OXFORDSHIRE MINERALS AND WASTE LOCAL PLAN
PART 1 – CORE STRATEGY
PROPOSED SUBMISSION DOCUMENT
AUGUST 2015

REPRESENTATION

BY

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ON BEHALF

OF

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1.0 INTRODUCTION

1.1 This representation on the Oxfordshire Minerals and Waste Local Plan, Part 1 – Core Strategy Proposed Submission Document ("the Plan") has been prepared by Suzi Coyne of Suzi Coyne Planning, with legal advice provided by Christopher Boyle QC of Landmark Chambers, and is made on behalf of Sheehan Haulage and Plant Hire Ltd.

1.2 The representation is provided both as a set of overarching representations in this document with the supporting evidence attached in appendices, and by means of the Council's representation forms in response to individual policies, parts, or paragraphs of the Plan.

1.3 It needs to be set out at the start of this representation that it is apparent that the overall theme (and basic problem with) the preparation of the Plan has been to:

1. Adopt a methodology that minimises the apparent requirement for waste management infrastructure required;
2. Delay the allocation of sites (there was no intention to allocate at all until the Council was clearly obliged to by clarification in revised national waste planning policy), while severely constraining the site identification process by the criteria in the strategic policies (which will not deliver what is needed). There has been no assessment as to whether these criteria can realistically deliver what is needed, but in the meantime they stymy the development control process, as the strategic policies which will be relied on are so very restrictive and unrealistic.

1.4 Firstly, objection is made to the format of the Plan; that it is to be split into two parts, with specific site allocations being reserved for a later stage. This is contrary to the Government's preferred approach, and there is no clear justification for doing so. Before adopting a set of locational criteria, it is necessary to establish that there are sufficient sites to meet the need, which can comply with the criteria. Given the special nature of waste management development, a proper assessment of the options for site allocations should be integral therefore to informing and shaping the Plan. It is not a matter to be considered retrospectively, and at an unknown time. Indeed, analysis of the sites nominated for meeting the waste management needs of the County confirms that the split approach is not the correct one, because it shows that Part 2 of the Plan will not in fact be able to allocate specific sites that meet the policy parameters set by the Part 1 Core Strategy as claimed. The Plan is therefore not sound, because we cannot be satisfied that Part 1 of it will enable delivery through Part 2.

1.5 Secondly, objection is made to various aspects of the content of the Plan, as set out in summary below:

1. The Minerals Planning Vision and Planning and 1st Mineral Planning Objective, which are not positively prepared in relation to the supply of recycled aggregate.

2. The 8th Waste Planning Objective, relating to green field and previously developed land, which is inconsistent with national planning policy.
3. The terms of Policy M1, which do not take full account of the available evidence, rely on incorrect assumptions, are inconsistent with national policy, are not positively prepared, and would fail to adequately provide for the delivery of maximising aggregate supply from recycled aggregate.
4. The recycling targets for CDE waste in Policy W2, which do not adequately reflect what can be achieved.
5. The robustness and nature of the estimated CDE waste required to be managed figures in Table 5.
6. The robustness and nature of the existing capacity to manage waste figures in Table 6.
7. The robustness and nature of the additional capacity required figures for CDE waste in Table 7.
8. The locational strategy for waste management facilities in Policy W4, which is not based on an understanding of local economic conditions and market realities, is not viable, is inflexible, offends against objectives for achieving sustainable development, and is inconsistent or non-compliant with the plan vision, objectives and other plan policies.
9. The terms of Policy W5, which are internally inconsistent in relation to green field land, and not in accordance with national planning policy.
10. The robustness of the inert waste landfill figures and the need to make provision in policy W6 for encouraging more use of inert waste in place of primary materials in appropriate operational development schemes.
11. The terms of Policy W11, which are not consistent with national planning policy and with other plan policies and objectives, and are not reasonable or justified.

1.6 Thirdly, objection is made on the basis that there has not been due procedure or fully informed consultation in preparation of the Plan, which does not present a positive approach, prevents proper consideration of the evidence on which the strategy is considered justified, is inconsistent with national policy, and is not legally compliant.

1.7 At the end of the representation a section is provided, summarising the changes that are considered necessary to clarify how it is considered that the Plan should be drafted in order for it to be sound. This reproduces the relevant parts of the Plan, where objection has been made, and identifies the text that should be deleted (shown struck through) and new text (shown underlined).

1.8 Separate Representations are being made on the Sustainability Appraisal Report.

1.9 The following documents are relied upon as the evidential basis supporting this representation and are produced as appendices:

1. Drawing No.: 202MWCS/1 showing the location of MSW, C&I & CDE waste recycling, treatment or recovery facility nominations with capacity of at least 20,000 tpa.
2. Email correspondence with the Council of 29 August - 13 November 2014 and revised site nomination forms for Worton Farm as of 13 November 2014.
3. New site nomination forms for proposed waste management development at Worton Farm, at David Einig Contracting sites and at Woodeaton Quarry.
4. Drawing No.: 202MWCS/2 showing the location of existing mineral and waste sites and their existing green field or previously developed land status.
5. Table 2.1.D: Survey of land in industrial use, previously developed, and waste water treatment works in the areas identified for larger scale waste management facilities on the Key Waste Diagram.
6. Drawing no.: 202MWCS/3 showing the location of existing MSW, C&I & CDE waste recycling, treatment or recovery facilities and their greenfield or previously developed land status at the time of approval.
7. Product test reports and RSK Assessment of Recycled Fine Aggregate report dated July 2013.
8. Representations made on behalf of Sheehan on Minerals & Waste Sites Core Strategy Issues and Options June 2006.
9. Representations made on behalf of Sheehan on Minerals & Waste Sites Core Strategy Preferred Options February 2007.
10. Representations made on behalf of Sheehan on Minerals & Waste Core Strategy Consultation Draft September 2011.
11. Representations made on behalf of Sheehan on Minerals & Waste Core Strategy Proposed Submission Document May 2012.
12. Representations made on behalf of Sheehan on Minerals & Waste Core Strategy Consultation Draft February 2014.
13. Extracts from Kent County Council Interchangeability of Construction Aggregates Report dated September 2013.
14. Evidence of the gap between recycling site capacities and actual recycling levels.
15. Records of material taken to landfill which could be recycled if the capacity were available.
16. The Council's representations to the Examination in Public of the South East Plan on the provision of alternative aggregate to be made by Oxfordshire.
17. Extracts from the Oxfordshire County Council Draft Waste Needs Assessment March 2015.
18. Email correspondence with Oxford City Council regarding availability of sites for waste management use in Oxford.
19. Document no.: 166MWT/11, New Waste Recycling Facility (Re-location of Existing Operations from Slape Hill Quarry, Glympton) Site Search dated July 2014.
20. Email correspondence and other evidence relating to lack of availability of sites at Kidlington and Standlake.
21. Extracts from the Oxford Core Strategy 2026 and the Cherwell Local Plan 2011-2031 Part 1.

22. Drawing no.: 202MWCS/4 showing the location of MSW, C&I & CDE waste recycling, treatment or recovery facilities with capacity of at least 20,000 tpa.
23. Drawing no.: 202MWSC/5 Plan showing the location of aggregate quarries and inert landfill sites.
24. Email correspondence relating to the request for provision of topic papers and the preliminary site assessment.

1.10 The following documents may be referred to as necessary during the Examination in Public:

1. All Proposed Submission Documents listed by the Council.
2. Previous Consultation Documents identified by the Council but not listed within the Submission Documents.
3. Previous Sustainability Appraisal/Strategic Environmental Assessment reports.
4. Previous versions of the Proposed Submission Core Strategy of November 2014 and March 2015.
5. Relevant Council Committee reports, Working Party papers, and background reports.
6. The Oxfordshire Statement of Community Involvement.
7. The Oxfordshire Minerals and Waste Development Schemes.
8. Council's List of Waste Site Nominations.
9. Council's List of Minerals Site Nominations.
10. Council's List of Possible Minerals Sites.
11. Council's location maps of secondary and recycled aggregates.
12. Annual Monitoring Reports for Oxfordshire.
13. Duty to co-operate statement.
14. Topic Papers.
15. Council's preliminary assessment of sites.

1.11 The Headline Conclusions of this Representation are:

1. The Council does not accept that significant improvement can be made in recycling of CDE waste, or that it is a relevant matter, despite the evidence of advances in technology that enable production of much higher quality recycled aggregate which can substitute for primary materials, choosing also to ignore the advice it has received from the waste experts appointed to review its Waste Needs Assessment that there should be more focus on these new waste recycling systems.
2. The Council has not determined the CDE waste arisings by an objectively assessed and realistic process, and significantly underestimates the quantity that needs to be provided for.
3. The Council has not established proposed CDE waste recycling rates in a realistic or robust manner.
4. The Council has overestimated the available capacity for waste recycling producing an under-reporting of the need for new capacity.
5. The combination of these factors:

- lack of acknowledgement of the potential to significantly improve CDE waste recycling;
- underestimate of CDE waste arisings:
- unambitious recycling rates;
- overestimate of available recycling capacity; and
- failure to identify an appropriate level of need for new capacity

will lead to a significant under delivery of recycled aggregate supply and recycling of CDE waste recycling.

6. Significantly more recycling capacity is required than is reported in the Plan.
7. The Council's proposed locational strategy for new waste management facilities is unworkable: it does not reflect past practice; potential new provision does not comply with it; and other policies, which seek to deliver the provision, are incompatible with it, and are otherwise overly restrictive and unrealistic.
8. The Council must:
   - either, allocate sites now
   - or, identify sufficient land through a land availability study

   to enable appropriate judgement to be made that the criteria used in the Plan will be able to deliver the waste management needs of the county.

2.0 REPRESENTATION

2.1 The Lack of a Single Plan Document

2.1.1 Paragraphs 1.3 to 1.6 of the Plan state that the Minerals and Waste Plan for Oxfordshire is to be produced in two parts:

- Part 1 – Core Strategy (the Plan now proposed to be submitted for examination), which is said to set out policies to guide minerals and waste development over the plan period and common core policies to address development management issues; and
- Part 2 – Site Allocations Document, which it is said will allocate specific sites for minerals and waste development within the policy parameters set by the Core Strategy.

The justification given for this approach (at paragraph 1.5) is that work has been focussed on the Core Strategy leaving the Site Allocations Document to follow and that changing now to a single plan document would add one to two years to the plan preparation process, due largely to the need to identify, assess and consult on site options.

2.1.2 There is no indication either within the Plan itself or within the Council's Minerals and Waste Development Scheme (MWDS) of the proposed timetable for producing the Part 2 – Site Allocations Document. The current MWDS from December 2014 states at paragraph 3.2 that the programme for the Part 2 – Site Allocations document will be decided at a later date, probably not until the Core Strategy has gone through its examination. There seems therefore to be no urgency by the Council to get on with preparing the remainder of the Plan.

2.1.3 The National Planning Policy Framework (NPPF) makes clear at paragraph 153 that each local planning authority should produce a Local Plan for its area, and that any additional development plan documents should only be used where clearly justified. (Emphasis added). The NPPF also makes clear at the outset, within paragraph 14 and the first core planning principle at paragraph 17, that in order for plan-making to achieve the presumption in favour of sustainable development required by the NPPF, local planning authorities should positively seek opportunities to meet the development needs of their area, and provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

2.1.4 Furthermore paragraph 158 of the NPPF requires each local planning authority to ensure that its Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Whilst the National Planning Policy for Waste (NPPW) requires at paragraph 2 that in preparing their Local Plans, waste planning authorities should ensure that the planned provision of new capacity and its spatial distribution is based on robust analysis of the best available data and information, and an appraisal of options.

Paragraph 3 of the NPPW further states that waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams.

2.1.5 In line with this national policy and in view of the distinctive requirements of waste management development, it is considered that careful analysis must be made of the actually available site options in order to properly inform and shape the waste spatial strategy. If the Part 1 Plan contains an unrealistically restrictive approach to delivery of the infrastructure required, then the Part 2 Plan will not be able to deliver, and nor will the development process be able to deliver.

2.1.6 Waste management is defined as major development in the Development Management Procedure Order, and this is because it can have various environmental and amenity impacts. Facilities generally involve the need for large buildings of at least 10 metres in height, so that lorries are able to unload waste under cover, and so that the lifting arm of material handling equipment has sufficient headroom to load processing plant. More specialised facilities, such as anaerobic digestion plants and recycled aggregate wash plants involve even larger buildings rising to 12 metres or more. Sites often give rise to complaints about such issues as traffic, noise, dust, litter, smell, and unsightliness. Careful design and site management can mitigate much of this, but it is standard practice to have an appropriate separation from sensitive receptors, usually in the region of about 100 metres of more, to safeguard against unacceptable levels of nuisance affecting local residents and other vulnerable land uses. The value that waste management facilities generate is also usually not high enough to afford sites with potential for higher value employment uses or residential development. As a consequence of these factors the availability of suitable site options is more limited than it might be for other forms of development. Site allocations should therefore be included within the Plan to show that the strategy is consistent with and provides sufficient suitable sites to deliver its requirements.

2.1.7 Failing that, then preparation of the Part 1 document must be underpinned by an evidence base that shows a sufficiently generous number of site options, which meet the policy parameters set out in the Part 1 Core Strategy, in order to provide sufficient certainty of choice and flexibility for meeting the development needs of the waste strategy. However, this is not the case. In the call for sites to be allocated for waste management development, 25 sites have been nominated for “larger scale” waste recycling, treatment or recovery. Of these only 4 sites would meet the proposed locational strategy for waste management facilities as set out in policy W4.

2.1.8 Policy W4 requires that larger scale (strategic and non-strategic) waste management facilities (other than landfill), which are defined at paragraph 5.32 and Table 8 of the Plan, as facilities with a throughput in excess of 20,000 tonnes per annum (tpa), should normally be located in or close to Bicester, Oxford, Abingdon and Didcot and the other large towns of Banbury, Witney, Wantage &

Grove as indicated (by the purple coloured areas) on the Key Waste Diagram. The site nominations, which are given in Table A15/1 of the Waste Needs Assessment (WNA) 2015, where at least 20,000 tpa of new capacity is proposed in the following ways:

- an entirely new site;
- expanded development of an existing site; and
- continuation of an existing site with temporary planning permission,

have been plotted on Drawing No.: 202MWCS/1 at Appendix 1. In addition Worton Farm is included as this has been nominated for expanded development of about 20,000 tpa, but WNA Table A15/1 does not correctly show the details of this. (See nomination forms and correspondence with the Council on the matter at Appendix 2)[1]. In addition the nominations for the Shipton-on-Cherwell Quarry waste recycling site (Site 30) and the FCC waste transfer station at Dix Pit (Site 3) have been included as the entries in WNA Table A15/1 show that these are identified for prolonged activity, despite them being given as providing no additional capacity (final column of WNA Table A15/1).

2.1.9 The 4 sites that fall within the areas indicated on the Key Waste Diagram as appropriate locations by policy W4 are shown in Table 2.1.A below.

Table 2.1.A: Nominated sites that comply with policy W4

Site No.	Site	Use	Operator	Capacity tpa
10	Sutton Courtenay Landfill	Soil Treatment	FCC	100,000
226	Dewars Farm, Ardley	Anaerobic Digestion	Sumerleaze	45,0000
245	Challow Marsh Farm, East Challow	C&D Waste Recycling	McDowell Trading (Assvogel)	20,000
276	Oday Hill, Sutton Wick	C&D/C&I Waste Recycling and Secondary Aggregate	Tuckwells	150,000

2.1.10 The strategy, in only providing for 4 site nominations to go forward, amounts to pre-determination of any subsequent planning applications for these proposals. It also represents an inflexible, anti-competitive approach contrary to the NPPF's requirement that Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change (paragraph 14) and that local planning authorities should plan proactively to meet the development needs of business and encourage sustainable economic growth, aiming to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places (paragraphs 7 and 17-21).

[1] The site nomination forms for Worton Farm have now also been further updated to propose further expansion of the existing site since publication of the Plan. See Appendix 3.

2.1.11 There is furthermore serious doubt that these nominations would be sufficient or of the appropriate type to meet the waste management infrastructure provision required, for the reasons set out at Section 2.7: The Requirement for Additional Waste Management Capacity: Table 7 of this representation. If there are no other site nominations that would comply with the proposed locational strategy of policy W4, then that raises significant unanswered questions as to how the strategy would deliver the future waste management development needs of the County.

2.1.12 In addition (notwithstanding that there is from the available evidence serious uncertainty that the proposed strategy will be able deliver a Part 2 Plan), if site allocations are to be deferred to a later unspecified date, then the Part 1 Plan must have robust policies which provide certainty that schemes can come forward in the meantime. Unfortunately this is also not the case, because the terms of the policies (M1, W4 and W5), which set out what are considered to be appropriate locations for waste management facilities, are inconsistent and anti-competitive.

2.1.13 In the first place these policies identify a number of types of land uses as likely to be suitable for siting facilities, but the locations of which largely do not coincide with the areas identified in the proposed locational strategy for waste management facilities in excess of 20,000 tpa (policy W4). Policy M1 states that "permission will be granted for facilities for the production and/or supply of recycled and secondary aggregate, including temporary recycled aggregate facilities at aggregate quarries and inert waste landfill sites, at locations that meet the criteria in policies W4, W5 and C1 – C11." In addition policy W5 states that priority will be given to siting waste management facilities on land that is (amongst others):

a. already in waste management or industrial use; or
b. an active mineral working or landfill site.

2.1.14 An analysis of the locations of sites already in waste management use and/or active mineral workings or landfill sites has been made. The sites have been sourced from Appendix 1 of the Local Aggregates Assessment (LAA), Figure 5 of the Plan, and Tables A12/1 – A12/8 of the WNA, which identify sites in conventional waste management use. Non-operational sites have been excluded, as have small sites, that are exclusively for specialist/dedicated uses, including household waste recycling facilities, highways depots, tyre depots, scrapyards, asbestos transfer, wood recycling, contaminated soil and fuel or oil treatment, Thames Water sewage/waste water treatment plants, and those that deal with radioactive waste at Culham and Harwell have not been included, as it would not be a realistic assumption to make that these sites would be developed for other waste management uses. The location of the qualifying mineral and waste sites, of which there are 55 in total, as identified on drawing no.: 202MWCS/2 at Appendix 4, demonstrates that there are only 7 such sites, which fall within the areas identified on the Key Waste Diagram as suitable locations for new strategic and non-strategic facilities under policy W4, and which are identified in the table below, together with the uses they support.

Table 2.1 B: Existing minerals and waste sites that comply with policy W4

Site No.	Site	Uses	Operator
10	Sutton Courtenay	Aggregate Quarry, Landfill, Recycling, Transfer, Composting	Hanson and FCC
022	Ardley Quarry	Aggregate Quarry, Landfill Recycling, Transfer, Residual Treatment	Viridor and Smiths
028	Gill Mill Quarry	Aggregate Quarry, Landfill, Aggregate Recycling	Smiths
143	Banbury Transfer Station	Recycling, Transfer	Grundons
149	Brize Norton X-fer	Recycling, Transfer	B&E Transport
141	Grove Industrial Park	Recycling, Transfer	Aasvogel
276	Sutton Wick	Aggregate Quarry	Curtis & Sons

2.1.15 The consequence of this position is that the proposed strategy is only aimed at supporting the business needs of the operators of the above sites, rather than the existing waste industry sector in Oxfordshire as a whole. Notably some of the operators and/or sites are the same as those identified in Table 2.1.A above. In addition there is no room or any plans for expansion at B&E Waste Transfer, or at the Grove Industrial Park, (which is why the operator, Aasvogel, has made the Challow Marsh Farm nomination, Site 245 in Table 2.1.A). The effect is to stifle completion and reduce market choice, contrary to the NPPF's aims of building a strong, responsive and competitive economy (first bullet of paragraph 7, third core principle at paragraph 17 and paragraphs 18 – 21).

2.1.16 Moreover, it cannot be the case that the decision maker could pick and choose between compliance with policy W4 or policy W5, for example by determining that a particular development proposal at one of the 48 other mineral and/or waste sites in the County could be acceptable, on the basis that it complies with the terms of policy W5, even though not with policy W4, because that does not provide the required certainty about whether a scheme clearly accords with the Plan. The NPPF states at paragraph 154 "Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan". In those circumstances, it must be the case that either all mineral and/or waste sites are likely to be suitable, and therefore the terms of policy W4 need to be altered accordingly, or that no mineral and/or waste site falling outside of the areas identified under policy W4 would be acceptable.

2.1.17 Other land uses that policy W5 identifies as priority for siting waste management facilities are land that is (amongst others):

a. in industrial use; or
b. previously developed, derelict or underused; or
c. is a waste water treatment works.

It is the objector's experience, however, that very few such sites are or become available, (whether within or outside the areas identified under policy W4) and that if they do they are invariably unsuitable for waste management use. Previously developed land in Oxfordshire is very scarce, and if it becomes available, it is likely to be used for residential development, for which there is a pressing need. In addition there is little surplus industrial land available of the right type. That which is or becomes available is then invariably not suitable because incompatible with adjoining higher tech employment uses, has too high a land price for a waste recycling facility, or is in too close proximity to other sensitive receptors. A quick survey has been conducted of such sites within the areas identified as suitable locations under policy W4, the results of which are shown in Table 2.1.D at Appendix 5.

2.1.18 The findings of this survey confirm the objector's previous findings, that there is very little potential suitable land. The only land that is possibly available is to the north of Banbury, north and west of Bicester, or west of Witney, which are areas already provided for in terms of the distribution of waste management facilities, and these locations would not redress the imbalance in the lack of facilities to meet Oxford's needs in a sustainable manner. The distances from these areas of available land to the edge of the built up area of Oxford are at least 18 km from Witney, 17km from Bicester and 40km from Banbury.

2.1.19 The statement is made at paragraph 5.37 of the Plan that: "one of the aims of the plan is to achieve a balanced distribution of waste management capacity across the County in relation to population and consequent arisings". It is evident that this aim will not be met with policy W4. It is also apparent that the statement at paragraph 5.38 of the Plan that "Policy W4 provides a locational framework for waste management facilities that reflect the needs and characteristics of different parts of the County while also providing flexibility for the market to respond to waste management needs" is not justified by the evidence.

2.1.20 The Council has not conducted <u>any</u> study with regard to the availability or feasibility of such land within the areas identified as suitable locations under policy W4, in order to support the feasibility of such land uses meeting the requirements for locating new waste management capacity. This approach is contrary to the Government's Guidance in the National Planning Policy Guidance (NPPG), which makes clear[2] that the plan should be realistic about what can be achieved, and to do so the planning authority must pay careful attention to providing an adequate supply of land and ensuring that the requirements of the plan as a whole will not prejudice the viability of development. The NPPG also explains [3] that understanding Local Plan viability is critical to the overall assessment of deliverability and that Local Plans should present visions for an area in the context of an understanding of local economic conditions and market realities. The NPPG

[2] Paragraph 018 of Local Plans: Preparing a Local Plan
[3] Paragraph 001 of Viability: Viability – a general overview

further states[4] that this requires evidence base judgment; a realistic understanding of the costs and value of development in the local area and an understanding of the operation of the market; and that understanding past performance can be a useful start. Clearly these exercises to ensure that there is an adequate supply of land and assessment of local economic and market conditions to arrive at a realistic vision for the Plan have not been carried out. The carrying out of a land availability study, to show that there are brown field, industrial, or waste water sites available, is a basic requirement and one that the Council has failed to meet.

2.1.21 Secondly, there is a further internal inconsistency within the terms of policy W5, in that it also states that priority will be given to siting waste management facilities on land that involves existing agricultural buildings and their curtilages, yet subsequently specifies that "waste management facilities will not be permitted on green field land unless this can be shown to be the most suitable and sustainable option for the location of the facility". There is no statutory definition of green field land, but it is conventionally considered to be any land that is not previously developed land (PDL), and the NPPF does provide a definition of PDL, which specifically excludes land that is or has been occupied by agricultural or forestry buildings. Policy W5 therefore on the one hand encourages the use of a form of green field land, contrary to other terms of the same policy. As with the conflicts identified above between the terms of policies W5 and W4, this position provides no certainty for the decision maker about whether development proposals involving agricultural buildings (within the areas identified under policy W4) should be approved or not.

2.1.22 Furthermore, the Plan's presumption against the use of green field land, which is a matter not reflected in national policy, and is addressed in more detail under the subsequent Section 2.9: Policy W5: Green Field Land, means that the use of all of the sites identified within Table 2.1.A, and 3 of the sites in Table 2.1.B above, are further restricted, unless they can be shown to be the most suitable and sustainable option for the location of a facility, because they are all sites that do not comply with the NPPF's definition of PDL, and are therefore green field land. The green field or PDL status of the sites is shown on Drawing No.: 202MWCS/1 at Appendix 1 and Drawing No.: 202MWCS/2 at Appendix 2.

2.1.23 The only 3 sites that comply with the locational strategy of policy W4 and are not green field land are listed in the table below. As identified at paragraph 2.1.15 above there are also further restrictions preventing development of 2 of these sites, which are outlined in the table.

[4] First bullet of Paragraph 004 of Viability: Viability a general overview

Table 2.1.C: Existing minerals and waste sites that comply with policy W4 and are not green field land

Site No.	Site	Restrictions	Operator
143	Banbury Transfer Station	Not known	Grundons
149	Brize Norton X-fer	No additional space available and no desire to expand	B&E Transport
141	Grove Industrial Park	No additional space available to expand	Aasvogel

2.1.24 In addition with regard to the advice of the NPPG[5], that understanding past performance can be a useful start to testing whether a Plan's requirements are viable, it is notable that only 29% of existing permitted sites for waste recycling or treatment with permanent planning permission were actually on PDL when approved. This comprises 7 sites out of 24 in total. If sites with temporary permissions are also taken into account the proportion reduces to 16%, i.e. 7 sites out of 44 in total. The position is demonstrated on drawing no.: 202/MWCS/3 at Appendix 6, which shows the locations of the existing permanent sites in conventional waste management use, excluding landfill, (as have been distilled from those identified on Drawing No.: 202/MWCS/2 at Appendix 4). The green field or PDL status of the sites shown on drawing no.: 202/MWCS/3 at Appendix 6 reflects the position at the time that they were granted planning permission.

2.1.25 In summary, as:

- site allocations are not identified within the Plan;
- there are an extremely limited number of nominated site options that meet the proposed locational strategy for waste management facilities (policy W4);
- there is no timetable for preparation of the site allocations document; and
- the Plan fails to have sound policies which provide certainty that schemes can come forward in the meantime pending preparation of Part 2 of the Plan;

it is held that the Plan fails to provide a practical framework for providing predictability and efficiency for making decisions on planning applications. Since it fails in this basic requirement of the NPPF there can be no clear justification for the proposed two-part plan.

2.1.26 In addition, the reasons given in the Plan (paragraphs 1.5 – 1.6) for the proposed approach, of reserving the issue of site allocations for a later stage, conversely actually support the need to produce a single plan. It is stated at paragraph 1.5 of the Plan that the need "to identify, assess and consult on site options" would add one to two years to the plan preparation process if changing to a single plan.

[5] Second bullet of Paragraph 004 of Viability: Viability a general overview

2.1.27 The process of identifying and assessing site options is part of the evidence base supporting the policies of the Plan, which, as set out in the NPPG[6], needs to inform and shape the Plan's development rather than being collected retrospectively. This would be the case with any form of development, but particularly so in the case of waste management development which, as has been identified at paragraph 2.1.6 above, has very particular characteristics which limit the availability of suitable site options, and hence the shape of the strategy. If as seems likely from the available evidence, that the proposed strategy will not be able to deliver sufficient allocated sites in Part 2 of the Plan to meet the waste management needs of the County, then there will in any event be delay in the further work required to demonstrate that the strategy is deliverable.

