



33 Wellington Street, Leeds LS1 4DL **Tel** +44 (0)113 283 2500
Fax +44 (0)113 245 9412 **Document Exchange** 12051 Leeds 24
Email josh.kitson@walkermorris.co.uk **Web:** www.walkermorris.co.uk

BY EMAIL ONLY
Leanne Palmer
The Planning Inspectorate
3rd Floor
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref /JYK/WRG00007.614

Your ref APP/U3100/V/23/3326625

2 October 2023

Leanne.Palmer@planninginspectorate.gov.uk

Dear Leanne

Applicant: Oxfordshire County Council ("Council")

Planning Application Reference: R3.0138/21 ("Application")

Response on behalf of FCC Environment (UK) Limited ("FCC")

Appeal Reference: APP/U310/V/23/3326625

1 Introduction

- 1.1 We write on behalf of FCC, the owner of the old landfill at Sutton Courtenay ("**Site**"). FCC is also the owner of other interests which form part of the land required for the scheme that is the subject of the Application.
- 1.2 FCC initially submitted representations to the Council on 10 December 2021 ("**Objection**"), attached at Appendix 1. FCC outlined in its Objection that, while it is supportive of the objectives of the Application, at that time various technical matters had not been resolved to FCC's reasonable satisfaction. FCC continued to work closely with the Council's officers and advisers to obtain the necessary information to address its concerns.
- 1.3 By a letter to the Council dated 13 July 2023, attached at Appendix 2, FCC formally withdrew its objection to the Application. This was because of FCC's continuing support for the principle of the proposed development and due to the additional assurances provided to FCC by the Council.
- 1.4 Please note that the withdrawal of FCC's objection was contingent upon its concerns being addressed through the detailed design stage of the scheme. We write to explain FCC's previous representations, made to the Council, and to summarise its position on the Application. We trust that the Inspector and the Secretary of State will receive copies of the previous letters submitted on behalf of FCC, dated 10 December 2021 and 13 July 2023, and they are also appended to this letter for ease of reference.

2 Conditional Support for the Application

2.1 The Application was presented to the meeting of the Council's Planning and Regulation Committee held on 17th July 2023. The case officer recommended that, subject to the Application first being referred to the Secretary of State to consider whether it should be called in, planning permission should be granted subject to the imposition of conditions to be determined by the Director of Planning, Environment and Climate Change, and to include those conditions set out in annex 1 to the report to committee.

2.2 FCC reiterates its support for the principle of development, and the recommendation made by the Council's case officer to the Planning and Regulation Committee.

2.3 Should the Secretary of State determine that planning permission should be granted, we would highlight the importance of a number of the conditions contained in annex 1 to the officer's report to Committee. These are particularly relevant as they are necessary to address the concerns FCC's previously raised. Firstly, draft condition 30 states that:

"No development to take place within the Didcot to Culham River Crossing section of the development until revised restoration and aftercare schemes have been submitted to and approved in writing by the CPA for Sutton Courtenay Landfill Site".

2.4 This condition is considered essential by FCC, and the restoration and aftercare scheme will need to be progressed with close cooperation between the Council, FCC and the Environment Agency (including with regards to the required variation of the environmental permit). It is further noted that there are a number of monitoring boreholes that will need to be relocated, subject to the approval of the Environment Agency, to allow the development to proceed. For the avoidance of doubt, it would be prudent to refer specifically, in the conditions, to the requirement for this to occur.

2.5 The draft conditions state that a detailed surface water drainage scheme will be submitted to and approved by the Council prior to the commencement of development. It is noted that the Council has advised that the road drainage will not discharge into the Site's surface water infrastructure of via the Site's permit discharge points. The draft condition should specify this, so that it is clear what form the scheme will take when it is progressed further (if planning permission is granted).

2.6 The committee report refers to FCC's concerns regarding the potential impact of the scheme on the settlement of the restored landfill cell referred to as the 90-acre field. The report states, at paragraph 298, that:

"...settlement issues would be identified prior to construction and would be mitigated through construction hold periods or surcharging to accelerate the settlement process".

2.7 This issue should be specifically addressed in the conditions, to ensure it is fully addressed prior to any construction works commencing which could impact the 90-acre field.

2.8 Draft condition 3 requires the submission of a construction environmental management plan prior to commencement of each part of the development. As is set out in paragraph 199 of the committee report, access to the Site, at all times, would need to be maintained throughout the construction period. We consider the draft condition should specifically refer to this requirement.

3 Conclusion

- 3.1 To reiterate our earlier comments, FCC does not object to the principle of development. Indeed, it is supportive of the Application. Its previous objection was submitted because, at that stage, FCC required further information regarding how a number of technical issues would be addressed if the Application was approved and the development was then constructed.
- 3.2 FCC has worked collaboratively with the Council's officers and advisers since the submission of its previous objection and will continue to do so moving forward. Prior to the Application being presented to members, FCC concluded that sufficient information had been provided to enable it to withdraw its previous objection to the Application. FCC supports the grant of planning permission, provided its comments on the draft conditions are fully addressed.
- 3.3 We would be grateful if you could acknowledge receipt of this letter, and confirm that it will be taken into account in the determination of the Application?

