4)

17. Between the hours of 07:00 and 23:00 (daytime) the noise levels arising from the development shall not exceed the level specified in table (i) below (freefield at the locations specified)

Table (i)

Location	Sound level measured as LAeq (1hr) dB(A)
Pipal Cottage	54
368 Oxford Road	57
Middle Farm	47
St Frideswides Farm	46

Reason: To minimise the adverse impact of noise generated by the operations on the local community. (OMWLP PE18)

18. Between the hours of 23:00 and 07:00 (night time) the noise level arising from the development shall not exceed the level specified in table (ii), (freefield at the locations specified)

Table ii)

Location	Sound level measured as LAeq (1hr) dB(A)
Pipal Cottage	42
368 Oxford Road	46
Middle Farm	37
St Frideswides Farm	36

Reason: To minimise the adverse impact of noise generated by the operations on the local community. (OMWLP PE18)

19. The noise emitted at any time from the site shall not contain any discrete continuous note, i.e. whine, hiss, screech, hum etc or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) distinguishable at the locations identified in conditions 17 and 18 above.

Reason: To minimise the adverse impact of noise generated by the operations on the local community. (OMWLP PE18)

20. The external walls and roof of the building shall be constructed and finished in accordance with a Schedule of Materials and Finishes, including colours, which shall first, have been submitted, with samples, and approved in writing by the Waste Planning Authority.

Reason: To ensure that the materials and finishes are compatible with the surrounding environment. (SEP CC6)

21. No vehicles shall be parked on the site, other than in the parking areas as shown on approved plan HS/GOS/661.

Reason: To ensure that the development is completed in accordance with the submitted plans.

22. No recycling activity shall take place other than within the building.

Reason: To protect the amenity of users of the park and ride and other areas near to the site (OMWLP PE18)

23. No development shall commence until a scheme showing further details of the highways improvement works shown in figure 8 and described in section 8 of the Transport Assessment Report has been submitted to the Waste Planning Authority and approved in writing. Any scheme that is approved shall be implemented.

Reason: To ensure that there is adequate access and mitigation of adverse transport impacts (SEP T1)

24. No operations shall commence inside the building hereby permitted until the highway improvement works approved under condition 23 have been implemented in full.

Reason: To ensure that there is adequate access and mitigation of adverse transport impacts (SEP T1)

25. No mud or dust shall be deposited on the public highway.

Reason: In the interests of highway safety. (SEP T1)

Informatives:

The Waste Planning Authority will consult with English Heritage before approving the record required by condition 6. It is recommended that the applicant should liaise with English Heritage before submitting the required record.

Further information on SUDS can be found in PPS25 page 33 Annex F, in

CIRIA C697 The Suds Manual, and the Interim Code of Practice for Sustainable Drainage Systems. They provide advice on selection, design, construction, adoption and maintenance issues and reference other technical guidance on SUDS, and are available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld.

Under the Environment Protection Act 1990, the proposed development may require a waste management licence if controlled waste is deposited, kept, treated, or disposed of in or on the land. Certain activities do not require a waste management licence where the activities are part of a process registered or authorised under other legislation. Alternatively, the activity/proposal may be exempt from waste licensing under the Waste Management Licensing Regulations 1994. You are advised to contact the Environment Agency if you think the proposal requires a licence or is required to be registered as an exempt activity. Contact National Customer Contact Centre on 08708 506506 for further details.

Advice to applicant

All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

All waste tipping, handling, sorting and composting shall be carried out upon an impervious concrete base surrounded by a suitable liquid tight bund to prevent drainage from these areas discharging into groundwater or the surface water system. Surface water drainage from these areas shall be stored in a suitable liquid tight container or discharged to the foul sewer subject to the approval of Thames Water Utilities or its sewerage agent.

Vehicle loading or unloading bays, vehicle washing areas and storage areas involving chemical, refuse or other polluting matter should not discharge to the surface water system.

The impermeable base must be constructed so that its integrity will not be impaired by the activities or machinery operating on the site.

Any visibly contaminated or odorous material encountered on the site during the development work, must be investigated. The Planning Authority must be informed immediately of the nature and degree of contamination present.

Advertisement consent for a logo on the building would need to be sought from Cherwell District Council.

The removal of permitted development rights refers to external alterations and to changes of use. Alterations to the internal workings of the building that would not involve a change of use would not in any event require planning permission and would not come under the planning regime.

Schedule 2 – Relevant Development Plan Policies

South East Plan

W5, W6, W7, W16, W17, T1, CC1, CO1, CO4, NRM5

Oxfordshire Minerals and Waste Local Plan (Saved Policies)

W3, W6, PE18

Cherwell Local Plan (Saved Policies)

GB1

PPG2 – Green Belts

Schedule 3 – Reasons For Approval

1. There is a pressing need to provide waste management capacity to serve Oxford and the immediate surrounding area. This site scores well against criteria set out in RPG9, compared to the alternative sites that were assessed. It is well related to the source of waste, readily available and has good transport connections. In wider environmental terms, the site allows for a sustainable approach to waste management while being mindful of the need to reduce the carbon footprint resulting from the transportation of waste. The local transport and environmental impacts of the development are acceptable, or can be made acceptable through imposition of conditions and making of an agreement to cover traffic routeing.
2. The benefits of the proposed facility amount to very special circumstances that override the general presumption against granting permission for inappropriate development in the Green Belt.