2.1.28 Furthermore it is rather more the case that this part of the plan process and evidence base to the strategy, which had been on-going since 2005, had actually been abandoned by the Council in 2013/early 2014. The previous version of the Local Plan issued in February 2014 for consultation was produced on the basis, as is evident from the Oxfordshire MWDS 2013 (paragraph 2.2), that a site allocations document was not considered necessary. The data base of available site options that had been collected by the Council since late 2005, had therefore been set aside without further analysis and did not inform the consultation draft of the Plan.

2.1.29 The Council have now realised that they should identify site allocations, in accordance with the requirements (paragraph 4) of the NPPW. However, rather than taking the time now to continue and thoroughly assess the evidence base, and accordingly revise the strategy as necessary, they are proceeding in haste with a Plan that is not properly informed.

2.1.30 In summary the lack of a single plan document is not sound because it is:

Not positively prepared. It has not been prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements and is not consistent with achieving sustainable development, because it is clear that the available evidence base has not been used to inform and shape the strategy, and it would fail to provide for the development needs of the whole waste industry business sector in an equitable and flexible manner.

Not justified. It is not the most appropriate strategy, because it is not supported by an extensive number of site options which meet the policy parameters set out in the Part 1 Core Strategy, in order to provide sufficient certainty of choice and flexibility for meeting future waste management development needs.

Not effective. The available evidence demonstrates that the strategy will fail to deliver the second part of the Plan and that the Plan's policies are inadequate in providing any certainty that schemes can come forward in the meantime.

Not consistent with national policy. Preparation of the Plan in two parts is contrary to paragraph 153 of the NPPF, which requires one Local Plan to be produced, to

[6] Paragraph 014 of Local Plans: Preparing a Local Plan

include (amongst other matters) site allocations (paragraph 157), and that any additional development plan documents should only be used where clearly justified. The stated reason of wishing to avoid further delay is not sufficient justification, particularly in light of the fact that the need for a site allocations document had been abandoned at the time of and did not inform preparation of the previous consultation draft plan. Furthermore there is likely to be greater delay caused by an unsound strategy, because it has not been properly informed by a robust analysis of the available data (paragraph 2 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF), than in taking the time now to ensure that the Plan is comprehensive, robust and deliverable. In addition the consequences of the proposed approach are that it does not provide a clear and predictable framework for making decisions as required by the NPPF of Local Plans (paragraphs 17 and 154), it would stifle competition and reduce market choice, contrary to the NPPF's aims of building a strong, responsive and competitive economy (first bullet of paragraph 7, third core principle at paragraph 17 and paragraphs 18 – 21), and would be damaging to the NPPW's aims of encouraging more sustainable waste management (paragraph 1).

Alteration Needed to the Plan

2.1.31 In order for the Plan to be sound there should one comprehensive plan, containing both a realistic strategy framework for addressing the waste management needs of the County, and sufficient site allocations to demonstrate that those needs can be delivered within the policy parameters of the strategy. Failing that, a robust land availability study is required showing enough potential sites for Part 2 of the Plan to deliver the policies in Part 1.

2.2 The Supply of Recycled Aggregate

2.2.1 The Minerals Planning Vision, first Minerals Planning Objective and policy M1 say that they seek to prioritise the need for aggregate mineral supply in Oxfordshire to be met from recycled and secondary aggregate in preference to primary aggregates. Nevertheless, the terms of the Minerals Planning Vision, first Minerals Objective, policy M1 and its supporting text are subject to caveats that the contribution to the minerals supply from secondary and recycled aggregates sources need only be made "so far as it is practicable" or when it is "practical" to do so. These caveats are not justified, do not lend real support to, and conversely would hinder the stated aims of prioritising and maximising the contribution to be made to the minerals supply from secondary and recycled aggregate sources.

2.2.2 Hitherto a valuable contribution to the supply of recycled aggregates has been made from recovery of the hard (concrete, brick, stone etc.) element of construction, demolition and excavation (CDE) waste, which has taken place at building and road development sites and at fixed (transfer) locations using mobile mechanical screens and crushers. This conventional form of aggregate recycling can, however, only produce the following recycled materials suitable for lower grade applications:

- Type 1 (40mm down crushed concrete) for use in road base construction, foundations and as a fill around pipes and cables;
- Type 2 (75mm down crushed concrete and crushed brick) for use in road sub-bases, driveways and site compounds;
- 6F1/6F4 (40mm down crushed concrete) for use in capping layers over ground in road construction and to make up ground;
- 6F2/6F5 (125mm down crushed concrete and crushed brick) used as bulk fill to build up levels;
- Crushed hardcore (75mm down recycled brick and stone) for use in hard standings; farm tracks; car parks; driveways; and site compounds; and
- Crushed tarmac for use in covering hardcore as a top finished surface.

2.2.3 The materials generally, however, do not meet the necessary grading, uniformity and structural specifications for use in higher level applications, such as for starter layers below embankments, as bedding for drains, filter material (for bedding French drains); in cement stabilisation; as granular fill or drainage layers to reinforced earth and concrete structures; in construction of culverts; as aggregate for bituminous material; as building sands for screeding, rendering, and plastering; and in concrete and concrete product manufacture. This is the material that paragraph 4.8 of the Plan is correctly referring to when it states: "The aggregate materials produced generally vary in quality and cannot meet all specifications".

2.2.4 Unfortunately the remainder of the paragraph is incorrect in continuing by saying "for higher specification applications, use of high quality land-won aggregate is usually the only practical option."

2.2.5 This is not the case, because aggregate recycling is now beginning to undergo significant advances in capability and new systems are in operation that enable the production of higher quality substitute aggregate from CDE waste, which can meet all building specifications. These are static processing plant systems, which are very similar to a mineral processing plant, but with added functions, which wash, screen and grade the waste, and manufacture recycled aggregate to a quality assured level that substitutes for and competes directly with land won minerals across the spectrum of building needs.

2.2.6 Recycled aggregate wash plants can (in addition to the materials identified above) supply the full range of sized and graded aggregates, as well as coarse and fine sand, and ballast, equivalent to the products that would be offered by a local quarry, as follows:

- Washed 40mm aggregate
- Washed 20mm aggregate
- Washed 10mm aggregate
- Washed 6mm aggregate
- Washed Sharp sand
- Washed Fine sand
- Washed ballast

2.2.7 Sheehan Haulage and Plant Hire Ltd have established one of these recycled aggregate wash plants at Dix Pit (the Sheehan Recycled Aggregates Plant) in Oxfordshire, and the quality of the products it manufactures is to such a high level that they can be used to manufacture concrete and concrete products. Concrete trials have been conducted using 100% recycled aggregate, and have proven that the washed recycled aggregate, both fine and coarse, passes the test of the properties required of aggregates for structural concrete, achieving BS EN 12620 certification. A copy of the relevant grading results and a report of the assessment of the suitability of the recycled aggregate for use within concrete are at Appendix 7. The concrete product has a 93% sustainable content by volume (the cement content making up the remainder).

2.2.8 The concrete industry makes up about 30% of the total market for aggregates using about 165 million tonnes annually in concrete. Paragraph 2.7 of the Plan also confirms that the primary use of sand and gravel in Oxfordshire is to make concrete. Whilst recycled aggregate for concrete is currently not widely available, because the products from conventional dry recycling systems are unsuitable for ready-mixed concrete, the production of recycled aggregate through wash plants can change all that and provide a real substitute to replace the need for virgin materials.

2.2.9 The plant can also produce higher quality aggregate that is equivalent (in terms of crushing strength, porosity, resistance to impact, abrasion and polishing) to the

hard rock that has to be imported to the County, (as referred to at paragraph 2.9 of the Plan) to meet more demanding construction specifications, which cannot be met by local primary sources.

2.2.10 To sum up, the principal products of the aggregates industries are:

- ready mix concrete,
- mortars,
- coated roadstone,
- concrete products for construction purposes.

The aggregate required for these products cannot be supplied by conventional aggregate recycling methods. However, there is considerable potential to increase the use of alternative aggregates for these products which recycled aggregate wash plants can supply.

2.2.11 Furthermore recycled aggregate wash plant facilities are more than a 'virtual quarry', because they possess the capability of making recycled products from waste materials that would otherwise not have any other route than final disposal; because they enable worn-out materials to be put back to their original high specification heavy duty use; and because they can process a wider range of waste materials with much higher soil content than is possible with conventional systems (some in the industry even refer to them as "soil washing plants"), which maximises the recovery of CDE waste. More detail on this aspect is provided subsequently within the representations under the section at 2.4: Policy W2: The CDE Waste Recycling Targets.

2.2.12 The availability of these more highly developed processing systems and the significant benefits that they bring in producing quality assured recycled aggregate, which is able to substitute properly for primary aggregate (as well as the benefits of enhancing recycling rates of CDE waste), has been drawn to the attention of the Council in previous comments on various versions of the Plan, and the representation has been made that specific encouragement should be given to the establishment of such facilities (including guidance as to appropriate locations). Copies of these representations are produced at Appendices 8,10, 11 and 12.

2.2.13 The Council's response to the most recent representation made on the February 2014 Consultation Draft Plan has been that the Council does not consider it necessary to make specific provision for high quality aggregate recycling facilities beyond the provision made in the amended policy M1.

2.2.14 This representation was also not one of the matters reported to the Council's Cabinet Meeting in November 2014 and to Council in March 2015 as set out in the Summary of Issues Raised in Responses to Consultation Draft Core Strategy February 2014 at Annex 2 to the reports seeking approval of the Plan for submission to the Secretary of State.

2.2.15 It is unfortunate that the Council did not consider this to be a relevant matter, particularly given that the third Strategic Issue at paragraph 2.44 of the Plan is: "The contribution towards meeting overall aggregate supply requirements in Oxfordshire could be made by secondary and recycled aggregate and how that contribution could best be secured" (emphasis added).

2.2.16 It is furthermore noted that despite the terms of this Strategic Issue, there is only a very brief and un-thorough account of how the contribution could be made. The explanatory text deals at paragraph 4.5 with the provision of incinerator bottom ash from the new Ardley energy recovery facility as (the only available source in Oxfordshire of) secondary aggregate and its potential use (sub-base in road construction), but for recycled aggregate refers only to mobile crushing and material that passes through waste transfer stations at paragraph 4.6. There is no more detailed account in the Plan of how recycled aggregate is produced and/or what uses it can be put to.

2.2.17 Kent County Council's paper titled Interchangeability of Construction Aggregates, which was produced as part of the evidence base for the Kent Minerals and Waste Local Plan recognises at paragraph 2.71 that recycled aggregates are increasing in importance year on year as confidence grows in the products produced and the techniques and management of aggregate recycling improve, with companies in Kent now employing aggregate washing plants in the production process. The updated Figure 11 of the document (page 24) also shows the wide spectrum of applications that recycled aggregates can be expected to supply, depending on the quality of the recycling. A copy of the document is produced at Appendix 13.

2.2.18 Furthermore, notwithstanding the lack of encouragement of any potential to increase higher quality specification recycled aggregate supply that can replace land-won aggregate, (or even acknowledgment of its existence), at least the previous terms of policy M1 in the February 2014 Consultation Draft Plan were robust in stating that the production and supply of recycled aggregate would be (without caveat) encouraged to enable their contribution to meeting the need for aggregates to be maximised.

2.2.19 It is very concerning therefore, given the evidence that has been presented previously to the Council, that the terms of policy M1 have been changed in the current Submission Plan, to reflect an even more cautionary or un-progressive view about the contribution that recycled aggregate is expected to make to meeting the overall supply of aggregate.

2.2.20 It is also concerning that rather than promote these improved levels of aggregate supply, both in terms of quality and quantity (a matter which is addressed in more detail in Section 2.4: Policy W2: The CDE Waste Recycling Targets), the Council are encouraging within policy M1 the import of secondary aggregates from sources outside Oxfordshire. This approach is not in the interests of truly sustainable development or of moving to a low carbon economy as required by the NPPF

(paragraphs 7, 17, 18 and 95), and is not at all supported by the evidence as a robust measure. The LAA at paragraphs 3.60 to 3.62 confirms that no secondary aggregates are currently transported into Oxfordshire and finds that potential imports would not be a viable or sustainable option, either.

2.2.21 The inclusion of the words "(where practicable)" to the Minerals Planning Vision; "practical" in the first Minerals Planning Objective; and "so far as is practicable" in Policy M1, relating to using recycled and secondary aggregate in preference to primary aggregates, reflects the Council's misplaced viewpoint in paragraph 4.8 of the Plan (as stated earlier) that recycled aggregate per se cannot meet more demanding construction specifications and that these applications can only be supplied by land-won aggregate.

2.2.22 In summary the Minerals Planning Vision, first Minerals Planning Objective, and Policy M1 are not sound because they are:

Not positively prepared. They have not been devised on the basis of an objective assessment of development and infrastructure requirements and are not consistent with achieving sustainable development, because they introduce caveats, which do not positively support and are in fact counter-productive to the stated aims of prioritising and maximising the contribution to be made to the minerals supply from secondary and recycled aggregate sources.

Not Justified. They are not the most appropriate approach, because they do not properly take account of the available evidence and have been formulated based on erroneous and/or un-progressive assumptions about the potential for improved aggregate supply.

Not Effective. The introduction of caveats that the contribution to the minerals supply from secondary and recycled aggregates need only be made if practical is not necessary, represents an over-cautionary approach, and will undermine the objective of achieving sustainable development, which the Plan should be aiming to deliver.

Not consistent with national policy. The unnecessarily introduced limitations to the strategy with regard to the delivery of secondary and recycled aggregate have not been based on a robust analysis of the available data (paragraph 2 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF). In addition it demonstrates a lack of any understanding of the needs of and advances made by market leaders in the aggregate recycling business, contrary to the requirements of paragraph 160 of the NPPF, and is incompatible with the NPPF's requirement that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8) and to the NPPW's aims of encouraging more sustainable waste management (paragraph 1).

Alteration Needed to the Plan

2.2.23 In order for the Plan to be sound a number of changes are proposed as described in the following paragraphs.

2.2.24 The words in brackets: “(where practicable)” should be removed from the first bullet point of part a) to the Minerals Planning Vision.

2.2.25 The word “practical” should be removed from between the words “maximum” and “recovery” in the first Minerals Planning Objective.

2.2.26 The explanatory text to policy M1 should be corrected to remove the statement at paragraph 4.8 that recycled aggregate cannot meet all specifications, and then it should be amplified to explain the benefits of recycled aggregate wash plants, and how these can secure an improved contribution to meeting overall aggregate supply requirements in Oxfordshire. The following revised wording for paragraph 4.8 is suggested:

The supply of recycled and secondary aggregates in Oxfordshire is largely dependent on the scale of construction and demolition activity and the quantity of material available from that source for recycling. Aggregate recycling is now beginning to undergo significant advances in capability and new systems are in operation that enable the production of higher quality substitute aggregate from CDE waste, which can meet all building specifications, including concrete manufacture.

2.2.27 The first part of policy M1 should read as follows:

The need for aggregate mineral supply to meet demand in Oxfordshire should be met from recycled and secondary aggregate materials in preference to primary aggregates in order to minimise the need to work primary aggregates.
The production and supply of recycled and secondary aggregate will be encouraged, through:

- *Recycling of construction, demolition and excavation waste, in particular through new technology that produces higher quality substitute aggregates that can meet higher specification building applications;*
- *Recycling of road planings;*
- *Recycling of rail ballast; and*
- *Recovery of ash from combustion processes*

To enable the contribution made by these materials towards meeting the need for aggregates in Oxfordshire to be maximised.

2.3 The Lack of a Target for Supply of Alternative Aggregate

2.3.1 In addition to the lack of a truly positive approach to maximising the contribution that recycled aggregate makes to the overall supply of aggregate, it is considered that the absence of a target for the supply of recycled and secondary aggregates in policy M1 is unsound.

2.3.2 The Council's reason for not having a target in the Plan, given at paragraph 4.9 of the explanatory text, is that the target figure of 0.9 million tonnes per year included in the previous (withdrawn) Plan was from the now revoked South East Plan, and it is now more appropriate not to set a specific target, which could be misconstrued as setting a maximum level to be achieved. Furthermore paragraph 4.10 of the explanatory text of the Plan states that the targets in policy W2 for recycling CDE waste and policies W3, W4 and W5 on waste management capacity requirements and provision and siting of facilities will operate in conjunction with policy M1 to deliver recycled aggregate production, which is expected to form the majority of alternative aggregate supply.

2.3.3 What this means is that one has to work through the figures to determine what the Council considers is the planned level of recycled and secondary aggregate to be produced. It would have been much better if the Council could have been open about the matter and specified a figure. The process I have had to follow in order to establish what the Plan could deliver in alternative aggregate production is set out in the following paragraphs.

The Calculations Needed to Assess the Potential Supply of Alternative Aggregate

2.3.4 With regard to CDE waste the recycling target in policy W2 is 55% of arisings for 2016 increasing to 60% by 2021. In Table 5 of the Plan, which is relevant to policy W3 and provides estimated quantities of the waste required to be managed each year, the total CDE waste arisings are identified as 1,133,000 tpa at 2016 increasing to 1,379,000 tpa by 2021, and therefore the recycling requirement is identified as 623,000 tpa for 2016 rising to 827,000 tpa by 2021.

2.3.5 At paragraphs 5.19 the Plan explains that hard demolition waste, making up about a third of the overall waste stream, is the element of this waste stream that is recycled into aggregates and the vast majority (98%) is recycled. Paragraph 5.20 of the Plan then explains that excavation waste amounts to about half of the overall waste stream, which is used for restoration and not generally recycled. The construction element then comprises the remaining element, of which a little more than a third is currently recycled, and there may be scope to improve this (paragraph 5.19 of the Plan).

2.3.6 The WNA identifies at paragraph 3.34 the source of this explanatory text as the BPP Study. This was a review that the Council commissioned of its previous WNA

2012, which was conducted by BPP Consulting and published in February 2014. This review estimated (paragraph 3.2 page 7 of the CDE Waste Chapter) that in 2012 CDE waste arisings were 1,358,000 tonnes which comprised:

- 274,000 tonnes (20%) of mixed predominantly non-inert construction and demolition waste;
- 423,000 tonnes (31%) of 'hard' demolition waste;
- 662,000 tonnes (49%) of predominantly 'soft' excavation waste

2.3.7 As is apparent from the above, the construction waste as so defined by BPP Consulting is predominantly non-inert, and so has little potential for recycling into aggregate. Assuming therefore that the estimated amounts of CDE waste required to be managed (the arisings) and that the above composition of the waste stream is soundly based, it would appear that the Plan would effectively only require delivery of at the very most about 530,000 tpa of recycled aggregate production at 2016 and 645,000 tpa at 2021 onwards. This would assume the best case scenario of 100% recycling of the hard demolition waste, and 32% for the excavation element, even though much of this would not be for aggregate recycling, but for soil recycling. The 32% figure is derived from a combination of the figures for 'recycling' and 'prepare for recycling' of excavation waste given at Tables A7/2 and A7/3 of the WNA, though it is uncertain what the term 'prepare for recycling' means or what products it would result in. For ease of reference the source of these figures is set out in the Table 2.3.A below.

Table 2.3.A: Possible recycled aggregate production on basis of the Plan's CDE waste arisings

	2016	2021
Total CDE Waste Arisings from Table 5	1,133,000	1,379,000
100% recycling of hard demolition element (at 31%)	351,200	427,500
32% recycling of excavation waste element (at 49%)	177,700	216,200
Total recycled aggregate assuming	528,900	643,700

2.3.8 With regard to secondary aggregate the only source in Oxfordshire is incinerator bottom ash (IBA) from the new waste to energy plant at Ardley. Typically IBA amounts to between 20-30% of the input. Therefore given that when operating at full capacity the facility will take 300,000 tpa of municipal waste, the maximum quantity of secondary aggregate available would be at most 90,000 tpa. (The LAA estimates it actually to be 75,000 tpa).

2.3.9 In total therefore the Plan makes provision to deliver at the very most 735,000 tpa of alternative aggregate supply from 2021 onwards. (Comprising 645,000 tpa of recycled aggregate and 90,000 tpa of secondary aggregate). This is a very best case scenario, relying on very ambitious recycling levels of the relevant elements of CDE waste, which may not be realistic, given the lack of encouragement for improved forms of CDE waste recycling, yet it is significantly less than the previous

level of provision aimed for of at least 900,000 tpa; amounting to at most only 82% of that target.

2.3.10 This is significantly too low a figure for what needs to be produced and leads to an underplaying of the required capacity to be provided. In addition the Council has overestimated available capacity compounding the problem. The underestimate of the need plus overestimate of the supply in capacity generates a significant under reporting of the need for new capacity.

The Overestimate of the Capacity for Recycled Aggregate Supply

2.3.11 Tables 6 and 7 of policy W3 are said to identify the capacity available to manage waste at existing facilities and the additional capacity required, and purport to show no further need for any significant CDE waste recycling capacity until 2031. Table 7 of the Plan identifies a shortfall of 120,400 tpa by 2031.

2.3.12 The Plan assumes that the waste recycling supply requirement (Table 5 of the Plan) is automatically met by site capacities (Table 6 of the Plan). However, this cannot be the case as they are two different things. Potential site capacity and actual recycling levels can vary significantly depending on a variety of factors. Direct experience in the industry has demonstrated that actual recycling levels will generally be lower by about 30%[7] than potential site capacity, and the LAA confirms at paragraph 2.27 for CDE waste recycling, capacity is likely to be greater than the actual level of production. (This is a matter that is explained in more detail subsequently under section 2.7: The Requirement for Additional Waste Management Capacity: Table 7).

2.3.13 The difference between actual recycling levels and potential site capacity is also ably demonstrated by the explanatory text at paragraphs 4.5 and 4.6 of the Plan, which states that there is permitted capacity for approximately 0.9 million tonnes a year of construction and demolition waste, but that surveys indicate that only around 470,000 tonnes of secondary and recycled aggregate are produced per year. Therefore the Council themselves say that they are achieving 470,000 tpa of alternative aggregate supply from a total permitted capacity of 900,000 tpa, and therefore that potential site capacity does not equate to actual recycling levels.

2.3.14 Whilst the explanatory text at paragraphs 4.5 and 4.6 of the Plan adds that the overall supply is likely to be higher than 470,000 tonnes, the evidence does not support this. In the first instance the 470,000 tonnes figure is already higher than should be possible according to the Council's own analysis of the composition of aggregate recycling of CDE waste as set out at paragraph 5.19 of the Plan and in the WNA (see paragraphs 2.3.5 - 2.3.6 above). According to that analysis the supply of aggregate recycling would amount to about 415,000 tpa, (i.e. 98% of

[7] Evidence to support this conclusion is produced at Appendix 14.

423,000 tpa of hard demolition waste at 2012 - see second bullet of paragraph 2.3.6 above).

2.3.15 There is furthermore inconsistency between the text of paragraph 4.6 of the Plan and paragraph 3.58 of the LAA, which states that the survey showed sales of 422,000 tonnes in 2013 (including ash from Didcot Power Station that is no longer available) and that "OCC estimate that sales were actually around 470,000 tonnes" (not that they were higher than that).

2.3.16 Therefore according to the Council's own information what is actually being produced is around 420,000 tpa, from an existing potential capacity of 900,000 tpa, which equates to recycling levels at about 46% of total capacity.

2.3.17 Nevertheless, as the Plan is currently drafted the need would be monitored against the figures in Table 7, which gives the additional waste management capacity required, as this is the only available benchmark against which to monitor, and it would therefore be assumed that sufficient alternative aggregate was being produced for at least the next 15-year period. However, this would be the wrong assumption.

2.3.18 Too little need has been recognised and too much supply purported, which will have the consequence of under delivering what is actually required. The objector has personal experience of the lack of available capacity preventing more recycling of CDE waste. A 100,000 tpa throughput limit on his recycled aggregates wash plant at Dix Pit means that he is unable to process significant quantities of material that he sources, and which are consequently landfilled, ironically being taken past the plant to the FCC landfill site at Dix Pit. The records of this landfilled material (since April 2014) are provided at Appendix 15.

2.3.19 Unfortunately the Plan has been drafted in a manner that purports to show that there is sufficient capacity for CDE waste recycling, but that is factually not the case. The Plan should not be adopted drafted in this way.

The Correct Approach to Establish Alternative Aggregate Provision

2.3.20 The target of 900,000 tpa in the previous (withdrawn) submission Plan (at paragraph 4.6 and policy M1) was clearly a minimum target and was for supply, not for facilities with that level of capacity. This was clear from policy M1, which stated: "Provision will be made for facilities to enable the supply of at least 0.9 million tonnes of secondary and recycled aggregates a year,…" (emphasis added), and should not have been misconstrued by the decision maker as setting a maximum target. It is to be noted that the Council objected strongly to the setting of this target in the now revoked South East Plan, as is evident from their representations to the Examination in Public, a copy of which is at Appendix 16. The Panel nevertheless considered this level of provision was appropriate even at that time, in 2007.

2.3.21 As set out at paragraph 2.3.33 below, at least this level of 0.9 million tpa of alternative aggregate production continues to be needed, if not improved upon, and is achievable. Policy M1 should therefore be positively framed and clearly set out that at least this level of provision needs to be made. However, it does not do this. What has been done is to reject the South East Plan, that the Council were previously happy to use, and to provide no replacement figure.

2.3.22 As set out at paragraphs 2.3.4 – 2.3.9 above, the only means of determining the potential levels of alternative aggregate provision that the Plan could achieve, is to conduct an analysis working backwards from the Plan's waste arisings figures, and likely generation of IBA from the waste to energy plant, which shows that (actual) production levels of alternative aggregate provision of between only about **470,000 tpa** and **735,000 tpa** would be sufficient to meet the Plan's requirements.

2.3.23 Such an analysis is based on the Council's own numbers without evidential justification, and they have not justified why it is appropriate or necessary to have to do this, in order to determine what levels of alternative aggregate provision are likely to be.

2.3.24 The figures arrived at by this analysis are the levels that are either currently being produced according to the Council's figures (470,000 tonnes at paragraph 3.58 of the LAA and paragraph 4.6 of the Plan) or the levels that could be produced at best case scenario according to the CDE waste arisings and composition figures given in the Plan (735,000 tonnes comprising 645,000 tonnes recycled aggregate and 90,000 tonnes secondary aggregate from 2021 – see paragraphs 2.3.7 – 2.3.8 above).

2.3.25 Given that policy M1 could only achieve such low levels of supply (of between 52% and at most 82% of the former minimum target figure), the claims at paragraph 4.9 of the Plan that the objective (of not setting a specific target) is to seek to maximise the contribution of recycled and secondary aggregate and the statement: "Policy M1 is a positive policy to enable facilities to be provided in order to achieve this objective" evidently cannot be substantiated.

2.3.26 Such low levels of alternative recycled aggregate production would also have the effect of continued over-reliance on primary aggregate, to ensure that there is a steady and adequate supply of aggregates to meet the construction needs of the County. This is because policy M2 provides for land-won aggregate to be supplied to maintain separate landbanks of reserves of at least 7 years for sand and gravel and 10 years for crushed rock in accordance with the annual requirement rate in the relevant LAA. The LAA explains (at paragraphs 5.1 – 5.3) that this annual requirement rate has currently been set on the basis of a 10-year average of sales adjusted upwards for sand and gravel and crushed rock, though remaining in line with sales for soft sand, to compensate for the recent recession; that actual sales will then to be monitored on an annual basis, and if and when new evidence is

obtained which indicates increased demand, these levels of provision will need to be reviewed.