Yours sincerely,

Walker Morris LLP

WALKER MORRIS LLP

Encs

APPENDIX 1



PROPERTY TRANSPORT INVESTMENT DEVELOPMENT

Oxfordshire County Council
County Hall
New Road
Oxford
OX1 1ND

10th December 2021

PLANNING APPLICATION REF: R3.0138/21

CONSULTATION RESPONSE

Applicant: Oxfordshire County Council

Proposal:

The dualling of the A4130 carriageway (A4130 Widening) from the Milton Gate Junction eastwards, including the construction of three roundabouts; - A road bridge over the Great Western Mainline (Didcot Science Bridge) and realignment of the A4130 north east of the proposed road bridge including the relocation of a lagoon; - Construction of a new road between Didcot and Culham (Didcot to Culham River Crossing) including the construction of three roundabouts, a road bridge over the Appleford railway sidings and road bridge over the River Thames; - Construction of a new road between the B4015 and A415 (Clifton Hampden bypass), including the provision of one roundabout and associated junctions; and - Controlled crossings, footways and cycleways, landscaping, lighting, noise barriers and sustainable drainage systems. (**'the Scheme'**)

Site location:

At a linear site comprising a corridor between the A34 Milton Interchange and the B4015 north of Clifton Hampden including part of the A4130 east of the A34 Milton Interchange, land between Didcot and the former Didcot A Power Station and the Great Western Mainline, land to the north of Didcot where it crosses a private railway sidings and the River Thames to the west of Appleford-on-Thames before joining the A415 west of Culham Station, land to the south of Culham Science Centre through to a connection with the B4015 north of Clifton Hampden.

Representations on behalf of FCC Environment (UK) Limited

We are writing on behalf of FCC Environment Ltd (**'FCC'**), the Owner of the old Landfill at Sutton Courtenay (**"the Site"**) and other interests which forms part of the land required for the Scheme. FCC is not unsupportive of Oxfordshire County Council's (**'OCC'**) objectives underlying this planning application and will continue to work cooperatively with it to enable it to fulfil its statutory obligations.

BAKER ROSE CONSULTING LLP

53 Davies Street London W1K 5JH UK +44 20 7788 4784



As Council Officers are aware, there are a number of matters of concern to FCC which will need to be resolved. albeit at the present time, as they remain unresolved, these issues form technical objections to this planning application. FCC is therefore reserving its position at this juncture and this representation should be treated as a holding objection.

The following comprise a summary of FCC's main concerns. It is not to be treated as an exhaustive list, or to exclude other matters that may arise as discussions evolve. However, for the avoidance of doubt, it is FCC's intention to work with OCC to resolve matters appropriately.

1. THE SITE AND THE ENVIRONMENTAL PERMIT

- 1.1 The Site is currently subject to an Environment Permit and a variation will be required to this, to be agreed with the Environment Agency, if the scheme as proposed is to be delivered. There are also a number of monitoring boreholes which will need to be relocated, with the Environment Agency's agreement.
- 1.2 The Site is the subject of an approved Restoration Scheme, which will need to be amended, again with the agreement of the Environment Agency under the conditions of the Environment Permit.
- 1.3 Until such time as there is agreement reached with FCC, OCC and the Environment Agency on these matters, the scheme cannot be implemented and planning permission should not be granted.

2. TECHNICAL CONSTRAINTS

- 2.1 A substantial part of the Scheme is proposed to cross '90 acre field' which it is noted in the application is referred to as 'restored land' following its historic use as a landfill site. For the avoidance of doubt, the historical landfill has been capped, but the original land fill waste remains below the cap.
- 2.2 It is noted that there is an assumption that there should be little subsequent further settlement as a result of the Scheme. Whilst this may be the case, FCC is concerned that the study undertaken on the whole 90-acre field, which OCC has a copy of, suggests that this is by no means certain and as such more work is required to validate this aspect of the route. The Environmental Statement is currently considered inadequate in this context, not least in dealing with both construction methodologies and consequences.
- 2.3 Existing lagoons and ponds are affected by the proposal, both in terms of works in them to support the Scheme and proposals to use them for drainage of the Scheme. These lagoons are critical to FCC's operation and are regulated by discharge consents, which the Scheme proposal could cause to be breached. Further design work and commitments would be needed to ensure the Scheme is a deliverable scheme, which currently is by no means certain as proposed. The Environmental Statement does not adequately address these issues at this juncture.
- 2.4 FCC will need continual access for its operating business, and it is not yet clear how this will be provided throughout construction. We cannot identify a phasing plan for construction works with timing for key stages which is a matter we consider should be taken



into account at this stage of the planning application. Nor does there appear to be any plans showing temporary access points for FCC during each phase.

