

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY LONDON ROCK LTD

AGAINST

THE REFUSAL OF PLANNING PERMISSION FOR APPLICATION NO:

FOR

AT

**REBUTTAL PROOF OF EVIDENCE
OF**

**DAVID PERIAM
ON BEHALF OF OXFORDSHIRE COUNTY COUNCIL**

Inquiry Date: 15th July 2025

Inspectorate Ref: APP/U3100/W/25/3361505

1. INTRODUCTION

- 1.1 The Statement of Common Ground between London Rock Supplies Ltd and Oxfordshire County Council states that:

“It is agreed that the proposed development for capacity to manage 280,000 cubic metres of inert waste (construction, demolition and excavation waste) within Oxfordshire. This would be policy compliant in aiding the County to become net self sufficient in management of its principle waste streams, and assisting the county in meeting its OMWCS 25% target through the Plan period for diverting construction, demolition and excavation waste to permanent deposit of inert waste, rather than for disposal to landfill.

It is further agreed that the proposed use of inert waste that cannot be recycled as infill material to achieve satisfactory restoration of quarries is policy compliant. The inert waste will be utilised to achieve appropriate restoration of best and most versatile land”

- 1.2 I do not dispute or wish to alter this statement.
- 1.3 This Rebuttal statement is in response to the Proof of Evidence of Liam Toland.
- 1.4 In particular I wish to respond in relation to Chapter 5 “The Need for Inert Waste Disposal”.
- 1.5 This chapter introduces new information which, due to the limited timescale for response, I have had limited time to consider and fully assess. However, it is considered that the information provided potentially changes the approach previously suggested for the restoration of the site and could therefore potentially give rise to conflict with the Environment Agency’s consultation responses to the application (CD8.10 and CD10.14) and their position of no objection to the development the subject of this appeal.

2 BACKGROUND

- 2.1 The Environment Agency originally raised objections to the application the subject of this appeal (CD.2.14) and objection was maintained following the first Regulation 25 consultation (CD4.13 and CD6.05).
- 2.2 However, following the submission of a Waste Recovery Plan in March 2024 (CD7.03), the objection was removed by the Environment Agency as the applicant confirmed that a recovery, rather than a landfill permit was being sought for the restoration activity, and that this activity would be necessary to progressively restore the site. The Waste Recovery Plan set out:

- That a landfill permit is not being sought. A recovery permit is being sought.
- There are planning obligations to progressively restore the site back to mainly original ground levels to deliver agriculture and nature conservation.
- The quantity of imported waste material needed for the progressive restoration operations.
- A list of waste types to be used for the restoration operations.
- Details on meeting quality standards and pollution control.

2.3 To quote the appellant from the Waste Recovery Plan:

“It is the intention of the Operator to obtain a Bespoke Environmental Permit for the deposit of waste in a recovery operation. The Environmental Permit will authorise the deposition of materials to restore the quarry under a deposit of waste for recovery (DfR) permit”

2.4 This was therefore the position when the application was reported for determination at the meeting of the County Council's Planning and Regulation Committee on 2nd September 2024 (CD11.02).

3 PROOF OF EVIDENCE OF LIAM TOLAND

- 3.1 Mr Toland has presented evidence that has not previously been subject to consideration and may conflict with the position of the Environment Agency.
- 3.2 The Proof of Evidence of Liam Toland contains a Chapter on “The Need for Inert Waste Disposal”.

AREA OF AGREEMENT

- 3.3 I agree with the content of Section 5.1 Introduction of Mr Toland's Proof of Evidence.

AREA OF DISAGREEMENT

- 3.4 Mr Toland's Proof of Evidence refers to the restoration of the site as a landfill operation and uses evidence and information relating to landfill policy and landfill capacity within Oxfordshire to support his reasoning rather than that which relates to waste recovery.
- 3.5 Landfill permits and Environmental Permits for the deposit of waste in a recovery operation are two different permitting systems operated by the Environment Agency for managing inert materials. The appellant had agreed with the Environment Agency that the application will use the

Deposit of Waste for Recovery Environmental Permit approach rather than the landfill permit. This was through the Waste Recovery Plan submitted in 2024. Referring to the proposed development as a landfill therefore appears to conflict with the information provided in the Waste Recovery Plan.