2.3.27 If therefore supply of alternative aggregate is low, because of the perceived lack of any need to make more provision for it, sales of primary aggregate will have to increase to fulfil construction needs (where they might otherwise have been met by recycled aggregate supply) and unduly increase the annual requirement rate of primary aggregate. This approach is fundamentally counter-productive to the aims of achieving sustainable development (paragraph 6 of the NPPF), and the Plan is unsound.

2.3.28 In addition the policy is not consistent with the requirements of the NPPF (paragraph 145) that mineral planning authorities should plan for a steady and adequate supply of aggregates by (amongst others) preparing an annual Local Aggregate Assessment to include assessment of secondary and recycled sources; by making provision for the land-won and other elements of the Local Aggregate Assessment in their mineral plans (emphasis added); and by taking account of published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand and supply of aggregates.

2.3.29 The NPPG also states[8] that the national and sub-national guidelines published by the Government serve two purposes:

- they seek to provide an indication of the total amount of aggregate provision that the mineral planning authorities collectively within each Aggregate Working Party should aim to provide; and
- they will provide individual mineral planning authorities, where they are having difficulty in obtaining data, with some understanding or context of the overall demand and possible sources that might be available in their Aggregate Working Party area.

The NPPG further confirms (same paragraph) that although the guidelines should be considered on this basis and not as rigid standards, they are nonetheless capable of being a material consideration when determining the soundness of mineral plans. The NPPG adds[9] that mineral planning authorities may decide, collectively, to plan for more or less than set out in the Guidelines based on their Local Aggregate Assessment, and such provision must be supported by robust evidence and be properly justified, having regard to local and national need.

2.3.30 With regard to secondary and recycled aggregate sources the Plan gives no clear indication of the level of supply that should be made. As has been described above various assumptions have to be made about what the provision will be and these are clearly open to wide interpretation. Such an approach does not demonstrate any compliance with the NPPF requirement (paragraph 145) to plan for a steady

[8] Paragraph 068 of Minerals: The Local Aggregate Assessments
[9] Paragraph 070 of Minerals: Local Aggregate Assessments

and adequate supply of aggregates, nor is it supported by robust evidence which is properly justified.

2.3.31 In order to comply with Government Guidance and to provide some certainty about future provision of aggregates, policy M1 should now again provide a minimum target for the supply of recycled and secondary aggregate. It is apparent from paragraphs 4.19 to 4.24 of their LAA that Oxfordshire is one of those authorities, where they are having difficulty in obtaining data and an understanding of the recycled aggregate market, and no conclusion is made in the LAA (2nd bullet of paragraph 4.62) about the future provision that should be made of secondary and recycled materials, other than there is likely to be continued availability of it. The target figure should therefore be in line with the national and sub-national guidelines on future provision (as per the guidance of the NPPG outlined at paragraph 2.3.29 above). To do otherwise would not be supported by robust evidence or be properly justified having regard to local and national need, and would be contrary to the NPPG[10].

2.3.32 The most recent national and sub-national guidelines, the National and regional guidelines for aggregates provision in England 2005-2020, published by the Communities and Local Government in June 2009, indicate that for the South East there should be an annual supply of 8.125 million tpa of alternative materials. Calculated on the basis of the equivalent percentage apportionment (11.4%) found to be appropriate for Oxfordshire for this type of aggregate as examined through the former South East Plan process, this would indicate that Oxfordshire should be providing for a supply of at least 926,000 tonnes of alternative aggregates per year.

2.3.33 It is the objector's view as operators in the industry that this level of alternative aggregate supply is entirely achievable because:

1. For the reasons identified under Section 2.2: The Supply of Recycled Aggregate there is substantially more scope to produce recycled aggregate from CDE waste than existing levels.
2. Much more of this waste arises than the Council is estimating (a matter that will be addressed subsequently in more detail under Section 2.5: The Estimated Waste Required to be Managed: Table 5).
3. Significant quantities of recyclable waste are being sent to landfill, because of either a lack of suitably located facilities (close enough to the main source of waste) or limits on site throughput capacities, which prevent them handling more material. Specifically, there is currently only one higher quality recycled aggregate facility, the Sheehan Plant at Dix Pit, close enough to the main source of waste, Oxford, the other one being at Ducklington, Witney, which is too far away to attract significant quantities of waste from the main source. In addition the Sheehan Plant has a limit of 100,000 tpa on its throughput, which means that it is unable to process substantial quantities of material that the

[10] Paragraphs 068 and 070 of Minerals: Local Aggregates Assessments

company sources and are suitable for processing through the plant, but which it is unable to, because that would mean a breach of the throughput restriction. As a consequence these materials are currently going past the plant, along the Dix Pit haul road into the FCC landfill site. (See Appendix 15 for records of these materials).

4. The level of aggregate production is only being restricted by the lack of suitable available locations for improved recycling that can meet planning policy requirements (a matter that is addressed in more detail under Section 2.8: Policy W4: The Locational Strategy for Waste Management Facilities).

2.3.34 Comments relating to the need to include a target figure for the supply of alternative aggregate were made on the previous consultation on the February 2014 Draft Plan, a copy of which is produced at Appendix 12. The Council's response has been:

The NPPF does not require a target to be set for recycled and secondary aggregate supply. The government guidelines referred to are a material consideration but they do not set targets for recycled and secondary aggregate supply. The County Council does not consider it appropriate to set targets rather that Policy M1 should seek to maximise provision for recycled and secondary aggregate.

2.3.35 It is accepted that the NPPF does not state that a specific target should be set, but what the NPPF does require is for mineral planning authorities to plan for a steady and adequate supply of aggregates, which should include an assessment of the contribution to be made from secondary and recycled sources, and make provision for this element of the aggregate supply in their plans, using national and sub-national guidelines on future provision as a guideline. The Plan complies with the NPPF (paragraph 145) in relation to land won sources of aggregate supply (policy M2), which makes clear quantifiable provision, but there is no evidence in the Plan or in the supporting evidence of the annual requirement that should be planned for in the future supply of aggregate from alternative aggregates.

2.3.36 Furthermore the national and sub-national guidelines do set a level of provision that should be made by alternative aggregates as has been set out at paragraph 2.3.32 above.

2.3.37 More importantly, however, if it really is the aim of Policy M1 to seek to maximise provision for recycled and secondary aggregate, and as the Council itself accepts, that CDE waste recycling is the main means by which alternative aggregate will be sourced (paragraphs 4.8 and 4.10 of the Plan), then robust and credible evidence must be available to show how that is going to be achieved. The Plan must:

1. Determine the level of CDE waste arisings in an objectively assessed and representative manner;
2. Establish realistic recycling rates; and
3. Ensure that there is sufficient capacity to achieve improved levels of recycling.

2.3.38 It is considered, for the reasons that will be given in the following Sections 2.4 – 2.7, that the Council has not carried out any of these steps correctly.

2.3.39 As has been described above, significantly lower levels of recycled and aggregate supply than the previously proposed provision of 900,000 tpa (in the withdrawn submission Plan) would be deemed to comply with the requirements of the current submission Plan, and it cannot therefore be the case that policy M1 as drafted will maximise provision for recycled and secondary aggregate as the Council suggests.

2.3.40 In summary Policy M1 is not sound because it is:

Not positively prepared. By lacking a minimum level of alternative aggregate provision that should be made, it has not been structured on the basis of any objective assessment of the requirements for alternative aggregate supply and does not encourage provision from this source, contrary to the aims of achieving sustainable development.

Not Justified. It is not the most appropriate strategy, when considered against the alternative of identifying the minimum level of provision that should be aimed for, because it will not deliver the stated aim of maximising the contribution made by these materials towards meeting need for aggregates in Oxfordshire, in order to minimise the need to work primary aggregates.

Not Effective. The lack of a minimum level of provision to be made by alternative aggregates, in line with previously proposed levels and as guided by the national and sub-national guidelines published by the Government, will undermine the objective of maximising provision from this source, and supports continued over-reliance on primary aggregate, which is inconsistent with and counter-productive to delivering sustainable development.

Not consistent with national policy. The strategy with regard to the lack of a minimum level of provision of secondary and recycled aggregate to be made has not been based on a robust analysis of the available data (paragraph 2 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF). It fails to satisfy the NPPF's requirement (paragraph 145) to plan for a steady and adequate supply of alternative aggregates, and take account of published national and sub-national guidelines on future provision as a guideline. In addition, given the vagary as to how much alternative aggregate supply would satisfy the requirements of the Plan it does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, contrary to the NPPF's 1st core planning principle at paragraph 17, and is incompatible with the NPPF's requirement that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8) and to the NPPW's aims of encouraging more sustainable waste management (paragraph 1).

Alteration Needed to the Plan

2.3.41 In order for the Plan to be sound the second part of Policy M1 (following the changes identified at paragraph 2.2.27 above) should read as follows:

Permission will be granted for facilities to enable the production and/or supply of at least 0.926 million tonnes of secondary and recycled aggregates a year, including temporary recycled aggregate facilities at aggregate quarries and landfill sites, at locations that meet the criteria in policies W4, W5 and C1 – C11.

2.3.42 The revised wording also removes the reference to "inert waste" before "landfill sites", since there is no explanation or apparent justification in the Plan as to why landfill sites in general would not be suitable for aggregate recycling, and which would be subject to the same restoration requirements.

2.3.43 In addition alterations to paragraph 4.9 of the Plan need to be made to remove the references to there not being a specific target for alternative aggregate provision set in policy M1. The following revised wording for paragraph 4.9 of the Plan is suggested:

The earlier (withdrawn) Minerals and Waste Core Strategy included a policy target for a minimum provision of recycled and secondary aggregate supply of 0.9 million tonnes per year. That target was from the now revoked South East Plan. The target has therefore been updated to a provide for a supply of at least 0.926 million tonnes per year, so that it is in line with the more recent national and regional guidelines on aggregates provision in England 2005-2020. Policy M1 is a positive policy to enable facilities to be provided to maximise the contribution to aggregate supply in Oxfordshire from recycled and secondary aggregate sources. The production of recycled and secondary aggregate will continue to be monitored to check whether this is being achieved through this policy.

2.4 **Policy W2: The CDE Waste Recycling Targets**

2.4.1 The Plan's CDE waste recycling figures within policy W2 have been changed to require reduced targets in later years of the plan period than was the case in the February 2014 Consultation Draft Plan. Instead of a target of 65% in 2025 and 70% in 2030, as was previously the case, the Plan now only requires a target of 60% from 2021, and this change to the Plan is challenged on the basis that it is not based on a properly objective assessment of what can be achieved and does not sufficiently seek opportunity to pursue the net gains that can be secured by the delivery of sustainable development

2.4.2 The Construction, Demolition and Excavation Waste Chapter of the BPP Consulting review states at paragraph 7 (page 26) that the CDE waste targets in the previously withdrawn May 2012 document were quite unambitious, that this stream in particular offers the greater opportunity to move waste up the hierarchy through conversion to product, and recommended (at paragraph 7.3) the following targets:

Table 2.4.A: BPP Consulting recommended CDE waste recycling targets

	2010	2015	2020	2025	2030
Recycling, Use or Conversion to Product	54%	55%	60%	65%	70%
Recovery	24%	25%	25%	25%	25%
Landfill/Restoration	22%	20%	15%	10%	5%

2.4.3 Accordingly these targets were generally adopted in the February 2014 Consultation Draft Plan (although differing slightly) as follows:

Table 2.4.B: February 2014 Consultation Draft Plan CDE waste recycling targets

	2010	2015	2020	2025	2030
Recycling	50%	50%	60%	65%	70%
Landfill/Restoration	50%	50%	40%	35%	30%

2.4.4 Clearly whilst slightly less ambitious, the targets in the February 2014 Draft Plan were still close to those recommended by BPP Consulting, and it was stated (at paragraph 5.25 of the February 2014 Consultation Draft Plan) that they were considered to be achievable. It is not explained (or clear) why these figures were adjusted downwards for the earlier years.

2.4.5 The Plan has, however, now incorporated considerably reduced CDE waste recycling targets as follows:

Table 2.4.C: August 2015 Submission Plan CDE waste recycling targets

	2012	2016	2021	2026	2031
Recycling	52%	55%	60%	60%	60%
Landfill/Restoration	48%	45%	40%	40%	40%

2.4.6 There is no explanation in the Plan as to why such targets should be reduced less than a year later. (They had already been changed in the version of the Plan that was approved by the Council's Cabinet in November 2014). The only reference is the statement in paragraph 5.21 of the Plan that: "The former South East Plan set a recycling target of 60% for construction, demolition and excavation waste combined. In Oxfordshire about half of the overall waste steam (52%) is currently recycled and there is unlikely to be opportunity to significantly increase this."

2.4.7 In the first instance the South East Plan was adopted in 2009 and the plan period was to 2025, with recycling of all wastes proposed to increase to 65% by that time. The Plan for Oxfordshire is now being considered some 6 years later for a longer plan period, with further progress and developments in waste management technology, and with the benefit of advice from specialist consultants in the industry, BPP Consulting, that this is the waste stream that offers the best potential for improved rates of recycling.

2.4.8 Secondly, no justification is provided for making the claim in the Plan that current levels of recycling cannot be significantly increased, and indeed this representation strongly challenges that assumption.

2.4.9 It is the case in fact that the evidence base to the Plan provides an entirely alternative picture to the one adopted in the Plan. The Construction, Demolition and Excavation Waste Chapter of the BPP Consulting document confirms at paragraph 7.3 that "The pace of the development of waste management technology indicates that such ambitious targets can be achieved given the right signals. Planning policy can assist this by restricting availability of landfill capacity in the medium term while at the same time ensuring the availability of suitable recovery capacity either at new sites or by expansion of existing capacity. In addition more ambitious targets in the Minerals Core Strategy for the production of recycled minerals could assist." (emphasis added). The Council appears to have chosen to ignore this clear advice.

2.4.10 The BPP Consulting document also draws attention (at paragraph 7.2), to the benefits of recycled aggregate wash plants, by saying: "The focus on further improvement will be on systems that clean up residues and generate product, with a particular focus on fines being used as a suitable replacement for primary materials such as sand."

2.4.11 The Council's WNA acknowledges (at paragraph 3.40) that Oxfordshire is below the national average for recycling of the CDE waste stream, and that advances in

technology may allow for an improvement in recycling, but nevertheless states that the achievement of a 70% recycling target for CDE waste in Oxfordshire as recommend by BPP seems over ambitious (paragraph 3.47).

2.4.12 The justification for this stance is set out at paragraph 3.47 of the WNA and relies on the fact that about half of the waste stream is made up of excavation waste, and the overall proportion of demolition waste is lower than the national average, which significantly reduces the extent to which the entire waste stream can be recycled.

2.4.13 This is the only place that any background explanation can be found for the level of the CDE waste recycling targets now put forward. Unfortunately, however, it does not provide the necessary justification, because the composition of the CDE waste stream that the Council are relying on is sourced from the BPP Consulting Review, and was a factor that was taken into account by BPP Consulting when making their recommendations.

2.4.14 There is no further explanation as to why the targets considered to be achievable in February 2014 are now considered to be over ambitious. The statement is simply made (at paragraph 3.48) that: “The WNA (May 2012) set a recycling target of 60% and this is considered to be more realistic.” (A footnote is added that this was also the target set by the former South East Plan and had been the subject of public examination). However, it was of course the WNA 2012 that BPP Consulting were commissioned to review, and they plainly considered that the target figures needed revising upwards on the basis of more robust assessment of the capacity for improvements in recycling CDE waste. It is notable that the requirement for review of the WNA 2012 came about, because the Council had received the advice that there were deficiencies in the waste data underpinning the previous submission Plan of 2012. (See paragraph 19 of the Council’s report to Council of 9 July 2013 recommending withdrawal of the Plan).

2.4.15 Section 2.2: The Supply of Recycled Aggregate above sets out the substantial benefits of recycled aggregate wash plants, but not only do these greatly advance the production of recycled aggregate, they also bring significant improvements in recycling CDE waste.

2.4.16 In the first instance they enable worn-out materials to be put back to their original high specification heavy duty use. Only 10% of road planings are currently recycled and it is possible to recycle all of them with the right infrastructure. Recycled aggregate wash plants enable this to happen by processing and rebinding the road planings with recycled aggregate to manufacture a high specification heavy duty replacement product, suitable for base and binder courses of public highways, and thereby creating on behalf of the Highways Authority a closed loop recycling of existing road surfaces. A mobile asphalt mixing plant, installed as a bolt on to the plant, would batch the new asphalt as and when required.

2.4.17 Secondly, they have the capability to make recycled products from waste materials that would otherwise not have any other route than final disposal. For example, highway sweepings are a difficult waste to deal with, because of the contaminants they contain and the only option has conventionally been to send them to landfill for final disposal. Wash plants, however, are able to remove the contaminants through the wash process and then to produce re-usable end products of the sweepings. In addition the residue from the processing operations can be put to good use. This is the filter cake that is generated from cleaning the dirt and fines out through the washing process and manufactured in the filter press. It is currently being used for landfill cover and engineering, but also has the potential to be used for manufacture of bricks and other building products.

2.4.18 Thirdly, and perhaps most importantly, recycled aggregate wash plants can process much of the excavation element of CDE waste materials, which as stated at paragraph 5.20 of the Plan comprises about half of the overall waste stream, and has so far not been subject to much recycling. These wastes cannot be processed with conventional systems, because the dirt, fines, and soil clog up and incapacitate the equipment. However recycled aggregate wash plants can handle these materials, which are filtered out through the cleaning process, a factor which has lead them to be referred to by some in the industry even as “soil washing plants”. The plant can also be operated in all weather, which is not the case with dry aggregate recycling, so this enables a steady throughput of material, which would not be the case with conventional systems, and accounts for another factor that has up till now limited the recycling ability of CDE waste.

2.4.19 Given this potential to tackle more recycling of wastes, that have not conventionally been recycled and which comprise a significant proportion of the waste stream, the Plan is not being positively prepared by reducing recycling targets that were previously considered to be appropriate. The Council maintain that they want to maximise recycling, but have structured their policies, figures and wording in relation to CDE waste not to achieve that.

2.4.20 It is the case, that the ground and demolition worker’s industry, with direct experience and immediate knowledge of the CDE waste management business, share BPP Consulting’s view that the higher targets can be achieved with the right support and encouragement, and that the statement at paragraph 5.15 of the Plan that: “The targets set by policy W2 reflect:

- higher recycling (and composting) targets that are considered achievable in Oxfordshire; and
- maximum diversion from landfill.”

are in relation to CDE waste recycling not at all supported by the evidence.

2.4.21 There is furthermore an inexplicable inconsistency when compared to the C&I waste recycling (including composting and food waste treatment) targets, which have remained at an ambitious level of (in total) 60% in 2016, 65% in 2021 and

70% from 2026 onwards. The BPP Consulting Chapter on C&I waste actually advised (at paragraph 5.6) that this could be overly ambitious and recommended a realignment of the approach with a 65% target by 2025 and a 70% target being set for 2030. However, as is apparent from paragraph 3.29 of the WNA the Council considers that a 70% recycling target by 2025 is an appropriate aim.

2.4.22 This conclusion is based purely on the reasoning that the County already achieves good recycling rates for municipal waste due to a range of recently built recycling, composting and treatment facilities, which are also capable of managing C&I waste. However, no assessment of the actual ability of these facilities to take C&I waste has been made, which would be required when considering that C&I waste is about 240% larger by volume than municipal waste, or of the market realities involved.

2.4.23 Alternatively it is ironic to note that it is the building of new facilities for C&I waste that is recognised to enable higher recycling levels of that waste stream. It would be exactly the same for the CDE waste stream, if only the Council were giving the provision of new CDE waste recycling facilities support and encouragement - but unfortunately that is proving the opposite of the case.

2.4.24 It is apparent that in respect of proposed CDE waste recycling levels Policy W2 lacks justification and is not compliant with the NPPF's golden thread of presumption in favour of sustainable development and that local planning authorities should positively seek opportunities to meet the development needs of their area (paragraph 14).

2.4.25 In summary the proposed CDE waste recycling targets in policy W2 are not sound because they are:

Not positively prepared. The CDE waste recycling targets have been reduced from levels that were previously considered as achievable in the February 2014 draft version of the Plan and this approach has not been arrived at on the basis of any objective assessment of the feasibility of CDE waste recycling. The strategy does not seek to support or encourage improved recycling of this waste stream, and it is therefore contrary to the aims of achieving sustainable development.

Not Justified. It is not the most appropriate strategy, when considered against the alternative of adopting the CDE waste recycling targets considered to be appropriate and recommended by BPP Consulting in their review, commissioned by the Council, of the Oxfordshire waste evidence base. The justification given for a reduction in the targets does not introduce any new or additional factors not already taken into account by BPP Consulting in reaching their conclusions.

Not Effective. The proposed approach of reducing the CDE waste recycling targets from those previously considered achievable will not deliver better recovery of this waste stream, which is considered to be possible by operators in the business. The proposed approach is therefore inconsistent with and counter-productive to delivering sustainable development.

Not consistent with national policy. The strategy with regard to the CDE waste recycling targets has not been based on a robust analysis of the available data and an appraisal of options (paragraph 2 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF), and is incompatible with the NPPF's requirement that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8) and to the NPPW's aims of encouraging more sustainable waste management (paragraph 1).

Alteration Needed to the Plan

2.4.26 In order for the Plan to be sound the construction, demolition and excavation waste section of the table in Policy W2 needs to read as follows:

Construction, demolition and excavation waste:					
	2012	2016	2021	2026	2031
Recycling	54%	55%	60%	65%	70%
Landfill/Restoration	46%	45%	40%	35%	30%
Total	100%	100%	100%	100%	100%

2.4.27 In addition the explanatory text at paragraph 4.10 needs to be amended by adding: ", to 65% by 2026 and 70% by 2031" after "increasing to 60% by 2021" in the brackets in the second line of the paragraph.

2.5 **The Estimated CDE Waste Required to be Managed: Table 5**

2.5.1 Serious concerns are raised in respect of the methodology that has been used to arrive at the figures for the estimated CDE waste required to be managed in Table 5 of the Plan, and the robustness of the figures on the basis of the available evidence is challenged.

2.5.2 As recorded at paragraph 3.33 of the WNA, the BPP Consulting review of the WNA 2012 estimated CDE waste arisings to be 1,358,000 tonnes in 2008. From further consideration of the relevant BPP Consulting Chapter on CDE waste it can be seen that this estimate was based on a very thorough analysis of various sources of information, and was a figure arrived at using 2008 baseline data updated to 2010 (Section 2, pages 1 - 4). This was the figure (rounded to 1.36 million tonnes) that was given in the February 2014 Consultation Draft Plan.

2.5.3 However, the Plan now proposes that this baseline figure should be substantially reduced to 932,000 tonnes. Notably this is a further reduction on the baseline figure of 1,005,000 tonnes given in the version of the current Submission Plan as approved by Council in March 2015. (Table A4/3 of the WNA still actually gives this baseline figure of 1,005,000 tpa for CDE waste). It is apparent that the basis for the adjusted figure is a rather contrived calculation in the WNA according to assumptions and/or conclusions that have not been soundly based.

The Council's Method for Arriving at the CDE Waste Baseline Figure

2.5.4 In the first place it is stated at paragraph 3.35 of the WNA that waste managed on site is not directly controlled by the planning system, so for planning purposes a managed waste baseline allows for a more realistic assessment of the waste management capacity for which provision should be made in the Plan and the BPP Study's baseline of 1.358 million tonnes therefore be reduced to 1.059 million tonnes, if waste managed on site is excluded. The footnote to this comment explains that this is based on the BPP Consulting findings that in February 2014 55% of demolition waste is reused on site (Table 12 of the BPP Consulting Report) and 10% of excavation waste is reused (Table 14 of the BPP Consulting Report).

2.5.5 The WNA then accordingly revises the percentage breakdown of the composition of CDE waste arisings as originally compiled by BPP Consulting (paragraph 3.2 on page 7 of the CDE waste chapter of their report), to create a different composition of the CDE waste for "managed waste". These compositions are shown in Tables 10 and 11 of the WNA, and reproduced below for ease of reference.

WNA Table 10: Initial estimate of CDE waste arising in Oxfordshire in 2008 (tonnes)

Waste	Construction	Demolition	Excavation	Total
Arisings	273,000 (20%)	423,000 (31%)	662,000 (49%)	1,358,000

WNA Table 11: Initial assessment of managed CDE waste in Oxfordshire (2008) (tonnes)

Waste	Construction	Demolition	Excavation	Total
Arisings	273,000	423,000	662,000	1,358,000
Re-use	0	233,000	66,000	299,000
Managed	273,000 (26%)	190,000 (18%)	596,000 (56%)	1059,000

2.5.6 Secondly, the WNA states at paragraph 3.36 that to bring this baseline into line with the other waste streams assessed, a further adjustment is required to take account of the decline in construction activity between 2008 and 2012, and that given a drop of 26% in house building activity between 2008 and 2012, which is indicative of construction activity generally the BPP estimate for managed waste should be adjusted further to 784,000 tonnes (Option 1).

2.5.7 Thirdly the WNA then considers at paragraph 3.37 the alternative of an estimate of managed waste from information published by the Environment Agency, which suggests that waste produced in Oxfordshire and managed at licensed facilities was 758,776 tonnes in 2012. Assuming that waste managed at sites exempt from normal licensing requirements was in the order of 30%, an alternative estimate to that produced from the BPP Study would be about 1.084 million tonnes (Option 2a).

2.5.8 The WNA continues, however, at paragraph 3.38 by saying that there is a danger that this over-estimates the amount of managed waste because it includes some that will have been double counted before transfer to a treatment or disposal facility, where it will be recorded again. If waste coded as transfer is excluded an estimate of 932,211 (Option 2b) is produced.

2.5.9 The WNA therefore concludes at paragraph 3.39 that this is thought to represent a reasonable baseline for 2012. It is also said to be effectively the mean of the options 1 and Option 2a, and that the composition of this baseline would be as shown in the following table.

WNA Table 15: Composition of Oxfordshire CDE managed waste in 2012 (tonnes)

Construction	Demolition	Excavation	Total
242,000 (26%)	168,000 (18%)	522,000 (56%)	932,000

2.5.10 The means by which the baseline figure of 1,005,000 tonnes given in the version of the current Submission Plan as approved by Council in March 2015 was arrived at involved the first two stages of the above described process, i.e. a reduction in the arisings figure to deduct waste re-used on site, but by a different rate of 10% of the waste overall, followed by a reduction by 26% for a decline in construction activity. At that point whilst the Environment Agency data was considered in the draft WNA it was not relied on. Relevant extracts of the draft WNA from March

2015 are at Appendix 17. Paragraphs 3.40 – 3.45 of the March 2015 WNA set out the means by which the Council arrived at the 1,005,000 tonnes figure in the March version of the Plan.

The Problems with the Council's Method

'Managed' Waste Versus Waste Arisings

2.5.11 With regard to the first issue that the WNA raises of needing to consider waste to be managed rather than waste arisings, this is not an approach that is supported by Government guidance and introduces a number of anomalies, which lead to an unnecessary confusion and inconsistent application of the recycling target figures, and lack of precision in the Plan about what is being planned/provided for.

2.5.12 The targets for recycling and/or treatment of waste are set for the purposes of encouraging the diversion of waste being sent to landfill. They therefore relate to and require (in order to assess whether the target is being met) a measurement of how much of the total waste arisings are being dealt with in this manner. The NPPW confirms at paragraph 2 that in using a proportionate evidence base waste planning authorities should take account of waste arisings (including the Government's latest advice on forecast of waste arisings and the proportion of waste that can be recycled). The quantity of waste that is potentially re-used on site is part of the recycling target, and it is not statistically correct to apply the total recycling target to a baseline figure that has already been adjusted to account for a quantity of recycling, when it is relevant to the overall arisings.