- 2.5 Some of the plans for example the preliminary ecological mitigation plans show the red line for the site as being indicative (subject to change). We do consider it appropriate for assessment of environmental impacts to be based on a consistent and fixed site boundary.

CONCLUSION

FCC does not object to the principle of the Scheme but there are several key issues which need to be resolved before it is considered that a planning consent can be granted for a deliverable scheme. As such these remain technical objections, to be resolved. As previously stated, the issues above are by no means an exhaustive list.

FCC will work with OCC in the coming months to seek to agree remedies.

Your sincerely

David Baker FRICS FCILT MCI Arb

For and on behalf of FCC Environment Ltd

APPENDIX 2



33 Wellington Street, Leeds LS1 4DL **Tel** +44 (0)113 283 2500
Fax +44 (0)113 245 9412 **Document Exchange** 12051 Leeds 24
Email josh.kitson@walkermorris.co.uk **Web:** www.walkermorris.co.uk

BY EMAIL ONLY

Emily Catcheside
Senior Planning Officer
Oxfordshire County Council
County Hall
New Road
Oxford
OX1 1ND

Our ref /JYK/WRG00007.614

Your ref R3.0138/21

13 July 2023

emily.catcheside@oxfordshire.gov.uk

Dear Sirs

Applicant: Oxfordshire County Council ("Council")

Planning Application Reference: R3.0138/21 ("Application")

Response on behalf of FCC Environment (UK) Limited ("FCC")

1 Introduction

- 1.1 We write on behalf of FCC, the owner of the old landfill at Sutton Courtenay ("**Site**"). FCC is also the owner of other interests which form part of the land required for the scheme that is the subject of the Application.
- 1.2 FCC submitted representations to the Council on 10 December 2021 ("**Objection**"). FCC outlined in its Objection that, while it is supportive of the objectives of the Application, at that time various technical matters had not been resolved to FCC's reasonable satisfaction. It therefore objected to the Application, for the reasons set out in that letter.
- 1.3 FCC has continued to work closely with the Council's officers and advisers to try and obtain the necessary information and assurances to understand if its objections can be addressed.
- 1.4 We can now advise that: (i) FCC continues to support the principle of the Application; and (ii) as a result of the ongoing co-operation between the parties, FCC now wishes to withdraw its objection to the scheme. However, please note that the withdrawal of FCC's objection is contingent on its concerns being addressed through the detailed design stage of the scheme.

2 Ongoing Constraints

- 2.1 To assist in ensuring FCC's concerns are addressed at the detailed design stage, we would highlight the following points from the draft conditions that are appended to the committee report. Firstly, draft condition 30 states that:

"No development to take place within the Didcot to Culham River Crossing section of the development until revised restoration and aftercare schemes have been submitted to and approved in writing by the CPA for Sutton Courtenay Landfill Site".

- 2.2 This condition is considered essential by FCC, and the restoration and aftercare scheme will need to be progressed with close cooperation between the Council, FCC and the Environment Agency (including with regards to the required variation of the environmental permit). It is further noted that there are a number of monitoring boreholes that will need to be relocated, subject to the approval of the Environment Agency, to allow the development to proceed. For the avoidance of doubt, it would be prudent to refer to this point in the conditions.
- 2.3 The draft conditions state that a detailed surface water drainage scheme will be submitted to and approved by the Council prior to the commencement of development. It is noted that the Council has advised the road drainage will not discharge into the Site's surface water infrastructure of via the Site's permit discharge points. The draft condition should specify this so that it is clear what scheme will be delivered in due course.
- 2.4 The committee report refers to FCC's concerns regarding the potential impact of the scheme on the settlement of the restored landfill cell referred to as the 90-acre field. The report states, at paragraph 298, that:
- "...settlement issues would be identified prior to construction and would be mitigated through construction hold periods or surcharging to accelerate the settlement process".*
- 2.5 This issue should be specifically addressed in the conditions, to ensure it is fully addressed prior to any construction works commencing which could impact the 90-acre field.
- 2.6 Draft condition 3 requires the submission of a construction environmental management plan prior to commencement of each part of the development. As is set out in paragraph 199 of the committee report, access to the Site, at all times, would need to be maintained throughout the construction period. We consider the draft condition should specifically refer to this requirement.

3 Conclusion

- 3.1 To reiterate our earlier comments, FCC does not object to the principle of development. Indeed, it is supportive of the principle. Its previous objection was submitted because, at that stage, FCC required further information regarding how a number of technical issues would be addressed if the Application was approved and the development was then constructed.
- 3.2 FCC has worked collaboratively with the Council's officers and advisers since the submission of the objection and will continue to do so moving forward. At this point, FCC consider that sufficient information has been provided to enable its objection to the Application to be withdrawn.
- 3.3 Please can you acknowledge receipt of this letter, and confirm that: (i) FCC's objection to the Application has been withdrawn; and (ii) FCC's comments on the draft conditions will

be taken into account in the determination of the Application?

Yours sincerely

Walker Morris LLP

WALKER MORRIS LLP