- 3.6 In their consultation response dated 24th April 2024, the Environment Agency set out conditions which they would wish to see attached should planning permission be granted to the application. This included that the planning permission shall be for the recovery of wholly inert waste only and shall not include or permit any use for landfill. Their reason for this is as follows:

The Environment Agency understands that the planning application does not propose a landfill operation (for site restoration), but a recovery operation. The Environment Agency expects restoration operations at this site to be covered by a deposit for recovery permit, and we understand that an application for a deposit recovery permit is currently under consideration by our National Permitting Service. Because of the site's location within the high risk flood zone, and thus an area where planning policy considers landfill operations to be inappropriate, the Environment Agency remains particularly concerned to ensure that restoration activities at this site take place strictly in accordance with the conditions of a deposit for recovery permit for the site rather than a landfill permit.

- 3.7 Therefore, the council would ask that Mr Toland provide the inspector with clarification on whether the applicant has changed its position and now intends to apply for a Landfill Permit which would then appear to conflict with the Environment Agency's position.

Policy Context

- 3.8 At Section 5.2.3 Mr Toland quotes "Proposals for landfill sites shall meet the requirements of policies C1-C12. Landfill sites shall be restored in accordance with the requirements of Policy M10 for restoration of mineral workings"
- 3.9 This referral to the appeal site as a landfill is contrary to the Waste Recovery Plan for the application which states that this site will be a recovery operation. As I set out above, The Environment Agency had an objection to it being restored as a landfill and removed the objection once it became a recovery operation subject to conditions including that it should be for recovery of wholly inert waste.

Restoration Scheme

- 3.10 I agree with paragraphs 5.3.1, 5.3.2 and 5.3.3 of Mr Toland's Proof of Evidence, assuming that Mr Toland is referring to the Environmental Permits for the deposit of waste in a recovery operation within paragraph 5.3.2.

Need for Inert Waste Capacity within Oxfordshire

- 3.11 The data within this section is new information and has not been submitted previously as part of the application or as evidence for this appeal.
- 3.10 Section 5.4 of Mr Toland's Proof of Evidence refers to the following data with discussion:
- Landfill Capacity (Table 5.1, paragraphs 5.4.2, 5.4.3 & 5.4.4);
 - Waste received by Oxfordshire Landfill sites (Table 5.2 & paragraph 5.4.5); and
 - Landfill production capacity for sites within Oxfordshire (Table 5.2 & paragraph 5.4.7)
- 3.11 Due to timescales and this new evidence being submitted for the first time, I have not had the capacity nor opportunity to review the data supplied and am unable to comment on his conclusions drawn in paragraphs 5.4.6 and 5.4.8.
- 3.12 I do though highlight that this part of Mr Toland's evidence relates to sites that have an Inert Landfill Permit, not a Recovery Permit, as was to be obtained according to the Waste Recovery Plan and so the understanding of the Environment Agency. At paragraphs 5.4.10 to 5.4.16, Mr Toland does highlight a number of other mineral workings within Oxfordshire that have permission for restoration using inert material along with initial void space details. He also lists a number of sites with undetermined planning applications that also would require inert material for restoration should they be consented. Whilst he has not appended documents in support of these figures, I append to this rebuttal proof the relevant planning application forms citing the void space as proposed when the applications were first made to the council including the substantive applications where the references are to section 73 applications. As noted by Mr Toland, no new void space is proposed in the applications cited at Shipton Quarry nor application no. MW.007/23 at Great Tew Quarry.
- 3.13 The sites with planning permission which Mr Toland has cited which are not listed in his Table 5.1 provided a total of approximately 3,151,000 m³ of void space when permitted. The sites which he references subject to undetermined planning permissions would provide a potential additional new capacity of 1,795,000 m³.
- 3.14 However, without further time and resources, I am unable to consider the veracity of his conclusions.

4. CONCLUSION

- 4.1 I agree as set out in the agreed Statement of Common Ground that the site would provide 280,000 m³ of inert capacity. However, if the appellant wishes the Inspector to now consider Mr Toland's proof of evidence in

particular in relation to the need for inert waste capacity within Oxfordshire, the inspector would need clarity on whether :

- i) the site should be considered as an inert landfill under the Environment Agency's landfill permit rather than as a recovery permit operation as set out in the application the subject of the appeal; and
- ii) whether to take into account Mr Toland's evidence regarding the need for additional inert capacity and his associated conclusions.

If the inspector is minded to take the above into account in his consideration of whether to allow the appeal, on behalf of the Council I would require additional time to review the submission in full.

4.2 Point 4.1 i) may also necessitate further consultation with the Environment Agency to assess the implications of this proposed change.