2.5.13 The operators who are contracted to do the demolition work and civil engineering projects (the subject matters in Tables 12 and 14 of the CDE Waste Chapter of the BPP Consulting Review 12) do not and cannot work independently of having sites to take the waste to, that they cannot recycle on the job, and so are controlled by the planning system in relation to their own waste management sites. They will have full records of how they have handled their materials (either as sales or in the form of waste transfer notes), and are known to the Council, so can be requested to provide information on recycling levels both at construction sites and at waste management sites to assist with the Council's monitoring of how total waste arisings are being managed.

2.5.14 In addition, as is apparent from the NPPG[11] the forward projections of the construction and demolition waste stream are to be calculated on the basis of the arisings, not on the basis of an adjusted waste to be managed scenario.

2.5.15 Notably, Table 3 of the Plan giving waste produced in Oxfordshire at 2012 and Table 4 of the Plan giving arisings by waste streams both identify the same figure for CDE waste as in Table 5 of the Plan, but which according to the WNA is not a

[11] Paragraph 033 of Waste: Evidence needed to identify waste requirements in Local Plans - Forecasting waste arisings over the plan period

waste arisings figure. Table 5 of the Plan also rather confusingly gives the figures for CDE waste to be managed that were in the version of the Plan approved by Council in March 2015, but which have now been reduced further. None of these figures is for waste arisings.

26% Reduction due to the Decline in House Building Activity 2008-2012

2.5.16 In response to the second issue relied upon in the WNA that the baseline figure should be reduced because of a decline in construction activity between 2008 and 2012 and that this should be at the rate of 26%, which was the drop in house building activity in Oxfordshire over that period, there are a number of points that need to be made to show that this is not a robust conclusion to make.

2.5.17 In the first instance, the BPP Consulting figures had already been updated to 2010, so any reduction in construction activity had already been taken into account in the figure up to that date.

2.5.18 Secondly house building by no means represents all of construction activity. Indeed as Table 4 of the BPP Consulting Chapter on CDE waste shows, it represents only about 30% of new build construction, and the CDE waste baseline figure is accounted for by other factors than just new build. Therefore it is not appropriate to apply a straight 26% reduction to the entire baseline figure. Notably, in considering whether and how to take into account in forecast waste arisings the levels of growth recommended by the Strategic Market Assessment for Oxfordshire (SHMA) of March 2014, which recommends new house building at much higher levels than is currently the case, the WNA alternatively confirms at paragraph 3.44 that it is unlikely that other forms of construction would show a similar increase. Furthermore whilst the rate of house building may have dropped in the period 2008-2012, local construction activity recovered shortly afterwards and has been accelerating ever since. It is therefore not statistically robust to produce a figure that reflects an anomaly within a trend as a baseline figure for establishing future requirements over a significant period of twenty years.

Reliance on Environment Agency Data

2.5.19 Finally the third factor that is introduced in the WNA, of deriving a CDE waste to be managed figure from information published by the Environment Agency, is far from a robust means of establishing a baseline figure. In the first instance the method that the Environment Agency uses for recording managed waste does not produce a figure that could properly be described as accounting for the CDE waste stream. Operators are required to enter the relevant European Waste Code (EWC) for each type of waste handled. This is then aggregated into inert waste types and non-hazardous waste. However, as is evident from the BPP Consulting analysis of the CDE waste stream, it is not entirely inert and contains an element of non-hazardous waste, i.e. the construction element, accounting for 20% of the waste stream according to BPP Consulting (see WNA Table 10 above) and 26% according to the Council's adjustment of the figures (see WNA Table 15 above).

2.5.20 Furthermore, quite apart from the fact that the Environment Agency data cannot be a waste arisings figure, as required as the starting point for any further projections and against which the percentage target figures need to be applied, the data base from which it is sourced does not take into account anything that is not controlled by an environmental permit. Based on this, it can be concluded that the Environment Agency's figures should not be relied on.

2.5.21 The WNA mentions exempt sites at paragraph 3.37 and suggests that it can be assumed that waste managed at such sites is in the order of 30%. The source of this assumption is given in the footnote as the Capita Symonds: Survey of Arisings and use of Alternatives to Primary Aggregates in England 2005 – Construction, Demolition and Excavation waste (Feb 2007). This is one source. Alternatively the CDE Waste Chapter of the BPP Consulting Review suggests at paragraph 5.1 of Appendix 2: CDEW Processing Capacity in Oxfordshire that exemptions could account for about 50% of CDE waste processing capacity. Furthermore both of these documents were only concerned with the recycling element of CDE waste and the 30% (or 50%) of exempt sites would have only related to the recycling facilities.

2.5.22 There are nevertheless a considerable number of other sites where waste is used for operational reasons and/or land reclamation purposes with final deposit of the waste to land (i.e. not recycled) that are exempt from permitting. In addition any project that is constructed with former waste materials using The Definition of Waste: Development Industry Code of Practice[12] will not be recorded by the Environment Agency. Also any receipt of materials, used for restoration layers at landfill sites with environmental permits, will not be entered on waste returns.

2.5.23 It is considered that the difference between the amount of managed waste recorded by the Environment Agency and the quantity of waste arising/managed is significantly more than 30%. The figure of 758,776 tonnes for 2012 derived from Environment Agency data (i.e. only that which was recorded on waste returns) is therefore a considerable underestimate of both waste managed in the County and arisings, and there is no way of establishing a robust means of adjusting that figure to arrive at one that takes account of all the unknown quantity of waste that is not subject to control by the Environment Agency.

2.5.24 In addition what the Council then actually do is take the EA data (which we say is a significant under-estimate even with a 30% increase) and reduce it further for transferred waste. Using the resulting figure is not a sound approach, and the best available estimate for CDE waste arisings as produced by BPP Consulting in their review of the WNA 2012, of 1.36 million tpa, should be used instead.

[12] This is a voluntary Code of Practice prepared by CL:AIRE (a not-for profit organisation promoting sustainable remediation of contaminated land and alternatives to disposing of waste in landfill sites) in consultation with and contributions from the development and remediation industries and the Environment Agency, for handling materials arising from construction works in a sustainable manner, which if complied with means that the Environment Agency will not regulate the materials as waste.

2.5.25 To reduce the baseline figure in the manner that has been done, both in the current submission Plan and in the version as approved by Council in March 2015 - though in differing ways – produces a scenario that is not properly representative of the position in relation to CDE waste arisings in Oxfordshire. Neither method is robust and the one now adopted is entirely and arbitrarily different – in relying only on Environment Agency data – to the one used to arrive at the figure as approved by the Council in March 2015.

The Correct Approach

2.5.26 By contrast the baseline figure arrived at by BPP Consulting of 1.358,000 tpa correlates well with the 1.3 million tonne figure that was given in the (withdrawn) submission Minerals and Waste Core Strategy in 2012 and with the 1.44 million tonne estimate in the original Waste Needs Assessment for Oxfordshire, produced on behalf of the Council by consultants, ERM. None of the calculations carried out to adjust it are statistically or logically appropriate and the BPP Consulting figure of 1.358 million tpa should be the figure to be used.

2.5.27 Moreover, by selecting such an artificially low starting point, projected estimates for future years begin from an unnaturally reduced level, and even though a 'high growth' rate scenario is applied, do not properly reflect the trends that are likely in Oxfordshire, which has a particularly buoyant economy.

2.5.28 The WNA confirms at paragraph 3.42 that the Oxfordshire economy is expected to grow – a footnote explains that the Strategic Economic Plan for Oxfordshire (March 2014) envisages that the number of jobs could increase by 23% to 2031 – and a Strategic Housing Market Assessment for Oxfordshire (SHMA) has been produced recommending new housing is provided at some 5,000 dwellings per annum.

2.5.29 The WNA then, nevertheless, states (paragraphs 3.43 – 3.44) that, whilst the amount of CDE waste to be managed could be as much as 2,800,00 tonnes per annum if the levels of growth recommended by the SHMA were reflected across the building industry, this is considered unlikely. The reasons given for this are that District Local Plans will consider whether and how to make provision for the housing growth, which would call for building levels far higher than those achieved before the recession, and even if this can be achieved it seems unlikely that other forms of construction would show a similar increase. The WNA concludes at paragraph 3.44 that as the 'High Growth' scenario envisaged in the BPP Study is to be adopted, and given that a reduction in unit waste can also be expected with improved practice and waste reduction initiatives, the forecast 1.379 million tonnes per annum from 2020 is more realistic for waste planning purposes.

2.5.30 The NPPG[13] states that in forecasting CDE waste arisings any significant planned regeneration or major infrastructure projects over the timescale of the plan are relevant. Nevertheless it would seem that this guidance has not been complied with.

2.5.31 The Strategic Housing Market Assessment for Oxfordshire March 2014 (SHMA) is a joint study carried out by all the Districts in Oxfordshire and is a material consideration for the District Planning Authorities in preparation of their Local Plans, which are now in the process of being or have been amended, to take into account its findings. It is therefore actually very likely that volumes of CDE waste will increase as a result, and that the proposed predicted future total volumes of CDE waste in Table 5 of the Plan are far from realistic and are in all the circumstances a considerable underestimate. At less than half of the predicted arisings (of 2,800,000 tpa) that would be generated by new house building alone, not including the anticipated growth in the Oxfordshire economy (footnote to paragraph 3.42 of the WNA), the forecast CDE waste arisings do not reflect or take any account of likely major new development over the plan period.

2.5.32 Notably moreover, if the baseline were higher in line with the BPP Consulting findings, the predicted arisings as a result of the anticipated new growth would be even higher. For example in the previous draft WNA which identified a baseline of 1,005,000 tpa, as given in the version of the Plan approved by Council in March 2015, the predicted arisings as a result of the SHMA were said to be 3,000,000 tpa. At Table A7/5 of the WNA the total waste to be managed based on the rate of housing construction recommended by the SHMA is also given as 3,022,000 tpa from 2021 onwards.

2.5.33 The figures also vary considerably without reasonable justification from the volumes given in the February 2014 Draft Plan of 1.36 million tpa at 2012 rising to 1.65 million tpa at 2015 and then to 2.1 million tpa from 2020 onwards. The latter would continue to be the most appropriate approach still allowing for some caution in the event that house building does not materialise at the rate that is recommended.

2.5.34 Not only is the approach taken to arriving at the estimated waste required to be managed at odds with national guidance, but it also reflects an approach that shows a selective use of data and is fundamentally lacking in an objective assessment of the evidence base. On the one hand the WNA rejects the carefully assessed baseline figure arrived at for CDE waste arisings by BPP Consulting, but on the other hand chooses to adopt BPP Consulting's assumptions about how much of the waste stream is re-used on site, and BPP Consulting's estimates of how the waste stream is managed in different ways, i.e. recycled, recovered or landfilled. The BPP Consulting assumptions about the proportions of CDE waste re-used on site are then carried through in the WNA analysis to give a different

[13] Paragraph 033 of Waste: Evidence needed to identify waste requirements in Local Plans - Forecasting waste arisings over the plan period

percentage share of the waste stream by its construction, demolition and excavation components, i.e. WNA Table 10 compared to WNA Table 15 above.

2.5.35 Having applied these percentages and the BPP Consulting conclusions about how the wastes are managed in different ways, the WNA then records at paragraph 3.40 that that would mean that about 43%, or 401,000 tonnes, of managed waste is recycled in Oxfordshire. The WNA continues (at paragraph 3.40) by saying that "this data needs to be treated with some caution, particularly as the county appears to have capacity to recycle all of the waste that it currently generates".

2.5.36 This analysis produces a very different result than that of the BPP Consulting report, (which estimates that about 54%, or 744,000 tpa, of the waste stream is recycled), and is an extraordinarily low figure, which the objector as a leader in the field of CDE waste recycling considers does not at all reflect the reality of practice in Oxfordshire, and further demonstrates the inappropriate method by which the baseline figure has been arrived at.

2.5.37 Also given the further commentary (at paragraph 3.40 of the WNA), that it is considered by the Council that the County appears to have capacity to recycle all of the waste it currently generates, it is difficult to escape the conclusion that this is the objective of reducing the baseline figure, in order to drive down the need for additional waste management facilities, because they are a difficult and unpopular form of development. However, if the reality of the position is that there is, as is very much considered to be the case, much more CDE waste that needs to be managed than the Council have assessed, then the proposed approach will simply mean that the Plan does not properly provide for the planned provision of new capacity that is required by the NPPW (paragraph 2).

2.5.38 In summary the estimated quantities of CDE waste required to be managed given in Tables 3, 4 and 5 of the Plan are not sound because they are:

Not positively prepared. The CDE waste baseline figure has been reduced using methods that have not been objectively assessed and/or are not statistically robust. In so doing the strategy does not make realistic provision for management of CDE waste and is therefore contrary to the aims of achieving sustainable development.

Not Justified. It is not the most appropriate strategy, when considered against the alternative of adopting the CDE waste arisings baseline figure considered to be appropriate and recommended by BPP Consulting in their review, commissioned by the Council, of the Oxfordshire waste evidence base. The justification given for a reduction in the baseline figure is not based on a robust and credible evidence base.

Not Effective. The proposed approach of reducing the CDE waste baseline figure and calculation of projected future estimates of CDE waste from this lower baseline does not properly take account of planned major development in the County and predicted growth of the Oxfordshire economy generally. It will

therefore not deliver the appropriate level of CDE waste management capacity that will be required and is therefore inconsistent with and counter-productive to delivering sustainable development.

Not consistent with national policy. The strategy with regard to the estimated quantities of CDE waste required to be managed has not been based on a robust analysis of the available and relevant data and an appraisal of options (paragraphs 2 and 3 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF), and is incompatible with the NPPF's requirement that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8) and to the NPPW's aims of encouraging more sustainable waste management (paragraph 1). Furthermore, in particular, it does not comply with paragraph 2 of the NPPW that in using a proportionate evidence base account should be taken of waste arisings, as well as of the NPPG[14], which states that forward projections of the construction and demolition waste stream are to be calculated on the basis of the arisings, and requires significant planned major development to be taken into account.

Alteration Needed to the Plan

2.5.39 As at the time of publication of the Plan the best estimate for CDE waste arisings at 2012 is 1.36 million tpa and in order for the Plan to be sound, the construction, demolition and excavation totals in Tables 3, 4 and 5 of the Plan should be as follows:

Construction, demolition and excavation waste:					
	2012	2016	2021	2026	2031
Total	1,360,000	1,650,000	2,100,000	2,100,000	2,100,000

[14] Paragraph 033 of Waste: Evidence needed to identify waste requirements in Local Plans - Forecasting waste arisings over the plan period

2.6 The Existing Waste Management Capacity: Table 6

2.6.1 Table 6 of the Plan identifies the total waste management capacity by management type (excluding landfill), in tonnes at existing facilities. Unfortunately there are a number of issues that are of real concern regarding its robustness.

Consistency of Terms

2.6.2 The first of these is the inconsistency of the management type given in Table 6 of the Plan with those used in the tables of waste arisings/to be managed and waste management targets (Tables 3, 4, 5 and policy W2). Table 6 now introduces the following headings:

- Non-hazardous waste recycling;
- Composting/food waste treatment;
- Non-hazardous residual waste treatment; and
- Inert waste recycling.

2.6.3 The footnote to Table 6 of the Plan then explains that Municipal and Commercial and Industrial wastes are managed at non-hazardous waste facilities and that Construction, Demolition and Excavation waste is managed at inert waste facilities. Whilst it is agreed that the vast majority of MSW and C&I waste is covered by the non-hazardous categorisation of facilities, there is a lack of consistency with the previous categorisations of the waste streams now appearing and following through into the way that the waste is managed. Furthermore it is not at all the case that CDE waste is only managed at inert waste facilities.

2.6.4 As is clear from the CDE Waste Chapter of the BPP Consulting Review (paragraph 3.2 page 7) approximately 20% of this waste stream is found to comprise mixed predominantly non-inert construction and demolition waste (emphasis added), and the WNA has proceeded on this basis. Therefore inert waste recycling facilities cannot be said to cater entirely for this waste stream. No analysis of the evidence base has been carried out to establish which of the existing (non-hazardous waste) facilities and how much of their throughput manages the non-inert construction and demolition waste element, so that a properly relevant figure can be arrived at in Table 6 for the CDE waste stream.

Addition of Non-Operational Capacity

2.6.5 A further issue is that when interrogating the source data in the WNA (Tables A/12/4-7), it is apparent that the figures provided in Table 6 of the Plan need some adjustment. This is because the figures include non-operational capacity, which is contrary to the guidance of the NPPW, which states at paragraph 3, final bullet point, that in identifying the need for waste management facilities waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need (emphasis added). The Government's

report on the responses to the consultation on the NPPW confirms at paragraph 27 that the policy has been clarified to make it clear that only existing operational capacity should be taken into account when assessing need.

2.6.6 On that basis the existing inert waste recycling capacity should be adjusted to remove the capacities for the following sites:

- Old Brickworks Farm, which is not operational: 40,000 tpa
- Appleford Sidings, which is not operational: 100,000 tpa
- Lakeside Park, which is not operational: 25,000 tpa

Total: 165,000 tpa

The status of these sites as non-operational is confirmed in Table 2.7 of the LAA.

2.6.7 The final entry of the inert waste recycling row of Table 6 is also incorrect at year 2031 in that it does not deduct capacities for two sites, whose permissions will have expired by that time with a total capacity of 183,000 tpa. These are Site 236i at Dix Pit with permission until 2029 and a capacity of 98,000 tpa and Site 010vi at Sutton Courtenay with permission until 2030 and a capacity of 85,000 tpa as shown in WNA Table 12/7.

Errors Regarding Capacity

2.6.8 In addition the NPPW advises at paragraph 2 that planned provision of new capacity should be based on robust analysis of best available data and information and appraisal of options; and that spurious precision should be avoided. Nevertheless Table A12/4 includes extremely small sites and facilities that are exclusively for specialist/dedicated uses, such as highways depots, tyre depots, and wood recycling. These sites either do not contribute appreciably to the overall MSW/C&I waste recycling capacity or should not be included as they deal with particular types of waste that have been sourced from other sites already included in the list, and so amount to double counting of the figures. They include the following sites:

- 173 - Charlett Tyres* (waste tyres only): 1,000 tpa
- 258 - Thorpe Lane Depot (highways depot): 100 tpa
- 163 - Cowley Marsh Depot (highways depot that is now allocated for housing in the Oxford Local Plan): 3,000 tpa
- 182 - Philips Tyres* (waste tyres only): 1,500 tpa
- 144 – Hill Farm** (waste wood only): 10,000 tpa
- 251 - Milton Park Wood Recycling** (waste wood only): 500 tpa
- 180 - Elmwood Farm** (waste wood only): 1,400 tpa
- 204 - Downs Road (gas contaminated waste soils only): 15,000 tpa
- 214 - Manor Farm: 200 tpa

32,700 tpa

* Worsham Quarry is a tyre treatment depot and would take tyres from these sites.
** These sites recycle waste wood sorted out and transferred from skip waste recycling sites already identified in the Table.

2.6.9 In summary the contents of Table 6 of the Plan are not sound because they are:

Not positively prepared. The capacities available to manage waste at existing facilities given in Table 6 of the Plan are not based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, because the inert waste recycling facility type does not wholly encompass the CDE waste stream and there is therefore no clarity about how or where the non-inert waste element of that waste stream is to be included. In addition the figures include non-operational sites, spurious precision and double counting. In so doing the Table does not provide a robust basis for assessing the available capacity of CDE waste management and for positive onward planning of the new sustainable waste management capacity.

Not Justified. The contents of Table 6 of the Plan are not justified, because they are not based on a robust proportionate assessment of the available evidence base.

Not Effective. The contents of Table 6 of the Plan in identifying a higher capacity for existing waste management facilities than is proportionately the case, and in not accommodating part of the CDE waste stream, provide an inappropriate basis for assessing the need for new sustainable waste management capacity. The Plan therefore provides no certainty that it will deliver the appropriate level of CDE waste management capacity required and is inconsistent with and counter-productive to delivering sustainable development.

Not consistent with national policy. The strategy with regard to the capacities available to manage waste at existing facilities given in Table 6 of the Plan has not been based on a robust analysis of the available data and an appraisal of options, avoiding spurious precision (paragraph 2 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF), and is incompatible with the NPPF's requirement that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8) and to the NPPW's aims of encouraging more sustainable waste management (paragraph 1).

Alteration Needed to the Plan

2.6.10 In order for the Plan to be sound the totals for existing non-hazardous and inert waste recycling capacity should be amended to remove non-operational sites and spurious precision. In addition the inert waste recycling row of Table 6 needs to corrected at year 2031 to take account of the expired permissions, and to be re-titled "CDE waste recycling". The non-hazardous waste recycling row also needs to be re-titled "MSW/C&I waste recycling" to be consistent with previous categorisation of the waste streams and avoid confusion.

2.6.11 Then what should be in the boxes are revised figures following further analysis of the existing non-hazardous facilities to determine how much of their capacity deals with the non-inert element of the CDE waste stream. The process is set out in the table below: deduct from the non-hazardous waste recycling capacity the volume ("xxx,xxx") that deals with the non-inert element of the CDE waste stream and add it to the CDE waste recycling capacity. What should be in the boxes below are the figures calculated from this process, but the Council has not done the work in the evidence base and the Council needs to do this work to be able to fill the boxes in.

Facility Type	2012	2016	2021	2026	2031
MSW/C&I waste recycling	567,600 - xxx,xxx = New total	567,600 - xxx,xxx = New total	398,600 - xxx,xxx = New total	398,600 - xxx,xxx = New total	286,500 - xxx,xxx = New total
CDE waste recycling	988,100 + xxx,xxx = New total	980,100 + xxx,xxx = New total	980,100 + xxx,xxx = New total	764,600 + xxx,xxx = New total	581,600 + xxx,xxx = New total

2.7 The Requirement for Additional Waste Management Capacity: Table 7

2.7.1 There are very serious concerns about the robustness of the conclusions that have been made about the requirement for additional waste management capacity as identified in Table 7.

Miss-Characterisation of Waste Streams

2.7.2 The first of these is as with Table 6 of the Plan, it is not a correct conclusion to make that inert waste recycling is synonymous with CDE waste recycling. The entries in the final row of the table must relate to the whole of the CDE waste stream not just part of it.

Errors in Existing Capacity

2.7.3 The second issue relates to the incorrect assumption that existing available capacity of sites equates to actual recycling levels.

2.7.4 At paragraph 5.23 of the explanatory text of the Plan it is stated that waste management capacity equivalent to the tonnages in Table 5 is required if Oxfordshire is to be net self-sufficient in meeting its waste needs. Table 5 provides the estimated quantities of waste required to be recycled, treated or landfilled, which have been calculated by applying the various targets identified in Policy W2 to the overall waste arisings (with the exception of CDE waste where a lower "to be managed" figure has been used).

2.7.5 Consequently, as is apparent from paragraph 5.25 of the Plan, the figures in Table 7, which provides the anticipated additional waste management capacity required, are simply the result of deducting the Table 5 figures from the available site capacity figures in Table 6 and identifying whether there is any capacity remaining or not. If there is no capacity remaining then Table 7 suggests that the target figures in Table 5 are being met. It is clear from paragraph 5.25 that this is how the requirements are proposed to be monitored through the Annual Monitoring Reports.

2.7.6 The assumption made at paragraph 5.23 of the Plan and therefore the subsequent method of identifying the required additional capacity is, however, mistaken, because potential capacities for waste recycling sites are not equivalent to achieving the required level of recycling. This is because it is unlikely that facilities will for various reasons at any given time be operating to full capacity. The LAA confirms at paragraph 2.27 that for CDE waste recycling, capacity is likely to be greater than the actual level of production. Direct experience in the industry and research of the position in the past in relation to other sites has demonstrated that the actual recycling levels will generally be lower by about 30% than potential site capacity. (The evidence to support this conclusion is provided at Appendix 14). In other words this means that site capacities should be adjusted from their

theoretical maximum capacity by in the order of 30% to reflect the likely actual capacity in the County for achieving the required target recycling and/or treatment figures.

2.7.7 If the Council's assumption that maximum site capacity equates to actual recycling levels is correct, it would be difficult to understand how the increasing recycling and treatment targets can be expected to be met. For example Table 7 purports to show that there is no further requirement for any new non-hazardous recycling facilities until 2021 and no inert waste recycling facilities until 2031. This should mean therefore that the increased targets of 60% at 2016 (or 65% by 2021) for (total) C&I waste recycling and 60% of CDE waste recycling by 2021 are already being met. However, this is not a case that the evidence base to the Plan makes out. It is apparent that the existing available capacity does not already achieve the forward planned increases in targets. If it were otherwise the case, then those targets should be brought forward to apply now.

Underestimated Arisings and Projections

2.7.8 Furthermore, as has been identified in previous sections of this representation: Section 2.4: The CDE Waste Recycling Targets, Section 2.5: The Estimated CDE Waste Required to be Managed: Table 5, and Section 2.6: The Existing Waste Management Capacity: Table 6, there are very grave concerns about how the adequacy of the CDE waste arisings baseline and projected estimates for future years figures have been arrived at, and about the assessment of the existing available capacities. As a result of these deficiencies in the Plan approach that have been highlighted, the basis for forward planning of additional capacity (notwithstanding the capacity gap between theoretical and actual recycling levels) also starts from a falsely low basis.

Consequences for Additional Waste Management Capacity Required

2.7.9 The following tables demonstrate the effect of the points that are being made. However, given the failure by the Council to do the necessary work to calculate the figures, relating to the need to ensure that the whole of the available capacity for the CDE waste stream is accounted for (see paragraph 2.6.11 above), it has not been possible to make the full appropriate adjustments to the figures in tables (which is the reason why the row headings have not been changed to MSW/C&I and CDE as they should be).

2.7.10 For ease of reference Table 7 from the Plan is reproduced below.

Table 7: Oxfordshire – additional capacity required to manage the principal waste streams 2012 – 2031 (tonnes per annum)

	2012	2016	2021	2026	2031
Non-hazardous waste recycling	-	-	138,100	193,700	316,300
Composting/food treatment	-	-	-	-	-
Non-hazardous residual waste treatment	-	-	-	-	-
Inert waste recycling	-	-	-	-	120,400

2.7.11 Instead of this the tables should be (subject to the caveats in paragraph 2.7.9 above) as follows:

Table 2.7.A: Additional capacity required if the CDE waste recycling targets and Tables 5 (arisings) and 6 (existing capacity) of the Plan are correct and a 30% factor applied for the difference between available site capacities and actual recycling levels

	2012	2016	2021	2026	2031
Non-hazardous waste recycling requirement	453,800	510,300	568,000	623,600	634,100
Non-hazardous waste recycling capacity with 30% adjustment	420,200	419,200	300,900	300,900	222,500
Additional non-hazardous waste recycling capacity required	33,600	91,100	267,100	322,700	411,600
CDE waste recycling requirement	485,000	623,000	827,000	827,000	827,000
CDE waste recycling capacity with 30% adjustment	807,200	801,600	773,600	622,700	622,700
Additional waste recycling capacity required	-	-	53,400	204,300	204,300

Table 2.7.B: Additional capacity required if the CDE waste recycling targets and Table 5 (arisings) of the Plan are correct but Table 6 (existing capacity) is incorrect and a 30% applied for the difference between available site capacities and actual recycling levels

	2012	2016	2021	2026	2031
MSW/C&I waste recycling requirement	453,800	510,300	568,000	623,600	634,100
Non-hazardous waste recycling capacity with 30% adjustment	397,300	397,300	279,000	279,000	200,600
Additional non-hazardous waste recycling capacity required	56,500	113,000	289,000	344,600	433,500
Inert waste recycling requirement	485,000	623,000	827,000	827,000	827,000
Inert waste recycling capacity with 30% adjustment	691,700	686,100	686,100	535,200	407,100
Additional inert waste recycling capacity required	-	-	140,900	291,800	419,900

Table 2.7.C: Additional capacity required if the CDE waste recycling targets are correct but Tables 5 (arisings) and 6 (existing capacity) of the Plan are incorrect and a 30% factor applied for the difference between available site capacities and actual recycling levels

	2012	2016	2021	2026	2031
Non-hazardous waste recycling requirement	453,800	510,300	568,000	623,600	634,100
Non-hazardous waste recycling capacity with 30% adjustment	397,300	397,300	279,000	279,000	200,600
Additional non-hazardous waste recycling capacity required	56,500	113,000	289,000	344,600	433,500
Inert waste recycling requirement	707,200	907,500	1,260,000	1,260,000	1,260,000
Inert waste recycling capacity with 30% adjustment	691,700	686,100	686,100	535,200	407,100
Additional inert waste recycling capacity required	15,500	221,400	573,900	724,800	852,900

Table 2.7.D: Additional capacity required if the CDE waste recycling targets and Tables 5 (arisings) and 6 (existing capacity) of the Plan are incorrect and a 30% factor applied for the difference between available site capacities and actual recycling levels

	2012	2016	2021	2026	2031
Non-hazardous waste recycling requirement	453,800	510,300	568,000	623,600	634,100
Non-hazardous waste recycling capacity with 30% adjustment	397,300	397,300	279,000	279,000	200,600
Additional non-hazardous waste recycling capacity required	56,500	113,000	289,000	344,600	433,500
Inert waste recycling requirement	734,400	907,500	1,260,000	1,365,000	1,470,000
Inert waste recycling capacity with 30% adjustment	691,700	686,100	686,100	535,200	407,100
Additional inert waste recycling capacity required	42,700	221,400	573,900	829,800	1,062,900

2.7.12 On whatever basis, and remembering that it is not possible to make the adjustments mentioned at paragraph 2.7.9, a massive difference is evident between what is shown in Table 7 of the Plan and Table 2.7.A – 2.7.D. In all of the scenarios additional non-hazardous waste recycling can be seen actually to be already required and that inert waste recycling is required from as early as 2021, not as late as 2031 as the Plan currently identifies. Furthermore if the more realistic and best available estimates of CDE waste arisings (from the BPP Consulting Review of the waste evidence base) are applied there is also an immediate shortfall in new CDE/inert waste recycling, which is considerably higher by as soon as 2016 and then continues to increase (Table 2.7.C above). Additionally if the CDE waste recycling targets considered to be achievable in the previous February 2014 Consultation Draft Plan, and as recommended by BPP Consulting, are applied, the shortfall in CDE waste recycling rises in later years of the plan period.

2.7.13 These scenarios which are all fully supportable and realistic or appropriate alternatives[15] to the chosen strategy demonstrate that the proposed provisions for additional waste management capacity in the Plan are not justified by the evidence, are not sufficiently flexible to provide the waste management capacity that will be required to meet the identified waste needs, and are not in accordance with national planning policy. The NPPW requires at paragraph 2 that the planned provision of new capacity is based on robust analysis of best available data and information, and at paragraph 3 that waste planning authorities identify sufficient opportunities to meet the identified needs of their area for the management of waste streams, and that they should consider the extent to which the capacity of existing operational facilities would satisfy any identified need (emphasis added).

[15] See Section 2.4 – CDE Waste Recycling Targets; Section 2.5 – The Estimated Waste Required to be Managed: Table 5; Section 2.6 – The Existing Waste Management Capacity: Table 6; and paragraph 2.7.6 above.

2.7.14 Comments relating to the need to account for the difference between potential site capacities and actual recycling supply have been made on previous versions of the plan. Copies of these representations are produced at Appendices 10, 11 and 12.

2.7.15 The Council's summary of comments on the February 2014 Consultation Draft Plan includes at page 31 a brief reference to this point under policy M1 as follows:

"In addition, there should be no confusion between provision of recycling capacity and supply which are two different things".

However, there is no response as to how this particular point has been considered by the Council, (the Council's recorded response relates only to the other issue raised that it is not sufficient to rely on recycling targets for CDE waste in aiming to maximise the contribution to aggregate supply from recycled and secondary aggregate sources).

2.7.16 In addition the Council's summary of comments on the February 2014 Consultation Draft Plan at page 144 records in relation to policy W4:

"Care should be taken to ensure that the new recycling capacity requirements that need to be identified provide for a capacity that is greater than the recycling target."

The Council's response to this is:

"Capacity requirements will be monitored through the Council's Annual Monitoring Reports, in line with government guidance, and if necessary reviewed. The way in which these additional capacity requirements are to be met has been made clearer in revisions to the Core Strategy."

2.7.17 Clearly however, this response fails to address the points being made, and the revisions to the Core Strategy to clarify how additional capacity requirements are to be made, demonstrate that no account is intended to be made whatsoever for any differences between maximum site capacities and actual recycling production.

2.7.18 It is the case that, the objector has in relation to various previous versions of the Plan repeatedly made the point, that in calculating the requirement for new waste management capacity, the difference between actual recycling levels and potential recycling capacity of sites must be factored in, but the Council have never addressed the matter or taken it into account.

2.7.19 In summary the contents of Table 7 of the Plan are not sound because they are:

Not positively prepared. The identified need for additional waste management capacities given in Table 7 of the Plan are not based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, because they do not recognise that maximum or theoretical site capacities are not the equivalent of actual levels of recycling, and are furthermore not derived from

objectively assessed baseline figures and recycling targets. In so doing Table 7 of the Plan does not provide a robust basis for positive onward planning of the new sustainable waste management capacity required.

Not Justified. The contents of Table 7 of the Plan are not justified, because they are not based on a robust proportionate assessment of the available evidence base, and are not the most appropriate strategy when considered against the reasonable alternatives.

Not Effective. The contents of Table 7 of the Plan, in identifying significantly lower requirements for new waste management capacity than will in reality be the case, and in not accommodating part of the CDE waste stream, provide an inappropriate basis for assessing the need for new sustainable waste management capacity. The Plan will therefore fail to deliver the appropriate level of waste management capacity required and is inconsistent with and counter-productive to delivering sustainable development.

Not consistent with national policy. The strategy with regard to the identified need for additional waste management capacities given in Table 7 of the Plan has not been based on a robust analysis of the available data and an appraisal of options, (paragraph 2 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF), and is incompatible with the NPPF's requirement that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8) and to the NPPW's aims of encouraging more sustainable waste management (paragraph 1).

Alteration Needed to the Plan

2.7.20 In order for the Plan to be sound, the first and last rows of Table 7 of the Plan need to be adjusted as follows:

Facility type	2012	2016	2021	2026	2031
Non-hazardous waste recycling	56,500	113,000	289,000	344,600	433,500
Inert waste recycling recycling	42,700	221,400	573,900	829,800	1,062,900

2.7.21 However, it is to be noted that further adjustments are still needed to the figures and to the row headings in this table to change them so that they relate properly to the appropriate waste streams. It is the best that can be done in the circumstances of the Council having failed to do the necessary work to calculate the figures, relating to the need to ensure that the whole of the available capacity for the CDE waste stream is accounted for (see paragraphs 2.6.10 - 2.6.11 above). The Council need to go back and do this work.

2.7.22 The following amendments to the explanatory text are also required:

The second sentence of paragraph 5.25 of the Plan should read:

Shortfalls arise where the capacity provided by existing facilities (table 6), with a 30% reduction applied, to take account of the fact that maximum or theoretical site capacities are not equivalent to actual recycling levels, is insufficient to meet the estimates waste management capacity requirement (table 5).

The first sentence of paragraph 5.27 should be deleted and the second sentence should read as follows:

A need for additional commercial and industrial waste recycling facilities and for construction, demolition and excavation waste recycling facilities is likely to arise immediately (table 7).

2.8 Policy W4: The Locational Strategy for Waste Management Facilities

2.8.1 There are grave concerns regarding the proposed locational strategy for waste management facilities as presented in Policy W4 for a variety of significant reasons as set out in detail below, including that it:

- is not viable;
- would not achieve its stated aim of steering larger scale facilities towards locations close to the main centres of population;
- offends against objectives for achieving sustainable development;
- is inflexible;
- stifles competition; and
- is inconsistent or non-compliant with the plan vision, objectives and other plan policies.

2.8.2 The policy requires that larger scale (strategic and non-strategic) waste management facilities (other than landfill), which are defined at paragraph 5.32 and Table 8 of the Plan, as facilities with a throughput in excess of 20,000 tpa, to normally be located at specific provisions in or close to Bicester, Oxford, Abingdon and Didcot and the other large towns of Banbury, Witney, Wantage & Grove as indicated on the Key Waste Diagram.

2.8.3 Objection was raised to previous versions of this policy (W5 in the withdrawn Submission Plan of 2012 and the February 2014 Consultation Draft), because it was inconsistent with national planning policy, was inflexible, and produced internal consistencies in the Plan. These representations are at Appendices 11 and 12. The locational strategy has now been revised in the current Plan in a manner, which it is considered exacerbates the issues raised even further.

2.8.4 As stated at paragraph 5.37 of the Plan, one of its aims is to achieve a balanced distribution of waste management capacity across the County in relation to population and consequent waste arisings. Table 10 then gives the spread of facilities by District, which shows that Oxford has only 5 facilities with a total capacity of 16,200 tpa (or 0.6%) of the total 2,550,200 tpa waste managed across the County.

2.8.5 As Table 10 of The Plan also demonstrates, Oxford has the highest population of all the Districts, with 23% of the County's total population, and as by far the major economic and cultural centre, this means it is the principal generator of waste in the County. As evident from paragraph 2.5 of the Plan it is also identified as a key location for development, so can be expected to grow still further over the plan period.

2.8.6 Furthermore the wider central Oxfordshire area containing various satellite towns and villages to Oxford, such as Abingdon, Kidlington, Yarnton, Eynsham, Wheatley and Woodstock, all only within a 12km radius of the City centre is relatively

densely populated, having about 40% of the County's population. The 12km radius area, which can be identified from drawing no.: 202MWCS/3 at Appendix 6, covers just 452 square km (or 17%) of the total 2,605 square km area of the County.

2.8.7 Paragraph 5.37 of the Plan states that any opportunities that arise to add to waste management capacity in Oxford should where possible be taken, although it is acknowledged that pressures from other forms of development suggest that Oxford is unlikely to be able to provide the balance of waste management capacity achieved in the other districts. It is considered that this text vastly misrepresents the realities of the potential for Oxford to accommodate any material increase in waste management provision and reflects a flawed assessment of the deliverability of the strategy.

2.8.8 The 5 existing facilities identified in Oxford in Table 10 are:

1. a scrapyard;
2. a civic amenity site;
3. a highways depot, now allocated in the Oxford Local Plan for residential development;
4. a highways depot; and
5. a company called City Insulation Contractors who are specialist contractors in thermal and acoustic insulation also offering an asbestos removal service which requires an environmental permitting of their premises for transfer of the asbestos waste.

None of these make any significant contribution to managing the waste that arises in Oxford.

2.8.9 Over many years, in looking for locations to accommodate waste management facilities, whose primary source of waste is Oxford, site searches and work on site availability have time and time again demonstrated that there are no sites available in Oxford and that none are likely to be forthcoming for waste management facilities. As a consequence planning permissions have been granted for facilities handling Oxford's waste to be located in areas outside of but in reasonable proximity to the City. These sites are:

- Site 009i - Skip Waste Recycling, Worton Farm (60,000 tpa)
- Site 004ii – Skip Waste Recycling, Slape Hill Quarry (20,000 tpa)
- Site 009ii – Anaerobic Digestion, Worton Farm (45,000 tpa)
- Site 009iii - Aggregate Recycling, Worton Farm (48,000 tpa)
- Site 030ii – Aggregate Recycling, Shipton Quarry (150,000 tpa)
- Site 121i – Aggregate Recycling, Old Brickworks Farm (40,000 tpa)
- Site 247ii – Aggregate Recycling, Upwood Quarry (Replacement for Site 118i – Tubney Wood) (8,000 tpa)
- Site 008ii – Aggregate Recycling, New Wintles Farm (110,000 tpa)
- Site 236ii – Aggregate Recycling, Dix Pit (98,000 tpa)

There are also the following two sites, which have acquired lawful statuses through being operational for in excess of 10 years. These sites are:

- Site 070 – Aggregate Recycling, NW corner of TW Depot (20,000 tpa)
- Site 257 – Aggregate Recycling, Rear of Cemex Batching Plant (40,000 tpa)

(There are also MSW transfer sites at Culham No. 1 and Dix Pit, but these deal only with household waste collections for the District Councils of South Oxfordshire, Vale of White Horse, and West Oxfordshire and do not manage waste from Oxford).

2.8.10 All of these sites' locations (and their proximity to Oxford) are shown on drawing no.: 202MWCS/3 at Appendix 6. The drawing also shows that with the exception of the Slape Hill Quarry site, they all within the central Oxfordshire area (as defined at paragraph 2.8.6 above as a 12km radius of Oxford City centre). (The Slape Hill site is nevertheless well located in terms of miles travelled being located directly on the A44, a main arterial road into Oxford).

2.8.11 In total these sites provide the following maximum capacities to cater for wastes arising from Oxford:

- 80,000 tpa for C&I waste recycling (Sites 009i and 004ii);
- 45,000 tpa for food treatment (Site 009ii); and
- 474,000 tpa for aggregate recycling (the remainder of the sites excluding Old Brickworks Farm, which has never been operational)

2.8.12 Based only on the percentage share of the population in Oxford at 23% of the County's total population (not also taking into account the waste it generates through its role as a the main business centre), and the figures in Table 5 of the Plan showing how the amounts of principal waste streams are to be managed, this would mean that for MSW & C&I waste recycling/treatment these sites could cater for at most about 50% of the waste generated in Oxford.

2.8.13 For the inert proportion of CDE waste to be recycled the sites appear to provide an excess of capacity required. However, the reality is that, as has been explained in Section 2.5: The Estimated CDE Waste Required to be Managed: Table 5, CDE waste arisings are much higher than identified in the Plan, and at Section 2.7: The Requirement for Additional Waste Management Capacity: Table 7, maximum site capacity is not the equivalent of recycling production. In addition the generation of CDE waste is not proportionate to population levels, but relates to construction, demolition and engineering activity, which is higher in Oxford and the surrounding area, it being the main focus of the County, with major growth not just for housing but for all kinds of other business, cultural and infrastructure development.

2.8.14 It is apparent therefore that even these sites that have been permitted outside of the City do not fully cater for its waste generation, which must mean that significant proportions of Oxford's waste is being managed even further afield.

2.8.15 The site searches have revealed no sites in Oxford whatsoever and have also examined the newly allocated growth areas for Oxford to determine whether these could bring forward sites opportunities for new waste facilities, as suggested at

paragraph 5.34 of the Plan. However, the relevant areas were found not to be suitable, either because of too close proximity to residential development or because allocated for uses directly related to the knowledge economy of Oxford only (i.e. science and technology, research, biotechnology, and spin-off companies from the universities and hospitals).

2.8.16 The response from the Oxford City Planning Department in respect of previous searches for other facilities to serve Oxford, a copy of which is at Appendix 18, confirms that there would be very limited opportunity for waste management uses within Oxford City, due to:

- its tightly drawn administrative boundary;
- significant statutory environmental and other constraints;
- the built-up area is predominantly residential and highly sensitive to such uses;
- employment uses are for the most part for high-value employment or institutional use;
- areas within lower-value employment are protected as key employment areas and expected to see higher-value employment uses come forward in future years.

2.8.17 This viewpoint from the City Council corroborates the objector's experience, as a key operator in the waste industry, in terms of inability to find suitable or available locations for waste management use. Given the high proportion of central Oxfordshire that is covered by Green Belt and the very rural nature of the County (identified also at the outset of the Plan at paragraph 2.1) a general policy of restraint on development has operated over many years, and therefore urban areas are intensively developed. This also means that any undeveloped, or previously developed land, in urban areas has a premium land value, which given likely revenues generated from a waste management use would not be affordable for development of a viable recycling facility.

2.8.18 In light of all of the above it is suggested that the statement at the end of paragraph 5.37 of the Plan that "…pressures for other forms of development suggest that Oxford is unlikely to be able to provide the balance of waste management capacity achieved in the other districts." is actually a grossly misleading statement and that it is very unrealistic to suggest that Oxford might be able to provide any material difference to the balance of waste management capacity at all.

2.8.19 Previous versions of the Plan have made the following statements in relation to locating new waste management facilities in Oxford:

- Waste Planning Strategy Consultation Draft September 2011:
  "There is a need to explore whether there are potential opportunities in the Oxford area for new waste facilities, particularly for recycling commercial and

industrial waste and construction, demolition and excavation waste." (paragraph 4.57)

- May 2012 Proposed Submission Plan:
  "There is a need to explore whether there are potential opportunities in the Oxford area for new waste facilities, particularly for recycling commercial and industrial waste and construction, demolition and excavation waste." (paragraph 5.55).
- February 2014 Consultation Draft Plan:
  "Oxford is the largest centre of waste arising and has very few waste facilities at present. Opportunity should be taken to rectify this imbalance where possible …" (paragraph 5.40); and
- " There is a need to explore whether there are potential opportunities in the Oxford area for new waste facilities, particularly for recycling commercial and industrial waste and construction, demolition and excavation waste." (paragraph 5.55).

2.8.20 The objector has commented in relation to all of these statements that it has repeatedly been shown through site searches that no sites are likely to be forthcoming in Oxford, and that it is impractical to suggest that it is a feasible location for significant new waste management capacity. These representations are at Appendices 10, 11 and 12. The Council has not responded to or ever taken these comments into account.

2.8.21 Furthermore whilst saying since at least 2011 that there is a need to explore whether there is any potential in Oxford, the Council have still not carried out any assessment of land availability within the City. This is quite clearly contrary to the guidance in the NPPG[16] that the plan should be realistic about what can be achieved, and to do so the planning authority must pay careful attention (amongst other things) to providing an adequate supply of land. The carrying out of such an assessment is a basic requirement that the Council has failed to meet.

2.8.22 In light of this position, the stated aim of the Plan (paragraph 5.37): "to achieve a balanced distribution of waste management capacity across the county in relation to population and consequent waste arisings" is clearly entirely unrealistic in relation to Oxford.

2.8.23 It is furthermore the case that the intentions in respect of the distances for the location of facilities to serve Oxford, of within 10 km from the City centre, but avoiding the Green Belt, as set out at paragraphs 5.33 and 5.34 of the Plan and illustrated on the Key Waste Diagram, cannot be met. A very recently conducted site search (a copy of which is at Appendix 19) also found no suitable or available sites within the gaps identified in the Green Belt on the Key Waste Diagram. More recent evidence from local land agents is also included at Appendix 20, which

[16] Paragraph 018 of Local Plans: Preparing a Local Plan

confirms the lack of availability of sites around Oxford. Notably this also corroborates the issues outlined at paragraph 2.8.17 above in relation to land values.

2.8.24 In response to this site search the Council have said that the forward planning process would address the issue, but obviously that is still not happening, because there is no intention or timetable for determining site allocations (see paragraph 2.1.2 above) and the chosen strategy of Part 1 of the Plan will not be able to deliver the sites for the Part 2 document.

2.8.25 Notably, both Oxford City Council and Cherwell District Council have through their Local Plan processes identified the need to review and release Green Belt land in order to accommodate development needs. For Oxford this has so far consisted of the Northern Gateway and Barton Strategic Development Areas. For Cherwell it comprises two areas at Kidlington and Begbroke. None of these areas, however, would allow for the siting of waste management facilities. The relevant excerpts from The Oxford Core Strategy 2026 and the Cherwell Local Plan 2011 – 2031 Part 1 are at Appendix 21.

2.8.26 As identified at paragraph 2.1.20, above the Council has not conducted any study with regard to the availability of industrial, previously developed, or any other land within the proposed 10km distance of Oxford, in order to support the feasibility of their strategy that waste management capacity serving Oxford's needs should be located in this area. Again this approach is quite clearly contrary to the guidance in the NPPG[17] that the plan should be realistic about what can be achieved, and to do so the planning authority must pay careful attention to providing an adequate supply of land ensuring that the requirements of the plan as a whole will not prejudice the viability of development. The carrying out of a land availability study, to show that there are sites available, is a basic requirement and one that the Council has failed to meet.

2.8.27 It is the case therefore that, given the lack of available suitable non-Green Belt sites, and in order to comply with Policy W4, any new proposals with capacity in excess of 20,000 tpa for managing Oxford's waste could not be located any closer than 15km from the City Centre (taken as St Giles), which is the road distance as measured to the nearest edge of the locations around Witney and Bicester, as identified on the Key Waste Diagram. The Abingdon area would be further at 18 km, because of vehicle restrictions in Oxford.

2.8.28 In these circumstances it cannot be substantiated that the effects of Policy W4 would be delivery of development that in any way reflects part c) of the Waste Planning Vision, that: "Waste management facilities will be distributed across the county, with larger-scale and specialist facilities, being located at or close to Oxford and other large towns…." (emphasis added). Conversely, the policy

[17] Paragraph 018 of Local Plans: Preparing a Local Plan

actually means that significant areas of the County that are close to Oxford and cover the main focus of population would not be considered suitable for locating waste management facilities, which would mean that the new waste management infrastructure could only be located at some distance from and not close at all to Oxford.

2.8.29 Furthermore for the locational strategy for waste management facilities to have this consequence of requiring such considerable distances for waste to be transported is entirely inconsistent with the ambition as set out at paragraph 1 of the NPPW, that positive planning should play a pivotal role in providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, and the NPPF's aims (paragraphs 7, 17, 30 and 34) of moving to a low carbon economy and promoting sustainable transport. It also generates a clear-cut internal inconsistency in the Plan between the aims of the Waste Planning Vision, the fourth Waste Planning Objective and Policy C10, which seek an economically and environmentally efficient network of waste management facilities to "build more sustainable communities that increasingly take more responsibility for their own waste" and minimise the distance waste needs to be transported by road (emphasis added).

2.8.30 In addition there are other sizeable towns in Oxfordshire, such as Thame, Henley, Carterton, Chipping Norton, Burford, Wallingford and Faringdon that need to have waste management facilities greater than 20,000 tpa in size located close to them. Otherwise the waste from these communities will need to be managed at quite considerable distances away from its source. For example the nearest of the areas on the key waste diagram is 15 km from Chipping Norton, 26 km from Henley and 15 km from Thame.

2.8.31 It is evident therefore that the statement made at paragraph 5.37 of the Plan that: "one of the aims of the plan is to achieve a balanced distribution of waste management capacity across the county in relation to population and consequent waste arisings" cannot at all be substantiated not only in relation to Oxford, but also to Oxfordshire as a whole.

2.8.32 As reported in footnote 2 to paragraph 2.2 of the Plan, congestion is a significant problem in Oxfordshire and growth in all traffic on Oxfordshire roads is predicted to be over 25% over the period to 2026. In addition as reported at paragraph 6.3 of the Plan average per capita carbon dioxide emissions from Oxfordshire are higher than the South East and national averages. The consequences of the proposed locational strategy for waste management facilities in requiring lorries transporting waste to travel significant additional miles will only exacerbate problems with congestion and worsen carbon emission levels. The strategy does not therefore chime well with the commitment expressed at paragraph 6.3 of the Plan that the Council is committed to reducing emissions, or with the description of Oxfordshire at paragraph 2.3 of the Plan relating to maintenance and enhancement of Oxfordshire's high quality environment to support growth of the County's

knowledge-based economy. It also does not fulfil the vision and objectives of the Sustainable Community Strategy for Oxfordshire, as set out at paragraphs 2.33 and 2.34 of the Plan, or the aims of the Oxfordshire Local Transport Plan 2011 – 2030 (LTP3), as described at paragraph 6.52 of the Plan.

2.8.33 As the NPPG[18] and paragraphs 14 and 15 of the NPPF indicate, Local Plans should be based upon and reflect the presumption in favour of sustainable development. The Plan clearly does not comply with this principle.

2.8.34 A good starting point for assessing the appropriateness of the strategy would be to consider the current provision or past performance as recommended by the NPPG[19] and whether that accords with what is now being proposed. To this end the location of existing facilities for recycling and/or treatment of waste with capacities of at least 20,000 tpa have been plotted on drawing no.: 202MWCS/4, which is at Appendix 22, to determine whether they fit within the areas for waste management facilities as identified on the Key Waste Diagram. The drawing shows that of 27 existing locations, there are only 4 that comply with the locational strategy for waste management facilities required by Policy W4. Clearly therefore the strategy is not based on an analysis of the current evidence.

2.8.35 As was identified at Section 2.1: The Lack of a Single Plan Document, the strategy is also inconsistent with policy W5, which gives priority to siting waste management facilities on land that is already in use for minerals working or waste management use. An analysis of the locations of sites already in waste management use and/or active mineral workings or landfill sites shows that there are there are only 7 such sites of a total of 55, which fall within the areas identified on the Key Waste Diagram as suitable locations for new strategic and non-strategic facilities under policy W4, the locations of which are identified on drawing no.: 202MWCS/2 at Appendix 4.

2.8.36 It is noted that the location of the Ardley waste to energy plant “fits” with the strategy as drafted, because it is located just within the area around a specified town identified on the Key Waste Diagram, (although it is actually about 7km from the edge of Bicester, measured by road distance, rather than the 5km specified at paragraph 5.33 of the Plan). However, this is considered to be a rather disingenuous justification of the strategy, because the facility will only draw a small part of its waste from the specified town and the vast majority would be drawn from Oxford and the remainder of the County. In order to minimise distances travelled the best location for strategic facilities would be as close to Oxford and the centre of the County as possible, and this should therefore be the starting point for measuring distances for the location of strategic facilities. Ardley is about 23 km, measured by road distance, from the built up area of Oxford.

[18] Paragraph 011 of Local Plans: Preparing a Local Plan
[19] Paragraph 004 of Viability: Viability – a general overview

2.8.37 A further measure for assessing the appropriateness of the strategy would be to consider the nominations that have been made for new or continued operations of existing waste recycling and/or treatment facilities. The nominations have therefore been plotted on a drawing no.: 202MWCS/1, which is at Appendix 1, to determine whether they would comply with the strategy. This reveals that of 25 site nominations only 4 fall within the areas identified on the Key Waste Diagram as where sites of this size should be located. It is not a case therefore that, as maintained at paragraph 7.31 of the Plan, "the waste planning strategy is potentially capable of being delivered", unless all new capacity is to be provided by these 3 facilities, which it plainly cannot be. It is difficult to understand how the Council is proposing to develop the Site Allocations Document, given the nature of the site nominations.

2.8.38 In addition there is an internal consistency between the provisions of Policy M1, which would allow aggregate facilities to be located at aggregate quarries and inert waste landfill sites. The locations of these sites have been plotted on drawing no.: 202MWCS/5 at Appendix 23, which demonstrates that out of 26 aggregate quarries and inert landfill sites in the County only 4 would be in areas that support the locational strategy for waste management facilities.

2.8.39 It is abundantly clear that the proposed locational strategy for waste management facilities is unworkable. The existing provision and distribution of waste management does not comply with the proposed strategy; the proposals for new facilities do not comply with the proposed strategy; and other policies, which seek to deliver the provision, are clearly incompatible with the proposed strategy.

2.8.40 The NPPG states[20] that appropriate and proportionate evidence is essential to producing a sound Local Plan, and[21] that a Local Plan is an opportunity for the local planning authority to set out a positive vision for the area, but the plan should also be realistic about what can be achieved, which means paying careful attention to providing an adequate supply of land, identifying what infrastructure is required and how it can be funded and brought on stream and ensuring the requirements of the plan as a whole will not prejudice the viability of development. This Plan is neither positive nor realistic about providing for Oxfordshire to manage its waste in a sustainable manner. The reason for this would appear to be that this NPPG advice has not been followed, and the locational strategy for waste management facilities in Policy W4 is not based on an understanding or objective assessment of local economic and market conditions or realistic assessment about the supply of land. It further does not follow the NPPG advice[22], that a collaborative approach involving the business community, developers, landowners and other interested parties to improve understanding of deliverability and viability, is necessary.

[20] Paragraphs 014 of Local Plans: Preparing a Local Plan
[21] Paragraph 018 of Local Plans: Preparing a Local Plan
[22] Third bullet of Paragraph 004 of Viability: Viability – a general overview

2.8.41 The Council have produced a hypothetical strategy for locating new waste management capacity that is not based on any proper analysis or recognition of what is actually feasible. The inconsistency between what the policy seeks and what can or is sought to be achieved in practice is demonstrated by discussions with the Council in relation to previous searches for locating sites to serve the Oxford market, in which the Council were not able to identify any suitable locations within the City or other non-Green Belt locations other than at some distance from the City centre at between 21 km and 25 km away. Whilst the evidence attached at Appendix 20 demonstrates why these sites are in any event not available or suitable, the Council were nevertheless suggesting site locations as being acceptable that would not have complied with their own emerging locational strategy for waste management facilities.

2.8.42 As drafted the effects of the locational strategy for waste management proposals in excess of 20,000 tpa are, that the acceptability of any subsequent planning applications are essentially predetermined, and to create unfair competition. This is because of the limited choices that would be available to locate new capacity that would comply with both policies W4 and W5. There would be in total only 8 minerals and waste locations or site nomination sites (Sutton Courtenay Quarry, Ardley Quarry, Challow Marsh Farm, Sutton Wick Quarry, Gill Mill Quarry, Banbury Transfer Station, B&E Waste Transfer, and Grove Industrial Park) that comply in principle, (notwithstanding any issues of further suitability relating to use of green field land and/or ability to expand the site).

2.8.43 This represents an inflexible, anti-competitive approach contrary to the NPPF's requirement that Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change (paragraph 14) and that local planning authorities should plan proactively to meet the development needs of business and encourage sustainable economic growth, aiming to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places (paragraphs 7 and 17-21).

2.8.44 The specified areas defined on the Key Waste Diagram make the strategy too inflexible for current conditions and unable to respond to further potential change, which is contrary to the NPPG advice[23] with regard to how detailed a Local Plan should be, that they "should concentrate on the critical issues facing the area – including its development needs – and the strategy and opportunities for addressing them, paying careful attention to deliverability and viability." If (contrary to the Government's preferred approach) the Plan is not going to contain all its policies in one document, and site allocations are to be reserved for another document, then there is no justification for specific areas to be defined at this stage, particularly when the work has not yet been done to fully assess what can precisely be delivered.

[23] Paragraph 010 of Local Plans: Preparing a Local Plan

2.8.45 The statement at paragraph 5.38 of the Plan: "Policy W4 provides a locational framework for waste management facilities that reflects the needs and characteristics of different part of the county whilst also providing flexibility for the market to respond to waste management needs" is simply not borne out by the evidence.

2.8.46 With regard to the objection made to the previous version of the locational strategy for waste management facilities on the grounds similarly that it was not based on a realistic assessment of the supply of land and market viability, was not flexible enough to meet Oxford's needs, was inconsistent with national planning policy and produced internal inconsistencies in the plan, the Council's summary of comments on the February 2014 Consultation Draft Plan records these representations at page 146 as:

"The strategic facility area excludes existing operational strategic CDE waste recycling sites, for which Oxford is already their principal source of waste. It should be re-drawn to include existing strategic CDE facilities west of Oxford and to better reflect the hinterland of Oxford as shown on Figure 15, be consistent with the area identified in the council's search (2007) for a residual waste treatment facility and provide better opportunity for sites closer to the main source of arising (Oxford) than at present. There are currently no CDE waste recycling sites close to the eastern side of Oxford – one in this area would also be well located for Thame."

2.8.47 The Council's recorded response is:

"The strategic facility area shown on the key waste diagram has been redrawn as separate areas around Oxford (10km radius) and the other specified towns (5km radius); this extends the area to the west and east of Oxford although much of it is constrained by the Green Belt."

2.8.48 It is not at all apparent from the key waste diagram that there is a 10km radius zone around Oxford, but in any event there is no practical difference. There is only a thin sliver of land identified other than the urban areas not covered by the Green Belt, within which as has been identified above there is no suitable or available land for waste management purposes. In addition the response does not address the issues raised in relation to the fundamental lack of sustainability of the approach as has been identified above.

2.8.49 The Council must demonstrate that there are sufficient sites that comply with policy W4 to achieve delivery of the waste management infrastructure required, but policy W4 will not deliver what the Council says is needed let alone what the objector as a key operator in the local waste industry says is needed.

2.8.50 In summary policy W4 is not sound because it is:

<u>Not positively prepared.</u> The proposed location of new waste management capacity in excess of 20,000 tpa at specific locations within the County is not

based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, because it is unviable, inflexible and anti-competitive and is not consistent with achieving sustainable development.

Not Justified. Policy W4 is not justified, because it has not been devised on the basis of a robust and credible evidence base. It has not been informed by an understanding of local economic and market conditions or a realistic assessment about the supply of land and has not involved proper collaboration with the waste industry to improve understanding of deliverability and viability.

Not Effective. Policy W4 provides an inappropriate and unsustainable basis for locating new waste management capacity in excess of 20,000 tpa, which is inconsistent with existing practice and future potential site options. The Plan will therefore fail to deliver the appropriate level of waste management capacity required and is inconsistent with and counter-productive to delivering sustainable development.

Not consistent with national policy. The proposed locational strategy for new waste management capacity in excess of 20,000 tpa, as identified in policy W4, has not been based on a robust analysis of the available data and an appraisal of options, (paragraph 2 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF). It is furthermore incompatible with the NPPF's requirement that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8), and does not provide the clear and predictable framework for making decision required by the NPPF of Local Plans (paragraphs 17 and 154). In addition it offends against the NPPF's aims of moving to a low carbon economy and promoting sustainable transport (paragraphs 7, 17, 30 and 34), as well as those in the NPPW (paragraph 1) of encouraging more sustainable waste management and that positive planning should play a pivotal role in providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste.

Alteration Needed to the Plan

2.8.51 In order for the Plan to be sound Policy W4 needs to be redrafted to be less restrictive about the locations for waste management facilities. This should involve amending the Key Waste Diagram to remove the specified areas/locations for strategic and non-strategic waste facilities, deleting the words "as indicated on the Key Waste Diagram" from parts a) and b), and amending part b) to include other towns.

2.8.52 It is also considered that the second sentence of paragraph 5.33 of the explanatory text should be amended to say:

Any strategic, or non-strategic waste management facilities, whose main source of waste is Oxford, should normally be located within 20 kilometres and 15 kilometres respectively of the built up area of Oxford City, and for other non-strategic facilities within 5 kilometres of the built up area of other towns or growth areas, as

measured by the road distance, but avoiding the Oxford Green Belt and Areas of Outstanding Natural Beauty (see policies W5 and C8).

2.8.53 In addition the third sentence of paragraph:

Growth at Bicester, Oxford and Didcot may also bring forward site opportunities for new waste facilities.

should be removed, because it is a claim based purely on speculation without any foundation in the evidence base.

2.8.54 This would present a fair and transparent approach to the location for waste management facilities, reflecting the reality of the current position (including a closer approximation with the location of the Ardley waste to energy plant) and what is likely to be achievable in line with the NPPF's aims of promoting sustainable development and encouraging a strong, responsive and competitive economy (paragraphs 7 and 17-21).

2.9 Policy W5: Green Field Land

2.9.1 The terms of Policy W5 are internally inconsistent, because it states that priority will be given to siting waste management facilities on land that involves (inter alia) existing agricultural buildings and their curtilages, yet later in the policy it states that waste management facilities will not be permitted on green field land unless this can be shown to be the most suitable and sustainable option for location of the facility.

2.9.2 The Glossary at the back of the plan defines "Greenfield site" as "site previously unaffected by built development." However, this is not a correct definition. Green field land is land that has not previously been developed, and the NPPF (in the Glossary at Annex 2) provides a definition of previously developed land. This definition specifically excludes land that is or has been occupied by agricultural or forestry buildings, and therefore existing agricultural buildings and their curtilages are green field land. Consequently it follows that such land should not be prioritised if the policy is to exclude waste management facilities from green field land.

2.9.3 As such the policy is also inconsistent with the eighth Waste Planning Objective, which seeks to avoid the unnecessary loss of greenfield land when making provision for sites for waste management facilities, giving priority to the re-use of previously developed land.

2.9.4 Nevertheless this Waste Planning Objective is also based on an unrealistic assumption and incorporates a presumption against use of green field sites, which is not evident in national planning policy. The NPPW requires (at paragraph 4) that in identifying suitable sites and areas for new or enhanced waste management facilities, priority should be given to the re-use of previously-developed land (as well as sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages) and the NPPF states at paragraph 111 that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land). However, neither of them excludes the use of green field land.

2.9.5 Notably the NPPG confirms this to be the case by explaining: "While priority should be given to the re-use of previously developed land, greenfield allocations need not be entirely ruled out if that is the most suitable, sustainable option. Not all brownfield sites will be suitable for the range of waste management facilities required to support the Local Plan and some may be of high environmental value. The concern is to ensure good use of suitable 'brownfield' land and avoid turning unnecessarily to greenfield locations." [24]

[24] Paragraph 041 of Waste: Evidence needed to identify waste requirements in Local Plans – Identifying suitable sites and areas

2.9.6 The Council has not carried out any analysis of the availability or feasibility of using previously developed land (PDL) for waste management facilities to justify the presumption against use of green field land in policy W5. This approach is contrary to the NPPG, which makes clear[25] that the plan should be realistic about what can be achieved, and to do so the planning authority must pay careful attention to providing an adequate supply of land and ensuring that the requirements of the plan as a whole will not prejudice the viability of development. The NPPG also explains [26] that understanding Local Plan viability is critical to the overall assessment of deliverability and that Local Plans should present visions for an area in the context of an understanding of local economic conditions and market realities. The NPPG further states[27] that this requires evidence based judgment; a realistic understanding of the costs and value of development in the local area and an understanding of the operation of the market; and that understanding past performance can be a useful start. The carrying out of a land availability study, to show that there is PDL available, is a basic requirement and one that the Council has failed to meet.

2.9.7 The best starting point for an analysis of the soundness of a plan objective is indeed to look at actual practice and likely outcomes, as advised by the NPPG[28]. This reveals that of the existing permitted sites for waste recycling or treatment with permanent planning permission only 29% would have met the definition of PDL in the NPPF (Annex 2: Glossary). This comprises 7 sites of 24 in total. If sites with temporary planning permissions are also taken into account the proportion reduces to 16%, i.e. 7 out of 43 sites in total. The position is demonstrated on drawing no.: 202/MWCS/3 at Appendix 6, which shows the locations of the existing sites in conventional waste management use, excluding landfill, (as have been distilled from those identified on Drawing No.: 202/MWCS/2 at Appendix 4, which include landfill). The green field or PDL status of the sites shown on drawing no.: 202/MWCS/3 at Appendix 6 reflects the position at the time that they were granted planning permission. Therefore the significant majority of waste management provision is in fact already being made on green field sites.

2.9.8 In addition, of the 25 sites nominated to be included in the Council's proposed site allocations document for new waste recycling/treatment or for continued operation of existing sites with temporary planning permissions, only 5 would meet the definition of PDL in the NPPF (Annex 2: Glossary). In other words the vast majority, i.e. 20 of new site nominations are green field sites, as identified on Drawing No.: 202MWCS/1 at Appendix 1.

2.9.9 The existing provision and nature of the proposed sites reflects the lack of available non-green field sites for waste management purposes, which is due to the considerable constraints on development generally in the County and the

[25] Paragraph 018 of Local Plans: preparing a Local Plan
[26] Paragraph 001 of Viability: Viability – a general overview
[27] Paragraph 004 of Viability: Viability – a general overview
[28] Second bullet of Paragraph 004 of Viability: Viability a general overview

preference for use of any available previously developed land for what are perceived to be more pressing other uses. It is also consistent with the objector's experience in searching for sites; that there is no PDL land available.

2.9.10 It would also seem from the terms of policy W5 in relation to waste management or mineral sites, that there is no allowance for an extension of these sites for new waste recycling or treatment proposals onto adjoining green field land, unless deemed to be the most suitable and sustainable option. Though there is some confusion about this arising from the explanatory text to the policy, which at paragraph 5.43 seems to be encouraging the further development or extension of an existing site, as it may offer a better option than the development of a new facility elsewhere. Alternatively paragraph 5.44 of the Plan states that waste development (per se) should generally be avoided on green field land unless the most suitable and sustainable option, and potential harm can be mitigated. However, the final sentence of the paragraph then says that depending on the area of land involved these considerations (about being a sustainable option and mitigating harm) may also be relevant where the extension of an existing site onto green field land is proposed (emphasis added).

2.9.11 Clarification is necessary on this point in accordance with the requirement at paragraph 154 of the NPPF that only policies that provide a clear indication of a how a decision maker should react to a development proposal should be included in the plan, and it is submitted that the clarification should be that extensions to existing mineral and waste sites for new waste recycling provision would generally be appropriate. The reasons for this are that such sites have already been considered to be suitable locations, and there are benefits to be gained from co-locating waste facilities.

2.9.12 Interestingly the Plan at paragraph 5.96 recognises that waste water development would need to take place on green field land (contrary to the general presumption in policy W5), because this type of development has the potential to impact on the environment, in particular landscape and general amenity. As waste management development invariably has the same if not greater likelihood of impact on the environment as waste water infrastructure, there is no justification for singling this type of development out for special treatment.

2.9.13 The Plan must demonstrate that there are sites to allocate within its policy parameters. It cannot impose restrictions unless it is known that the Part 1 strategy will deliver Part 2 of the plan. However, that is not known, because the Council have failed to meet the basic requirement of carrying out a waste management land availability assessment to show that there is land available to comply with and confirm that the Part 1 strategy is realistic.

2.9.14 Objection to the proposed exclusion of green field land from waste development was made in respect of the previous consultation on the February 2014 Consultation Draft Plan, a copy of which is produced at Appendix 6. The Council's

summary of comments on the February 2014 Consultation Draft Plan responds at page 151 as follows:

"The inclusion of agricultural buildings and their curtilages is consistent with the National Planning Policy for Waste; there is no conflict with also stating that green field should not generally be used. The policy has been amended and allows for green field locations to be used where it can be shown to be the most suitable and sustainable location".

2.9.15 The Council's response misunderstands the point that is being made, which is that on the one hand policy W5 encourages use of green field land - in the form of existing agricultural buildings and their curtilages, then conversely says that its use will not be permitted (unless certain conditions are met). That does generate a conflict in the policy. It is agreed that the inclusion of agricultural buildings and their curtilages is consistent with the NPPW, but there is a no presumption against use of green field land in the NPPW and therefore no internal inconsistency in that policy document, unlike the position with policy W5.

2.9.16 Policy W5 will not deliver what the Council says is needed let alone what the objector as a key operator in the local waste industry says is needed.

2.9.17 In summary the 8th Waste Planning Objective and policy W5 are not sound because they are:

Not positively prepared. The proposed presumption against use of green field land for waste management facilities is not based on a strategy which seeks to meet objectively assessed development and infrastructure requirements and is not consistent with achieving sustainable development.

Not Justified. The general presumption against use of green field land is not justified, because it is not based on a robust and credible evidence base. It has not been informed by a realistic understanding of what can be achieved and proper assessment of the available supply of land.

Not Effective. The presumption against use of green field land is inconsistent with existing practice and future potential site options. The Plan will therefore fail to deliver the appropriate level of waste management capacity required and is inconsistent with and counter-productive to delivering sustainable development.

Not consistent with national policy. The general presumption against use of green field land has not been based on a robust analysis of the available data and an appraisal of options, (paragraph 2 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF), and is incompatible with the NPPF's requirement that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8) and to the NPPW's aims of encouraging more sustainable waste management (paragraph 1). It introduces a presumption that is not identifiable in national policy.

Alteration Needed to the Plan

2.9.18 In order for the Plan to be sound, and aligned with national policy, the 8th Waste Planning Objective should be re-ordered to read:

Provide for the effective re-use of previously developed land in preference to green field land when making provision for sites for waste management facilities

2.9.19 The third paragraph of Policy W5 should also be deleted. This would remove the conflict with encouraging the use of agricultural buildings and the priority for use of previously developed land would remain within the first part of the policy.

2.9.20 In addition the explanatory text at paragraph 5.44 of the plan should be amended to say:

While priority is to be given to the re-use of previously developed land, the use of green field land will be considered where it can be shown to be the most suitable and sustainable option and where potential harm, particularly landscape impact can be satisfactorily mitigated. This would apply also where the extension of an existing site onto green field land is proposed, and factors which would contribute to the suitability of the proposed extension would be where transport, operational, and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities.

2.9.21 Furthermore the definition of a "Greenfield site" in the Glossary to the Plan needs to be changed to be: *"any land that is not defined in the NPPF as previously developed land"*, and then the NPPF's definition of previously developed land should be added to the Glossary.

2.10 The Inert Waste Landfill Figures and Policy W6: Landfill

2.10.1 There are serious concerns about a number of aspects of the methodology used to arrive at the inert waste landfill figures in Table 13 of the Plan and the consequent conclusions that are drawn in the explanatory text to and content of policy W6, which it is considered are not robust.

Non-Operational Capacity

2.10.2 In the first instance Table 13 of the Plan includes non-operational capacity, which is contrary to the guidance of the NPPW, which states at paragraph 3, final bullet point, that in identifying the need for waste management facilities waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need (emphasis added). The Government's report on the responses to the consultation on the NPPW confirms at paragraph 27 that the policy has been clarified to make it clear that only existing operational capacity should be taken into account when assessing need.

Errors in the Figures

2.10.3 Secondly the explanatory text at 5.61 states that over the lifetime of the plan there is already potential to 'dispose' of some 370,000 – 590,000 tonnes of waste. Notwithstanding that the larger volume reflects non-operational and/or potential (not yet approved) capacity, and should therefore according to the NPPW advice (paragraph 3) not be relied upon, Table 13 does not contain these figures. Table 13 is re-produced below for ease of reference.

Plan Table 13: Capacity available for disposal of inert waste 2013 – 2031 (units as specified)

	Available void (m^3)	Cumulative available void (m^3)	Cumulative waste disposal capacity (tonnes pa)
Operational facilities	4,700,0000	4,700,000	440,000
Non-operational facilities	300,000	5,000,000	469,000
Permissions not yet implemented	2,500,000	7,500,000	703,000

2.10.4 Paragraph 5.62 of the Plan then claims that the existing and permitted sites should provide sufficient capacity for the 'disposal' of Oxfordshire's forecast waste (593,000 tonnes per annum) until at least 2025. As can be seen, however, from Table 13 above, this is not the case. There is only an existing operational capacity of 440,000 tonnes per annum. In addition the forecast waste requiring disposal is given as 552,000 tpa in the relevant Table 5 of the Plan, not 593,000 tpa.

2.10.5 The explanation can perhaps be found by making the calculation of multiplying the figures in the "Cumulative available void" column of Table 13 by 1.5 to arrive at a tonnage figure, and then to divide this by 19, i.e. the number of years between 2013 and 2031. This produces a figure of 370,000 tpa for existing operational facilities and 592,000 tpa, if permissions not yet implemented are included.

Underestimated Waste Arisings

2.10.6 Moreover, as has been set out at Section 2.5: The Estimated CDE Waste Required to be Managed: Table 5, there are serious concerns about the manner in which the CDE waste arisings figure has been arrived at, and the case made that rather than the Plan's artificially reduced figures, those of the BPP Consulting Review of the Waste Needs Assessment 2012 should be used, which is the best available estimate at the current time. (The contradictions between the figures in paragraph 5.62 of the Plan and that of Table 5 of the Plan would be accounted for by the further downwards calculation of the CDE waste arisings figure that has been done since approval of the document by Council in March 2015, without making commensurate amendments to the text). The differences, between the Plan's figures for CDE waste landfill/restoration and those that would be the case if the BPP Consulting estimate was used, are identified in the following table.

Table 2.10.A: Requirement for CDE Waste Landfill – Alternative scenarios of Plan provision and according to BPP Consulting CDE Waste Arisings Figure

	2012	2016	2021	2026	2031
Plan Landfill/restoration requirement	447,000	510,000	552,000	552,000	552,000
Landfill/restoration requirement according to BPP Consulting CDE Waste Arising Estimate	653,000	743,000	840,000	840,000	840,000

Types of Waste

2.10.7 Furthermore given that Table 13 of the Plan is concerned with inert waste landfill and that about 20% of CDE waste is not inert, it is not a question of simply comparing the CDE waste landfill/restoration requirement to the inert waste void capacity figures. Indeed the non-inert element of CDE waste could not possibly be used for restoration purposes, given its potential to pollute the environment if deposited to ground. If an appropriate adjustment is made (of 20%) the inert waste capacity requirement would be approximately as shown in the following table.

Table 2.10.B: Requirement for Inert Waste Landfill – Alternative scenarios of Plan provision and according to BPP Consulting CDE Waste Arisings Figure

	2012	2016	2021	2026	2031
Plan Landfill/restoration requirement	358,000	408,000	442,000	442,000	442,000
Landfill/restoration requirement according to BPP Consulting CDE Waste Arising Estimate	522,000	594,000	672,000	672,000	672,000

The Correct Approach

2.10.8 On the basis of the Council's own figures there is insufficient existing landfill capacity to last until the end of the Plan period and according to the figures based on the more robust BPP Consulting estimate of waste arisings there is quite a significant shortfall. Furthermore even if all of the not yet implemented permissions were to materialise, there would be a shortfall of about 0.5 million cubic metres of inert waste void at the end of the Plan period.

2.10.9 This is on the basis of the more realistic BPP Consulting estimate of waste arisings, and is likely to represent significant under provision, particularly remembering that the BPP Consulting waste arisings figure is still a conservative estimate, given the anticipated growth in the Oxfordshire economy and likely significantly higher rates of housing building recommended by the Strategic Housing Market Assessment for Oxfordshire (see paragraphs 2.5.28 – 2.5.32 above). In addition to arrive at this figure it has been assumed that the void space of not yet implemented permissions that last well beyond the plan period would be used up before the end of the life of the site, which is very unlikely.

2.10.10 The overall conclusion therefore is that there will be insufficient void space to provide for the disposal of residual inert waste arisings over the plan period. As a consequence the claims made at paragraph 5.63 of the Plan that it is likely there will be shortage of inert waste to achieve satisfactory restoration of worked out quarries is not based on a robust analysis of the evidence nor on a proper understanding of local economic and market conditions, which is not an approach supported by the NPPG[29].

Recovery versus Disposal in Permanent Deposit of Waste to Land

2.10.11 Much has been made in the Plan of making a distinction between landfill and restoration of quarries. The references to dispose and disposal are often cited in parentheses (paragraphs 5.61 and 5.62), and a footnote is provided on page 83 of the Plan explaining that the use of inert waste for the restoration of spent mineral workings can be defined as a 'recovery' operation, all of which implies that deposit

[29] Paragraph 18 of Local Plans: Preparing a Local Plan and Paragraph 004 of Viability: Viability – an overview

of waste in a worked out mineral working is not waste disposal. However, this does not reflect the reality of the matter.

2.10.12 In the first instance the Environment Agency does not always class quarry restoration as recovery, and quite often determines that it is a landfill operation, particularly where it has always been envisaged (in making the original application for the mineral working) that waste would be used for restoration. Conversely there are many other forms of development, including bunds and embankments, landscaping schemes, slope and land stabilisation, roads and building foundations which the Environment Agency consider to be recovery operations and yet the County Council regard as landfill, and to which the term disposal is incorrectly applied. The reason that these forms of development are classed as recovery by the Environment Agency is that they are satisfied that the principal objective is that the waste serves a useful purpose in replacing other materials that would have had to be used for that purpose, thereby conserving natural resources. In other words it has been demonstrated that the proposed use of inert waste in the development has significant environmental benefits and is sustainable.

2.10.13 It is disappointing therefore that the Plan makes no provision for such schemes as a means of using inert waste sustainably, but focuses only on restoration of quarries, which can actually be exercises in landfilling, and not about recovery of material. As drafted, policy W6 could be used to prevent use of inert waste in proposals that would have significant environmental benefits in terms of use of waste as a resource, could be the most sustainable option for the waste (e.g. in terms of minimising transportation and carbon emissions), and might not in any event prejudice or delay restoration of quarry sites. Such decision making would be contrary to the NPPF's golden thread of presumption in favour of sustainable development (paragraph 14) and that local planning authorities should positively seek opportunities to meet the development needs of their area. Policy W6 should therefore also make clear provision for using inert waste in other sustainable manners in addition to the restoration of mineral workings.

2.10.14 In summary the inert waste landfill figures in Table 13 of the Plan and policy W6 are not sound because they are:

Not positively prepared. The inert waste landfill figures have not been calculated correctly and are based on a waste arisings figure that has been reduced using methods that have not been objectively assessed and/or are not statistically robust. In addition priority is not given to all forms of inert waste recovery equally. In so doing the strategy does not make realistic provision for inert waste landfill requirements and is therefore contrary to the aims of achieving sustainable development.

Not Justified. It is not the most appropriate strategy, when considered against the alternative of adopting the waste arisings baseline figure considered to be appropriate and recommended by BPP Consulting in their review, commissioned by the Council, of the Oxfordshire waste evidence base. The justification given for

a reduction in the baseline figure is not based on a robust and credible evidence base, and leads to a misrepresentation of the true position. By not giving equal treatment to all forms of inert waste recovery policy W6 also does not adopt the most appropriate and sustainable strategy.

Not Effective. The proposed approach of reducing the waste baseline figure and calculation of projected future estimates of inert waste required to be landfilled from this lower baseline does not properly take account of planned major development in the County and predicted growth of the Oxfordshire economy generally. It will therefore not deliver the appropriate level of inert waste landfill capacity that will be required and is therefore inconsistent with and counter-productive to delivering sustainable development.

Not consistent with national policy. The strategy with regard to the estimated quantities of inert waste required to be managed and the options for the use of inert waste identified in policy W6 have not been based on a robust analysis of the available and relevant data and an appraisal of options (paragraphs 2 and 3 of the NPPW) or a proportionate evidence base (as required by paragraph 158 of the NPPF), and are incompatible with the NPPF's requirement that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8) and to the NPPW's aims of encouraging more sustainable waste management (paragraph 1).

Alteration Needed to the Plan

2.10.15 In order for the Plan to be sound a number of changes are proposed as described in the following paragraphs.

2.10.16 Table 13 of the Plan needs to be amended as follows:

Table 13: Capacity available for disposal of inert waste 2013 – 2031 (units as specified)

	Available void (m^3)	Cumulative available void (m^3)	Cumulative waste disposal capacity (tonnes pa)
Operational facilities	4,700,0000	4,700,000	370,000

2.10.17 The fifth paragraph of policy W6 should read as follows:

Priority will be given to the use of inert waste that cannot be recycled,

- *to achieve satisfactory restoration of active or unrestored quarries, and*
- *in operational development where the waste serves a useful purpose in replacing other materials that would have had to be used for that purpose, and it can be demonstrated that there would be an overall environmental benefit from its use.*

2.10.18 Paragraph 5.62 of the explanatory text should read as follows:

Much of the existing capacity is provided by two large facilities. Shellingford Quarry has permission to operate until 2028; and Shipton-on-Cherwell Quarry has permission to operate until 2025. The existing sites do not provide sufficient capacity for the 'disposal' of Oxfordshire's forecast waste (672,000 tonnes per annum) for the plan period.

2.10.19 Furthermore paragraph 5.63 of the explanatory text should be amended to remove the words "rather, it is more likely that there will be a shortage of this type of waste to achieve satisfactory restoration of worked out quarries (see also policy M10). Policy W6 therefore provides for priority to be given to the use of residual inert waste in the restoration of quarries", which should be replaced with the following text:

There are likely to be various proposals for operational development, such as embankments, landscaping schemes, slope and land stabilisation, roads and building foundations where inert waste can be used to replace virgin materials that would otherwise have to be used for the purpose, thereby conserving natural resources, and which may generate other environmental benefits by use of the waste. Policy W6 therefore provides for priority to be given to the use of residual inert waste in the restoration of quarries and in operational development where there would be an overall environmental benefit.

2.11 **Policy W11: The Safeguarding of Waste Management Sites**

2.11.1 It is welcome that the Plan addresses the issue of safeguarding sites in waste management use. However, there are very grave concerns that Policy W11 does not seek to protect sites where the planning permission does not continue for the remainder of the plan period. There is no basis for this in national planning policy or reasonable justification for it, and it constitutes an inequitable treatment of sites. There are facilities, for example, with long term planning permissions, which do not expire until the end of 2029, just two years short of the plan period, which make very valuable contributions to existing waste management provision and would not be safeguarded, whereas sites with temporary planning permissions that expire just a few years later would be.

2.11.2 The purposes of safeguarding are to ensure that land already in waste management use is not used or developed for other purposes without good reason, and to monitor land use activity in the vicinity of waste management facilities to guard against the establishment of non-conforming uses, with the objective of securing the long-term use of sufficient land for Oxfordshire's future waste needs.

2.11.3 These purposes apply equally to temporary uses. In the first instance it would not be appropriate for other land uses to replace a temporary waste management facility that might still have some years to run, as this would only add to the County's burden by needing then to find replacement capacity.

2.11.4 Secondly, land use activity in the vicinity of temporary waste management facilities should equally be monitored to ensure that non-conforming interests are not permitted. This is necessary both to safeguard against harm to (new) neighbouring land uses from the potential effects of waste sites (even if temporarily), but also to safeguard against an additional issue arising in the planning balance that was not previously the case, and which could unfairly cause there to be a reason for not approving a continuation of the site, where the site may have otherwise been suitable.

2.11.5 It is for these reasons that the NPPW requires (paragraph 8) that when determining planning applications for non-waste development local planning authorities should ensure that the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operations of such facilities. There is no indication that “existing” does not include sites with only a temporary permission.

2.11.6 Similarly, with regard specifically to waste management facilities which produce recycled aggregate, the NPPF requires (paragraph 143) that existing, planned and potential sites for concrete manufacture and the handling, processing and

distribution of substitute, recycled and secondary aggregate should be safeguarded in local plans. The phrase "existing, planned and potential" is wide. It does not limit the type of existing site to only one that has a permanent permission, or for the period of the plan. It even includes sites without planning permission, both ones where there is some certainty of the site coming forward (planned) and others where there is less certainty (potential).

2.11.7 Within the February 2014 Consultation Draft Plan the supporting text to policy W11 maintained that the reason for the policy approach was: “It would not be appropriate to safeguard temporary sites where the permission will expire before the end of the plan period, and a decision on the possible continuation of such use should only be taken after consideration of all the relevant planning considerations at the time.”

2.11.8 To this the objector provided the response that such a statement was somewhat misplaced, because safeguarding is not at all relevant to the planning merits of a site, or to the issue of whether a planning permission should be granted for continuation of a site. The same planning considerations must apply to any application for continuation of a temporary permission that expires after the end of the plan period, as would apply to a site where the permission expires before the end of the plan period. It cannot be the case, as seems to be implied that a temporary permission, which expires say in 2032, a year after the end of the plan period is effectively made permanent or given the advantage of more permanence through the fact that it has been safeguarded.

2.11.9 It is not a case of suggesting that sites with temporary permission should be safeguarded indefinitely, or even for the life of the Plan, just that they are safeguarded for the life of the permission. This enables the identified purposes of the policy to be equally applied to them (to comply with national planning policy), and due consideration can then still be given to the planning issues that would normally be taken into account when extending or making permanent an activity on expiry of a temporary planning permission, without having unnecessarily added to them. As paragraph 2.45 of the Plan says, sites already in longer term waste management use are valuable but can be vulnerable to pressures for other forms of development.

2.11.10 It was then encouraging to note that the November 2014 version of the proposed submission Plan, as approved by the Council’s Cabinet, no longer proposed not safeguarding sites with temporary planning permission.

2.11.11 Nevertheless the exclusion of temporary sites not enduring for the plan period has been re-introduced in the current Plan. This change is not identified in the list of changes between the November 2014 Plan approved by Cabinet and the March 2015 version approved by full Council.

2.11.12 What is said in the list of changes (annex 3 of the committee report) is that Policy W11 has been amended to follow a similar format to that used in the minerals

safeguarding policies (M8 and M9) to clarify that sites to be safeguarded will be identified in Part 2 of the plan – the Site Allocations Document. However, it is in fact the case that what has now developed is an inconsistency between the minerals and waste safeguarding policies.

2.11.13 Policy M9 correctly does not actually make any exclusion from safeguarding of mineral infrastructure with temporary planning permissions and the supporting text at paragraph 4.68 clarifies that this includes processing and other plant and facilities for the production or supply of recycled and/or secondary aggregate materials. As such the policy accords with the requirements of paragraph 143 of the NPPF.

2.11.14 Conversely paragraph 4.11 of the Plan suggests that recycled aggregate and secondary aggregate facilities not benefiting from a planning permission extending to the end of the plan period would not be safeguarded under policy W11, and policy M1 introduces a stipulation that recycled or secondary aggregate sites will be safeguarded in accordance with policy W11. This is clearly inconsistent with policy M9, and the 12th Minerals Planning Objective, which seeks to safeguard important facilities for the production of secondary and recycled aggregate (irrespective of whether with temporary permission), and is contrary to national planning policy. The final two sentences of policy M1 are in any event not relevant to the purposes of this policy, which is about the provision of alternative aggregate supply, and should therefore be deleted.

2.11.15 Exposing sustainable waste management sites to unnecessary threats is not consistent with the aims of driving management of waste up the waste hierarchy (NPPW paragraph 1) and encouraging use of recycled aggregate (NNPF paragraph 143).

2.11.16 Furthermore there can be no reasonable justification for safeguarding non-operational waste sites, as identified in the second two bullet points of Policy W11 (sites with planning permission for waste use but not yet implemented and vacant sites last used for waste purposes), when key operational sites with long term (but temporary) permissions are not considered worthy of safeguarding. As described there is also entirely unjustly no restriction on these non-operational sites even where they do not have planning permissions lasting to the end of the plan period.

2.11.17 Comments relating to the need to also safeguard temporary waste sites were made on the previous consultations on the September 2011 Draft Plan and on the February 2014 Consultation Draft Plan. These representations are produced at Appendix 4 and 6. The Council's summary of comments on the February 2014 Consultation Draft Plan at page 158 responds as follows:

"Amended policy W11 applies interim safeguarding to all existing and permitted waste management facilities (apart from landfill), both permanent and temporary; but it is not appropriate to apply this safeguarding to unauthorised facilities. The issue of whether temporary facilities should be given long-term safeguarding will

be considered in part 2 of the plan, the Site Allocations Document, and will depend on the likely suitability of the site for permanent waste use."

2.11.18 The Council's response is disingenuous. It has never been suggested that unauthorised facilities should be safeguarded, and according to the terms of the policy, it is not a case that the issue of whether temporary facilities should be given long-term safeguarding is being determined in Part 2 of the Plan. The 1st bullet point of policy W11 makes clear that temporary facilities with permissions that extend beyond the end of the plan period will be safeguarded, and there is no requirement to assess their likely suitability for permanent use.

2.11.19 There can be no justification for such safeguarding of some sites with temporary permission and not others. It may also be the case that a site with a temporary permission lasting beyond the plan period, but where there is no ambition for it to become a permanent use is safeguarded whereas another is not. The suitability of the site for permanent use is not a relevant matter to safeguarding. The purpose of safeguarding is to protect valuable waste management structure from being displaced by other uses whilst it is available, and to protect vulnerable uses from locating too close to waste sites.

2.11.20 Given the Council's response it is even more apparent that the policy on safeguarding is not a transparent and clear policy, and that the Council consider it appropriate to defer decisions on safeguarding sites to a later stage without providing any certainty about which sites will be considered suitable for safeguarding, contrary to the requirement in the NPPF (paragraph 17 and 154) that Local Plans provide a clear and predictable framework for decisions to be made in. The terms of Policy W11 have not been positively prepared, causing unnecessary and indiscriminate vulnerability to sites which are making an important contribution to the sustainable management of waste and movement up the waste hierarchy.

2.11.21 In summary policy W11 is not sound because it is:

Not positively prepared. The proposed lack of safeguarding of sites with temporary planning permission which does not endure beyond the end of the plan period is not based on a strategy which seeks to meet objectively assessed development and infrastructure requirements and is not consistent with achieving sustainable development.

Not Justified. The terms of policy W11 are not based on a proper analysis of the available evidence base, and are not the most appropriate strategy when considered against the reasonable alternative approach of ensuring that all approved sustainable waste management sites are safeguarded to protect against vulnerability.

Not Effective. The terms of policy W11 provide an inappropriate and discriminatory basis for applying safeguarding of sites and there is therefore no certainty that the Plan will be able secure the delivery of the appropriate level of waste management

capacity required and is inconsistent with and counter-productive to delivering sustainable development.

Not consistent with national policy. The proposed lack of safeguarding of sites with temporary planning permission which does not endure beyond the end of the plan period has not been based on a robust analysis of national guidance on this issue (paragraph 143 of the NPPF and paragraph 8 of the NPPW), does not provide the clear and predictable framework for making decisions required by the NPPF of Local Plans (paragraph 17 and 154), and is incompatible with the NPPF's intention that the planning system should play an active role in guiding development to sustainable solutions (paragraph 8) and to the NPPW's aims of encouraging more sustainable waste management (paragraph 1).

Alteration Needed to the Plan

2.11.22 In order for the Plan to be sound Policy W11 should be amended to read:

The Minerals and Waste Local Plan: Part 2 – Site Allocations Document will identify sites that will be safeguarded for waste management use for the duration of their planning permission; comprising:

- *Sites in waste use and with planning permission;*
- *Sites with planning permission for waste use but where the use of the development permitted has not yet been undertaken;*
- *Vacant sites last used for waste purposes; and*
- *Sites allocated for waste management development in the Site Allocations Document*

Pending the adoption of the Site Allocations Document the sites safeguarded for waste management use are specified in Appendix 2.

The list of sites safeguarded for waste management use will be monitored and kept up to date in the Minerals and Waste Annual Monitoring Report.

Proposals for development that would prevent or prejudice the use of a site safeguarded for waste management use will not be permitted unless:

- *The development is in accordance with a site allocation for development in an adopted local plan or neighbourhood plan; or*
- *Equivalent waste management capacity can be appropriately and sustainably provided elsewhere; or*
- *It can be demonstrated that the site is no longer required for waste management.*

2.11.23 In addition the final two sentences of policy M1 should be deleted.

2.12 **Lack of Due Procedure in Preparation of the Plan**

2.12.1 When the February 2014 Draft Plan was published for consultation none of the topic papers referred to and said to inform its content was available. Comments on that version of the plan therefore had to be made without the benefit of this part of the evidence base.

2.12.2 After the Proposed Submission Plan had been approved by the Council in March 2015 copies of the topic papers again referred to and said to inform its content were requested from the Council. At the same time copies of the following documents were also requested:

- The Council's responses to the representations made on the February 2014 Draft Plan; and
- The preliminary assessment of sites referred to at paragraph 7.31 of the Plan (as also in the version of the Plan that was approved for submission by the Council in March 2015), which is said to have been prepared to show that the waste planning strategy is potentially capable of being delivered.

These documents were requested between 20 - 28 May 2015. However, the response was received that the topic papers and the Council's responses on the previous representations were not available, and that the preliminary site assessment was not in a publishable form, but they would be provided as soon as possible. (See email correspondence at Appendix 24).

2.12.3 The requested documents were not forwarded prior to publication of the Proposed Submission Plan. The topic papers and preliminary site assessment were then also found not to be available on the County Council's website at the start of the consultation period from 19 August 2015.

2.12.4 Paragraph 1.2 of the Council's Guidance on Making Representations identifies the proposed submission documents, and states that "a duty to co-operate statement and topic papers to support the Core Strategy, to assist understanding of the issues and help explain the strategies and policies, are being prepared." A further request was therefore made to the Council to forward the requested documents on 20 August 2015. The Council's response was that they had put all the required proposed submission document on the website, but there are some other documents that they had not yet got in a publishable form, including the preliminary waste sites assessment, which they hoped to have available shortly. (See email correspondence at Appendix 24).

2.12.5 As of 3 September 2015 (over two weeks into the consultation period) the only one of these documents available on the website was the "Oxfordshire Water Environment". The duty to co-operate statement was then placed on the website at some point between 10 September 2015.

2.12.6 In accordance with the NPPF (paragraph 155) the forward planning process is required to be front loaded. This means evidence based policy not policy based

evidence, and the Sustainability Appraisal of the Plan should be evidentially based. Otherwise how can reasonable alternatives be assessed, and how are the reasons for rejecting reasonable alternatives to come to the preferred strategy to be explained, if the evidence has not been produced to be able to do that?

2.12.7 Furthermore even if it were acceptable to fill in the gaps at a later stage, it is not simply a matter of not having provided the information up front as required, it is the case that some tasks and fundamental building blocks to the Plan have not been done at all. There is no waste management land availability assessment, which is a basic requirement, to show that the strategy is realistic and the appropriate calculations to show the existing waste management capacity that handles the entire CDE waste stream have not been done.

2.12.8 In addition the preliminary waste sites assessment is a key document that needs to be seen in order to understand how the Council have come to the conclusion that the waste planning strategy is potentially capable of being delivered.

2.12.9 The lack of availability of these background documents means that the consultation process has not been properly informed; there has been no assistance provided by the Council in understanding the issues and no help in explaining how and why the strategies have been arrived at. More particularly, however, the Council's approach is plainly contrary to the NPPG[30], which makes clear that the evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively and that local planning authorities should publish documents that form part of the evidence base as they are completed rather than waiting until options are published or a Local Plan is published for representations. In this case all of the evidence documents have not even been produced at the time that the Local Plan has been published for representations. Furthermore with regard to those that have, the Waste Needs Assessment is different in relation to its conclusions on CDE waste arisings to the one on which the Council based their decision to approve the document.

2.12.10 In addition the Council only published its responses to the representations on the February 2014 Draft Consultation Plan at the same time as publication of the Proposed Submission Document on 19 August 2015. Given this position it is difficult to understand how the Council members could have been fully informed of why and how the issues raised were to be dealt with in the revised Plan.

2.12.11 It is also the case that many of the representations made have simply not been taken in account by the Council, for example the representations made relating to the need to encourage improved CDE waste recycling supply, the difference between potential site capacities and actual recycling levels, and the fact that Oxford is not a feasible location for any material new waste management sites.

[30] Paragraph 014 of Local Plans: Preparing a Local Plan

2.12.12 The Council has not followed its own principles as set out at paragraph 2.2 of the Statement of Community Involvement (SCI) 2015:

- Keep an open mind and run consultations in an open and honest way
- Be clear about what we are consulting on and what we will do with the findings;
- Give all relevant parties the chance to have their say;
- Provide sufficient time and information to enable people to engage;
- Take views expressed in consultations into account when we make decisions;
- Provide effective and timely consultation feedback.

2.12.13 More particularly, the SCI also makes the following statements, that the Council will:

- consult communities on the development of plan documents at the earliest possible stage to allow meaningful engagement in the process (paragraph 4.3);
- seek to involve and consult people throughout the process of preparing minerals and waste plan documents, including at the early informal stages of plan preparation (paragraph 4.11);
- run consultations for a minimum of six weeks (paragraph 4.13); and
- make consultation documents and other relevant material available for inspection on and downloading from the County Council website throughout the consultation period paragraph 4.13).

2.12.14 It is clear that by not making the relevant supporting material to the consultation documents available and thereby enabling interested parties to become engaged in their content at an early stage in the process or even for the minimum six week consultation period, by not taking into account views expressed, and by not providing effective and timely consultation feedback, that the Council has not complied with the requirements of their own SCI. This failure to comply with the SCI renders the Plan not legally compliant

What Needs to be Done

2.12.15 The Council should not have produced the Plan at the time that it did not have its evidence base sufficiently advanced. It has now produced finalised documents, but these are flawed for the reasons given in the various aspects of this representation. In addition the topic papers and the preliminary site assessment have not been produced, so the consultation period should be extended to enable these to be considered when available. Furthermore the Council needs to embark on the missing items of evidence, and to consider in light of the results of the still missing items of evidence, whether to revise the Plan and re-consult at that stage.

2.12.16 A separate representation is provided on the Sustainability Appraisal of the Plan.

2.13 **Miscellaneous Matters**

2.13.1 A couple of inconsistencies or inaccuracies in the Plan have also been noted, which it is suggested can be easily remedied by corrections or small changes in terminology. These are outlined in the following paragraphs.

2.13.2 In the 7th Minerals Planning Objective, it would be advisable to change the word "minerals" after "distance" and before "need to be transported" to the word "aggregates", to clarify that it is not just for primary minerals that the transport impact needs to be minimised, but also for recycled aggregate. In this manner the terms of the Objective would also be made consistent with the Vision, which does appropriately use the word "aggregates" when setting out the intention to minimise transportation distances at part b).

2.13.3 Paragraph 5.33 only refers to the North Wessex Downs Area of Natural Outstanding Beauty (AONB). However, Oxfordshire is also affected by two other AONBs: The Chilterns and Cotwolds. The reference in the paragraph could be corrected by simply referring to AONBs rather than naming them.

2.13.4 Table 11 of the Plan identifies the landfill site at Slape Hill Quarry as having a permitted end date of 2019. This is incorrect the permission for landfilling at Slape Hill Quarry is not time limited.

2.14 Evaluation of Whether the Planning Objectives Will be Achieved

2.14.1 In this section an analysis is provided and conclusions are drawn, in light of the issues raised in the preceding sections, as to whether the Plan's Minerals and Waste Planning Objectives will be achieved, were the Plan to be adopted as drafted.

2.14.2 The **first Mineral Planning Objective** seeks to facilitate the efficient use of Oxfordshire's mineral resources by encouraging the maximum practical recovery of aggregate from secondary and recycled materials for use in place of primary aggregates.

2.14.3 With the exception of the word "practical", which is unnecessary and counter-productive to maximising alternative aggregate supply, this objective is generally supported. However, it is submitted that it will not be achieved for the following reasons:

- As set out at section 2.2 above, Policy M1 does not seek to encourage more effective recycling of CDE waste, through more sophisticated wash plant systems, which not only enable higher quality recycled aggregate to be produced to meet all building specifications and therefore properly replace primary aggregate, but which also enable significantly improved recovery of CDE waste, which is not the case with conventional aggregate recycling. Policy M1 therefore does not provide positive support for maximising recycled aggregate recovery, and in fact by introducing the limitation that the supply need only be made "so far as is practicable" it in fact hinders the objective of maximising use of this material.
- Given that policy M1 does not contain a minimum level of alternative aggregate provision that should be made; that the recycling of CDE waste is the principal source by which alternative aggregates will be sourced; and in light of the inappropriate conclusions arrived at in the Plan about CDE waste arisings, recycling rates and additional recycling capacity required (see sections 2.4, 2.5 and 2.6 above), a significantly lower level of alternative aggregate supply would now be deemed to be acceptable, than the minimum provision (of 900,000 tpa) which the previous version of the policy would have ensured. The contribution these materials make to the aggregate supply will therefore be much less than would have been the case with the previous submission document and therefore their use will not be maximised through the new Plan (see section 2.3 above).

2.14.4 The **fifth Minerals Planning Objective** aims to provide a framework for investment and development by mineral operators and landowners through a clear and deliverable spatial strategy which is sufficiently flexible to meet future needs and has regard to existing and planned infrastructure.

2.14.5 Policy M1 specifies that recycled or secondary aggregate facilities are to be provided at locations that meet the criteria in policy W4 (amongst others).

However, as identified at section 2.8 above, the terms of policy W4 are unworkable, being overly restrictive and inconsistent with other policies that seek to deliver the infrastructure needs. This does not provide a framework that developers of recycled aggregate supply facilities can have the confidence to invest in, does not provide a clear deliverable spatial strategy, because it does not have any regard to existing and planned infrastructure, and is not any way flexible enough to meet future needs.

2.14.6 The **seventh Minerals Planning Objective** wishes to minimise the transport impact of mineral development on local communities, the environment and climate change by minimising the distance minerals need to be transported by road and encouraging where possible the movement of aggregates by conveyor, pipeline, rail and on Oxfordshire's waterways.

2.14.7 This objective is very much supported, but it is considered that with regard to alternative aggregate it will not be achieved. This is because sites for producing recycled aggregate, which are generally larger scale (producing more than 20,000 tpa) will have to be located in areas some distance from the main source(s) of waste and market for the recycled product, due to the specific distribution identified in policy W4, which does not cater for the wider community needs of all towns in Oxfordshire, and the realities with regard to the lack of available suitable and viable land in the Oxford area (all as set out in section 2.8 above).

2.14.8 In addition to this lack of a sustainable approach to the location of recycled aggregate facilities, which will have the consequences of increasing carbon emissions and congestion rather than the desired intention of reducing their effects, the objective is also not supported through the proposed policy approach in respect of secondary aggregate.

2.14.9 In the first instance, notwithstanding that the LAA confirms at paragraphs 3.60 to 3.62 that potential import of secondary aggregate to Oxfordshire would not be viable or sustainable, policy M1 nevertheless suggests that it should be encouraged. As the LAA clarifies the source of such material would be China Clay sand from Cornwall and Devon. Transporting this material such huge distances can scarcely be said to be in the interests of furthering the objectives of the seventh Minerals Planning Objective.

2.14.10 Secondly, given the location of the Ardley waste to energy plant in the north of the County, any re-use/recycling of its incinerator bottom ash (IBA), which is the only source of secondary aggregate in Oxfordshire, will have to travel considerable distances to Oxford, or the growth areas in the south of the County, which would be the main market for its use.

2.14.11 The proposed strategy in relation to the provision of both recycled and secondary aggregate supply does not therefore meet the desired objective of minimising the transport impact of mineral development.

2.14.12 The **eighth Minerals Planning Objective** aspires to 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 mineral development (including traffic).

2.14.13 In respect of this objective the same considerations as have been outlined at paragraphs 2.14.7 above apply. The consequences of not minimising the distances that aggregates need to be transport by road, in addition to higher carbon emissions, mean increased congestion and impact for the amenity of sensitive locations and the environment of the people living along the route that the minerals traffic has to use.

2.14.14 The **twelfth Minerals Planning Objective** is to safeguard important facilities for the production of secondary and recycled aggregate, railhead sites for the bulk movement of aggregate into Oxfordshire by rail and other infrastructure to support the supply of minerals in Oxfordshire.

2.14.15 The NPPF requires (paragraph 143) that existing, planned and potential sites for concrete manufacture and the handling, processing and distribution of substitute, recycled and secondary aggregate should be safeguarded in local plans, and the twelfth Minerals Planning Objective appears to flow appropriately from this requirement.

2.14.16 Nevertheless, there is an unfortunate inconsistency in the Plan, in that whilst policy M9 applies safeguarding to all such (mineral infrastructure) sites without caveat, policy W11 introduces the rule that to be guaranteed of being safeguarded, waste management sites must alternatively have a permission enduring for the life of the Plan. The effect of this is that at least one very important long term facility that provides very high quality recycled aggregate (suitable for concrete manufacture), but whose permission expires just two years before the end of the plan period would not have the surety of being safeguarded as required by the NPPF See section 2.11 above).

2.14.17 It is considered therefore that this important objective is not being supported by the terms of the Plan as a whole.

2.14.18 The **first Waste Planning Objective** is to make provision for waste management (including residual waste disposal) capacity that allows Oxfordshire to be net self-sufficient in meeting its own needs for municipal solid waste, commercial and industrial, and construction, demolition and excavation waste.

2.14.19 Serious concerns have been raised at sections 2.1, 2.5, 2.6, 2.7 and 2.10 above about:

- the Council's avoidance of progressing the site identification process;
- the manner in which the estimates of waste arisings have been arrived at;

- the robustness of the calculations of existing waste management capacity;
- the methodology for determining how much additional waste management capacity is required; and
- the shortcomings of the conclusions that have been made in relation to the need for inert waste landfill capacity,

which all lead to the conclusion that the basis for waste management infrastructure provision has unrealistically and inappropriately been minimised, and that the process for delivering the necessary sites has been hamstrung both by uncertainty and by non-viable and restrictive policies.

2.14.20 As a consequence it is contended that adequate provision for waste management (including residual waste disposal) capacity that allows Oxfordshire to be net self-sufficient will not be made, and the first Waste Planning Objective and potentially most fundamental Waste planning Objective of all will not be achieved.

2.14.21 The **third Waste Planning Objective** pursues the support of initiatives that help reduce the amounts of waste produced and provide for the delivery, as soon as is practicable, of waste management facilities that will drive waste away from landfill and as far up the waste hierarchy as possible; in particular facilities that will enable increased re-use, recycling and composting of waste and the recovery of resources from remaining waste.

2.14.22 The inadequate calculation of the additional waste recycling and treatment capacity required, as set out at section 2.7 above, shows that the Council are not expecting to deliver any new facilities at all until 2021, which would be for non-hazardous waste recycling only. Then the only other facilities that are identified as being needed are CDE waste recycling facilities, but not until 2031. No provision is said to be required for further composting/food waste treatment. (See Table 7 of the Plan). That being the case, it cannot be said that the Plan provides for the delivery of waste management facilities that will drive waste away from landfill as soon as is practicable.

2.14.23 It is also difficult to understand how the Council intends to progress the increasing of recycling rates, as set out in the Plan. If the existing available capacity is already sufficient and no more is required until 2021 or 2031, then the increased recycling rates of 2021 - 2031 must already be being met, but that is not a case made out by the evidence base to the Plan.

2.14.24 There is also no encouragement of use of inert waste in proposals for operational schemes where it would replace other materials that would have had to be used for that purpose, thereby conserving natural resources. Such schemes are classed as recovery operations by the Environment Agency, because of the environmental benefits they bring and are clearly preferable to the disposal of the waste in landfill sites. Instead encouragement is only given to restoration of quarries, which in some cases can in fact amount to a landfill activity, not to recovery. (See section 2.10 above).

2.14.25 It is evident therefore that the Plan policies are not unequivocally aimed at promoting facilities that will enable increased re-use, recycling and composting of waste and the recovery of resources from remaining waste, and that the third Waste Planning Objective will therefore not be accomplished.

2.14.26 The **fourth Waste Planning Objective** is to seek to provide for waste to be managed as close as possible to where it arises, and encourage other areas to become net self-sufficient in meeting their own waste needs, to:

- minimise the distance waste needs to be transported by road;
- reduce adverse impacts of waste transportation on local communities and the environment; and
- enable communities to take responsibility for their own waste.

2.14.27 The same considerations as have been set out at paragraphs 2.14.7 and 2.14.13 above apply. The locational strategy for waste management facilities of policy W4 does not cater adequately for the wider community needs of all towns in Oxfordshire, and the realities with regard to the lack of available suitable and viable land in the Oxford area (all as set out in section 2.8 above) will mean that larger scale waste management sites (anything in excess of 20,00 tpa) will have to be some distance from the main source(s) of waste and market for the recycled products.

2.14.28 The effects of not minimising the distances that waste needs to be transported by road, in addition to higher carbon emissions, mean increased congestion and impact for the amenity of sensitive locations and the environment of the people living along the route that the waste traffic has to use. Furthermore by shifting management of waste further away from its source, as would be the consequence of policy W4, it certainly cannot be said that it enables waste to be managed as close as possible to where it arises or for communities to take more responsibility for their own waste.

2.14.29 It is contended that the proposed locational strategy for waste management facilities, rather than supporting the fourth Waste Planning Objective, actually runs directly counter to its intentions.

2.14.30 The **fifth Waste Planning Objective** aims to 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.

2.14.31 As has been demonstrated at section 2.8 above, the locational strategy for waste management facilities of policy W4 does not cater adequately for the wider community needs of all towns in Oxfordshire, and the realities with regard to the lack of available suitable and viable land in the Oxford area will mean that larger

scale waste management sites (anything in excess of 20,00 tpa) will have to be located in specific areas away from Oxford.

2.14.32 It cannot therefore be substantiated, that a balanced distribution of waste management capacity across the County in relation to population and consequent waste arisings will be achieved, not only in relation to Oxford, but also to Oxfordshire as a whole. Indeed the consequence of the policy is an entirely unbalanced distribution of Oxford's future waste management needs being met at Witney, Bicester, Didcot or Abingdon (as the closet available specified areas), and no provision being made within the east of the County at all.

2.14.33 The **sixth Waste Planning Objective** is to seek to ensure that the waste management facilities required in Oxfordshire are provided as an integral part of the infrastructure of the County and where possible are located to enable local employment and local use of energy (heat and power) recovered from waste.

2.14.34 The realities of the proposed locational strategy for waste management facilities of policy W4 are that it does not support the existing waste management infrastructure in the County, and there are internal consistencies between its requirements and those of policy W5 which encourages development of existing waste management sites for new capacity. (See Section 2.8 above). There is furthermore no land availability assessment to show that sites can be found within other industrial or developed areas. The Plan will therefore not be able to provide new waste management facilities as an integral part of the infrastructure of the County.

2.14.35 The strategy also does not support the objective's aims of furthering local employment and local use of energy recovered from waste, because the main centre of population (employment source and market for the energy use) of Oxford is at some considerable distance from the only available locations for new waste management capacity. This and the lack of provision of larger scale facilities to serve other towns means that employment opportunities for theses areas are not being provided and potential employees will need to travel further, adding to already significant congestion problems in Oxfordshire.

2.14.36 The **eighth Waste Planning Objective** aims to avoid the unnecessary loss of green field land when making provision for sites for waste management facilities, giving priority to the re-use of previously developed land.

2.14.37 The view has been expressed in this representation, that this objective should be re-drafted to be aligned with national policy, so that it is a case of prioritising previously developed land over green field land, but not necessarily ruling its use out. This is so, because it is the case that the objective is not a realistic one.

2.14.38 This contention is supported by past practice, which demonstrates a low approval of permissions for permanent waste management facilities on previously

developed land, of about only a third in total. In addition the vast majority of nominations for new waste management provision are on green field land. It is furthermore notable that the Council has not carried out any analysis of the availability or feasibility of using previously developed land for waste management facilities to show that the loss of green field land can be avoided.

2.14.39 It has been the objector's experience in repeatedly trying to find sites for waste management development, that there is no potential or suitable previously developed land available, and that it will not be possible to avoid the use of green field land, if new waste management capacity is to be established. Consequently by reversing the test that is not evident in national policy and making the policy objective more restrictive, it renders it an impractical and unachievable aim.

2.14.40 The **ninth Waste Planning Objective** aspires to 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).

2.14.41 In respect of this objective the same considerations as have been outlined at paragraphs 2.14.27 – 2.14.28 above apply. The proposed locational strategy for waste management facilities would have the consequences of not minimising the distances that waste needs to be transport by road, and would mean higher carbon emissions and increased congestion, as well as harmful impact to the amenity of sensitive locations and the environment of the people living along the route that the waste traffic has to use.

2.14.42 In addition the lack of any progress in site identification of the new waste management facilities that will be required, and failure to carry out a land availability study to demonstrate that the criteria of the strategic policies would enable sufficient land of the right type in the right places to be found, mean that there is no certainty that this objective can be met in terms of the other interests it seeks to protect.

Conclusion

2.14.43 The aspirations of the Plan are fine. However, the mechanisms identified for delivering those aspirations are woefully inadequate. The Council needs to start again with a proper evidence base, face up to their responsibility regarding the levels of waste that is needed to be handled, be realistic about existing and new capacity, and to draw up criteria that will allow the required capacity to be delivered; otherwise it is an unsound plan

3.0 SUMMARY OF ALTERATIONS NEEDED TO THE PLAN

3.0 The changes that have been identified above are set out in full below. Text to be deleted is shown as ~~struck through~~ and additional text shown underlined.

3.1 Minerals Planning Vision, 1st paragraph:

3.3 The vision for minerals planning in Oxfordshire in 2031 is that:

a) There will be a sufficient supply of aggregate materials available to meet the development needs of the county with a world class economy, and make an appropriate contribution to wider needs, provided from the following sources (in order of priority):

- secondary and recycled aggregate materials ~~(where practicable)~~;
- locally produced sharp sand and gravel, soft sand, limestone and ironstone; and
- import of materials such as hard crushed rock that are not available locally.

3.2 Minerals Planning Objectives, 1st and 7th objectives:

3.4 The Oxfordshire Minerals and Planning Vision is supported by the following objectives which underpin the minerals strategy and policies in this plan:

i. Facilitate the efficient use of Oxfordshire's mineral resources by encouraging the maximum ~~practical~~ recovery of aggregate from secondary and recycled materials for use in place of primary aggregates.

vii. Minimise the transport impact of mineral development on local communities, the environment and climate change by minimising distances ~~minerals~~ aggregates need to be transported by road and encouraging where possible the movement of aggregates by conveyor, pipeline, rail and on Oxfordshire's waterways.

3.3 Waste Planning Objectives, 8th objective:

3.7 The Oxfordshire Minerals and Planning Vision is supported by the following objectives which underpin the waste strategy and policies in this plan:

viii ~~Avoid the unnecessary loss of~~ Provide for the effective re-use of previously developed land in preference to green field land when making provision for sites for waste management facilities~~, giving priority to the re-use of previously developed land~~.

3.4 Paragraphs 4.8 – 4.12 of the Plan:

4.8 The supply of recycled and secondary aggregates in Oxfordshire ~~will be limited~~ is largely dependent ~~by~~ on the scale of construction and demolition activity and the quantity of material available from that source for recycling. ~~The aggregate materials produced generally vary in quality and cannot~~

~~meet all specifications; for higher specification applications, use of high quality land won aggregate is usually the only practicable option.~~ Aggregate recycling is now beginning to undergo significant advances in capability and new systems are in operation that enable the production of higher quality substitute aggregate from CDE waste, which can meet all building specifications, including concrete manufacture.

4.9 The earlier (withdrawn) Minerals and Waste Core Strategy included a policy target for recycled and secondary aggregate ~~provision~~ supply of 0.9 million tonnes per year. That target was from the now revoked South East Plan. The target has therefore been updated to a provide for a supply of at least 0.926 million tonnes per year, so that it is in line with the more recent national and regional guidelines on aggregates provision in England 2005-2020. ~~It is now more appropriate for policy M1 not to set a specific target, which could be misconstrued as setting a maximum level to be achieved, but rather to seek to maximise the contribution to aggregate supply in Oxfordshire from recycled and secondary aggregate sources.~~ Policy M1 is a positive policy to enable facilities to be provided in order to ~~achieve this objective~~ maximise the contribution to aggregate supply in Oxfordshire from recycled and secondary aggregate sources. The production of recycled and secondary aggregate will continue to be monitored to check whether this is being achieved through this policy ~~or whether a different approach needs to be considered~~.

4.10 The targets in policy W2 for recycling of construction, demolition and excavation waste (increasing to 60% by 2021, to 65% by 2026 and 70% by 2031) and policies W3, W4 and W5 on waste management capacity requirements and provision and siting of facilities will operate in conjunction with policy M1 to deliver facilities for recycled aggregate production, which is expected to form the majority of recycled and secondary aggregate supply in Oxfordshire.

4.11 Provision for additional facilities for the production of recycled aggregates from construction and demolition waste will be made through the identification of sites in the Site Allocations Document, in line with policies W3, W4 and W5 on waste management capacity requirements and provision and siting of facilities. Policy W5 includes provision for recycling facilities to be located within the Green Belt where very special circumstances have been demonstrated; and policy C8 allows for small-scale facilities serving local needs to be provided in Areas of Outstanding Natural Beauty. Recycled and secondary aggregate facilities ~~with permanent permission, or temporary permission extending at least to the end of the plan period,~~ will be safeguarded under policy M9 and W11 and these sites will also be identified in the Site Allocations Document. Restoration of the sites of temporary facilities, including those located at quarries and landfill sites, will be required in line with policy M10.

4.12 **Policy M1: Recycled and secondary aggregate**

~~So far as is practicable, t~~ **The need for aggregate mineral supply to meet demand in Oxfordshire should be met from recycled and secondary aggregate materials should be met from recycle and secondary aggregate materials in preference to primary aggregates, in order to minimise the need to work primary aggregates.**

The production and supply of recycled and secondary aggregate will be encouraged~~, in particular~~ through:

- **recycling of construction, demolition and excavation waste, in particular through new technology that produces higher quality substitute aggregates that can meet higher specification building applications;**
- **recycling of road planings;**
- **recycling of rail ballast; and**
- **recovery of ash from combustion processes~~; and~~**
- ~~**where available, the supply of secondary aggregates from sources outside Oxfordshire**~~

to enable the contribution made by these materials towards meeting the need for aggregates in Oxfordshire to be maximised.

~~**Where practicable, the transport of recycled and secondary aggregate material from sources distant to Oxfordshire should be by rail.**~~

Permission will be granted for facilities to enable the production and/or supply of at least 0.926 million tonnes of secondary and recycled aggregates a year, including temporary recycled aggregate facilities at aggregate quarries and ~~inert waste~~ landfill sites, at locations that meet the criteria in policies W4, W5 and C1 – C11. Proposals for temporary facilities shall provide for the satisfactory removal of the facility. At mineral working and landfill sites the facility shall be removed when or before the host activity ceases. Temporary facility sites shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings.

~~**Sites for the production and/or supply of recycled and secondary aggregate will be safeguarded in accordance with policy W11.**~~

~~**Sites proposed or safeguarded for the production and/or supply of recycled and secondary aggregate will be identified in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document.**~~

3.5 Paragraph 5.22 of the Plan:

5.22 **Policy W2: Oxfordshire waste management targets**

Provision will be made for capacity to manage the principal waste streams in a way that provides for the maximum diversion of waste from landfill, in line with the following targets:

Oxfordshire waste management targets 2012 -3031

Waste Management / Waste Type	Target Year				
	2012	2016	2021	2026	2031
Municipal waste:					
Composting & food waste treatment	25%	29%	32%	35%	35%
Dry recycling	33%	33%	33%	35%	35%
Treatment of residual waste	0%	30%	30%	25%	25%
Landfill	42%	8%	5%	5%	5%
Total	100%	100%	100%	100%	100%
Commercial and industrial waste:					
Composting & food waste treatment	0%	5%	5%	5%	5%
Dry recycling	50%	55%	60%	65%	65%
Treatment of residual waste	0%	15%	25%	25%	25%
Landfill	50%	25%	10%	5%	5%
Total	100%	100%	100%	100%	100%
Construction, demolition and excavation waste:					
Recycling	~~52%~~54%	55%	60%	~~60%~~65%	~~60%~~70%
Landfill/Restoration*	~~48%~~46%	45%	40%	~~40%~~35%	~~40%~~30%
Total	100%	100%	100%	100%	100%

Targets for 2012 approximate to actual performance for that year

*** includes waste disposed as part of a recovery operation**

Proposals for the management of all types of waste should demonstrate that the waste cannot reasonably be managed through a process that is higher up the waste hierarchy than that proposed.

3.6 Table 5 of the Plan:

Table 5: Oxfordshire: estimated waste required to be managed 2012- 2031 (tonnes per annum)

Waste Management / Waste Type	Target Year				
	2012	2016	2021	2026	2031
Municipal waste (MSW):					
Composting & food waste treatment	74,900	92,800	109,700	126,000	131,600
Dry recycling	98,800	105,600	113,200	126,000	131,600
Treatment of residual waste	0	96,000	102,900	90,000	94,000
Landfill	125,900	25,600	17,200	18,000	18,800
Total	299,600	320,000	343,000	360,000	376,000
Commercial and industrial (C&I) waste:					
Composting & food waste treatment	0	36,700	37,900	38,200	38,600
Dry recycling	355,000	404,700	454,800	497,600	502,500
Treatment of residual waste	0	110,400	189,500	191,400	193,300
Landfill	355,000	184,000	75,800	38,300	38,600
Total	710,000	735,800	758,000	765,500	773,000
Construction, demolition and excavation (CDE) waste:					
Recycling	~~485,000~~ 734,400	~~623,000~~ 907,500	~~827,000~~ 1,260,000	~~827,000~~ 1,260,000	~~827,000~~ 1,260,000
Landfill/Restoration*	~~447,000~~ 625,600	~~510,000~~ 742,500	~~552,000~~ 840,000	~~552,000~~ 840,000	~~552,000~~ 840,000
Total	~~932,000~~ 1,360,000	~~1,133,000~~ 1,650,000	~~1,379,000~~ 2,100,000	~~1,379,000~~ 2,100,000	~~1,379,000~~ 2,100,000

Figures rounded to nearest 100 tonnes

Landfill total do not include hazardous waste arising from residual waste treatment

3.7 Table 6 of the Plan:

Table 6: Oxfordshire: capacity available to managed waste at existing facilities 2012 – 2031 (tonnes per annum)

Facility Type	2012	2016	2021	2026	2031
~~Non-hazardous~~ MSW/C&I waste recycling	~~600,300~~ 567,700 – xxx,xxx = New total	~~598,900~~ 567,700 – xxx,xxx = New total	~~429,900~~ 398,600 – xxx,xxx = New total	~~429,900~~ 398,600 – xxx,xxx = New total	~~317,800~~ 286,500 – xxx,xxx = New total
MSW/C&I composting /food waste treatment	219,600	219,600	219,600	214,600	214,600
~~Non-hazardous~~ MSW/C&I waste residual treatment	300,000	300,000	300,000	300,000	300,000
~~Inert~~ CDE waste recycling	~~1,153,100~~ 988,100 + xxx,xxx = New total	~~1,145,100~~ 980,100 + xxx,xxx = New total	~~1,105,100~~ 980,100 + xxx,xxx = New total	~~889,600~~ 764,600 + xxx,xxx = New total	~~889,600~~ 581,600 + xxx,xxx = New total

~~Source: Oxfordshire County Council~~

~~Municipal and Commercial and Industrial wastes are managed at non hazardous waste facilities~~

~~Construction, Demolition and Excavation waste is managed at inert waste facilities~~

3.8 Paragraph 5.25 and Table 7 of the Plan:

5.25 Table 7 shows when and for which types of facility a need is expected to arise for additional waste management capacity and the amount required. Shortfalls arise where the capacity provided by existing facilities (table 6), with a 30% reduction applied to take account of the fact that maximum or theoretical site capacities are not equivalent to actual recycling levels, is insufficient to meet the estimated waste management capacity requirement (table 5). Policy W3 provides for these requirements to be monitored and kept up to date in the Minerals and Waste Annual Monitoring Reports.

Table 7: Oxfordshire: capacity available to managed waste at existing facilities 2012 – 2031 (tonnes per annum)

Facility Type	2012	2016	2021	2026	2031
~~Non-hazardous~~ MSW/C&I waste recycling	~~-~~ 56,500 – xxx,xxx = New total	~~-~~ 113,000 – xxx,xxx = New total	~~138,100~~ 289,000 – xxx,xxx = New total	~~193,700~~ 344,600 – xxx,xxx = New total	~~316,300~~ 433,500 – xxx,xxx = New total
MSW/C&I composting/ food waste treatment	-	-	-	-	-
~~Non-hazardous~~ MSW/C&I waste residual treatment	-	-	-	-	-
~~Inert~~ CDE waste recycling	~~-~~ 15,500 + xxx,xxx = New total	~~-~~ 221,400 + xxx,xxx = New total	~~-~~ 573,900 + xxx,xxx = New total	~~-~~ 829,800 + xxx,xxx = New total	~~120,400~~ 1062,900 + xxx,xxx = New total

3.9 Paragraph 5.27 of the Plan:

5.27 ~~Sites already in use for waste management are likely to provide much of the waste management capacity required in the early part of the plan period.~~ A need for additional commercial and industrial waste recycling facilities and for construction, demolition and excavation waste recycling facilities is likely to arise ~~later in the plan period~~ immediately (table 7). Policy W3 sets out how the assessed need for waste management capacity should be taken into account in the consideration of proposals for waste management facilities.

3.10 Paragraph 5.33 of the Plan:

5.33 Strategic facilities are likely to serve the county as a whole, or at least large parts of it. Bicester, Oxford, Banbury, Abingdon and Didcot (figure 2 are large centres of population linked by A34/M40. Bicester, Oxford and Didcot are expected to experience considerable growth and together with Abingdon will account for a very significant portion of the county's waste. Any strategic, or non-strategic waste management facilities, whose main source of waste is Oxford, should normally be located within ~~10~~ 20 kilometres and 15 kilometres respectively of the built up area of Oxford City ~~centre or~~, and for other non-strategic facilities within 5 kilometres of the built up area of other ~~specified~~ towns or growth areas, as measured by the road distance, but avoiding the Oxford Green Belt and ~~North Wessex Downs~~ Areas of Outstanding Natural Beauty (see policies W5 and C8). Facilities in these locations will be close to large quantities of waste arisings, thereby avoiding the need for long distance movements by lorry. They can also benefit from the linkage provided by the A34/M40, which allows for movement of waste without directly impacting on local communities. ~~Growth at Bicester, Oxford and Didcot may also bring forward site opportunities for new waste facilities.~~ Locations further form these towns may also be suitable where there is good access to the Oxfordshire lorry route network (policy C10). Whilst Banbury is the second largest town in Oxfordshire, it is not included as a location for strategic waste management facilities because it is located in the north of the county, away from the main concentration of population and development, and it is not one of the key growth areas.

3.11 Paragraph 5.39 of the Plan:

5.39 **Policy W4: Locations for facilities to manage the principal waste streams**

Facilities (other than landfill) to manage the principal waste streams should be located as follows:

a) Strategic waste management facilities should normally be located in or close to Bicester, Oxford, Abingdon and Didcot~~, as indicated on the Key Waste Diagram~~.

b) **Non-strategic waste management facilities should normally be located in or close to Bicester, Oxford, Abingdon and Didcot and ~~the~~ other ~~large~~ towns ~~(Banbury, Witney and Wantage & Grove), as indicted on the Key Waste Diagram~~ or growth areas.**

c) **Elsewhere in Oxfordshire, and particularly in more remote rural areas, facilities should only be small scale, in keeping with their surroundings.**

Specific sites for waste management facilities (other than landfill) to meet the requirements set out in Policy W3 will be allocated in accordance with this locational strategy in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. The suitability of any new sites for allocation in the Site Allocations Document will be assessed against the criteria in policies W5 and C1- C11.

3.12 Paragraph 5.44 of the Plan:

5.44 While priority is to be given to the re-use of previously developed land the use of ~~Waste development should generally be avoided in~~ green field land~~. Green field sites should only~~ will be considered where ~~they~~ it can be shown to be the most suitable and sustainable option and where potential harm, particularly landscape impact, can be satisfactorily mitigated. This would apply also ~~Depending on the area of land involved, these consideration may also be relevant~~ where the extension of an existing site onto green field land is proposed, and factors which would contribute to the suitability of the proposed extension would be where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities.

3.13 Paragraph 5.49 of the Plan:

5.49 **Policy W5: Siting waste management facilities**

Priority will be given to siting waste management facilities on land that:

- **is already in waste management or industrial use; or**
- **is previously developed, derelict or underused; or**
- **is at an active mineral working or landfill site; or**
- **involves existing agricultural buildings and their curtilages; or**
- **is at a waste water treatment works.**

Proposals for temporary facilities must provide for the satisfactory removal of the facility and restoration of the site at the end of its temporary period of operation, including at mineral working and landfill sites where the facility shall be removed on or before the cessation of the host activity. Temporary facility sites shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings.

~~**Waste management facilities will not be permitted on green field land unless this can be shown to be the most suitable and sustainable option for location of the facility.**~~

Waste management development that is inappropriate in the Green belt will not be permitted unless there are very special circumstances why it should be located in the Green Belt. Conditions may be imposed on any permission granted to ensure that the development only serves to meet a need that comprises or forms part of the very special circumstances.

3.14 Table 11 of the Plan:

Table 11: Void remaining in Oxfordshire Non-hazardous landfill (Dec 2015)

Site Name	District	Permitted End Date	Actual/ Expected End Date	Void (m^3) (End 2015)
Finmere Quarry	Cherwell	2035	2035	691,892
Ardley Quarry	Cherwell	2019	2015	0
Alkerton Phase 3	Cherwell	2014	2012	0
Dix Pit	West Oxon	2030	2015	0
Slape Hill Quarry	West Oxon	~~2019~~ None	2019	48,875
Sutton Courtenay	Vale	2030	2030	4,743,976
Total Oxfordshire				5,484,742

3.15 Table 13 of the Plan, paragraphs 5.62 - 5.63 and policy W6:

Table 13: Capacity available for disposal of inert waste 2013 – 2031 (units as specified)

	Available void (m^3)	Cumulative Available void (m^3)	Cumulative waste disposal capacity (tonnes pa)
Operational facilities	4,700,000	4,700,000	~~440,000~~ ~~370,000~~
~~Non-operational facilities~~	~~300,000~~	~~5,000,000~~	~~469,000~~
~~Permission not yet implemented~~	~~2,500,000~~	~~7,500,000~~	~~703,000~~

Source: Oxfordshire County Council
1.5 tonnes of inert waste = 1 cubic metre void
Figures rounded to nearest 100,000 tonnes

5.62 Much of the existing capacity is provided by two large facilities. Shellingford Quarry has permission to operate until 2028; and Shipton-on-Cherwell Quarry has permission to operate until 2025. The existing ~~and permitted~~ sites ~~should~~ do not provide sufficient capacity for the 'disposal' of Oxfordshire's forecast waste (~~593,000~~ 672,000 tonnes per annum) ~~at least until 2025~~ for the plan period.

5.63 The Site Allocations Document will make provision for any further sites that are needed for the plan period. A number of options have been put forward by waste and mineral operators for the use of inert waste to restore worked out quarries. In addition, new quarries and extensions to existing quarries which involve infilling with inert waste to achieve restoration are expected to come into operation during the life-time of the Core Strategy (through implementation of the plan's minerals strategy). It is unlikely that there will not be sufficient reasonable options to provide for the disposal of residual inert waste arisings; rather, ~~it is more~~ there are likely ~~that there will~~ to be various proposals for operational development, such as embankments, landscaping schemes, slope and land stabilisation, roads and building foundations where inert waste can be used to replace virgin materials that would otherwise have to be used for the purpose, thereby conserving natural resources, and which may generate other environmental benefits by use of the waste. ~~a shortage of this type of waste to achieve satisfactory restoration of worked out quarries (see also policy M10).~~ Policy W6 therefore provides for priority to be given to the use of residual inert waste in the restoration of quarries and in operational development where there would be an overall environmental benefit.

5.65 **Policy W6: Landfill**

Non-hazardous waste disposal facilities

Provision for disposal of Oxfordshire's non-hazardous waste will be made at existing non-hazardous landfill facilities which will also provide for the disposal of waste from other areas (including London and Berkshire) as necessary. Further provision for the disposal of non-hazardous waste by means of landfill will not be made.

Permission may be granted to extend the life of existing non-hazardous landfill sites to allow for the continued disposal of residual non-hazardous waste to meet a recognised need and where this will allow for the satisfactory restoration of the landfill in accordance with a previously approved scheme.

Permission will be granted for facilities for the management of landfill gas and leachate where required to fulfil a regulatory requirement or to achieve overall environmental benefit, including facilities for the recovery of energy from landfill gas. Provision should be made for the removal of the facilities and restoration of the site at the end of the period of management.

Inert waste disposal facilities

Provision for the disposal of inert waste which cannot be recycled will be made at existing facilities and in sites that will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Provision will be made for sites with capacity sufficient for

Oxfordshire to be net self-sufficient in the management and disposal of inert waste.

Priority will be given to the use of inert waste that cannot be recycled ~~as infill material~~

- **to achieve satisfactory restoration ~~and after use~~ of active or unrestored quarries, and**
- **in operational development where the waste serves a useful purpose in replacing other materials that would have had to be used for that purpose, and it can be demonstrated that there would be an overall environmental benefit from its use.**

~~Permission will not otherwise be granted for development that involves the disposal of inert waste on land unless there would be overall environmental benefit.~~

General

Proposal for landfill sites shall meet the criteria in policies C1 - C11.

Landfill sties shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings.

3.16 Paragraph 5.105:

5.105 Policy W11: Safeguarding waste management sites

The Minerals and Waste Local plan: Part 2 – Site Allocations Document will identify sites that will be safeguarded for waste use for the duration of the plan period, comprising:

- Sites in waste use and with planning permission ~~allowing the use to continue for the remainder of the plan period;~~
- Sites with planning permission for waste use but where the use or development permitted has not yet been undertaken;
- Vacant site last used for waste purposes; and
- Sites allocated for waste management development in the Site Allocations Document

Pending the adoption of the Site Allocations Document the sites safeguarded for waste management use are specified in Appendix 2.
The list of sites safeguarded for waste management use will be monitored and kept up to date in the Minerals and Waste Annual Monitoring Report.

Proposals for development that would prevent or prejudice the use of a site safeguarded for waste management use will not be permitted unless:

- The development is in accordance with a site allocation for development in an adopted local plan or neighbourhood plan; or
- Equivalent waste management capacity can be appropriately and sustainably provided elsewhere; or
- It can be demonstrated that the site is no longer required for waste management.

3.17 Page 96 of the Plan:

Figure 12: Waste Key Waste Diagram must be amended to remove the purple coloured areas identified on it.

3.18 The Glossary:

Greenfield site – ~~site previously unaffected by built development~~ ~~any land that is not defined in the NPPF as previously developed land~~.

Previously developed land – land which is or waste occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.