

6 Application for a New Bunded Ash Lagoon in Existing 'Lake E' Gravel Pit Including: Construction of New Ash Lagoon, Including Working Clay from the Bottom of the Existing Lake to Forman Impermeable Lining to the Sides of New Lagoon, Filling the New Lagoon with Pulverised Fuel Ash, Restoration to Nature Conservation, Deposit of Silt and Slurry from Lake E to Lake G and Pipe and Drainage Works Application RAD/5948/24-CM

Addendum 1 (attached) ([download as .doc file](#))

This addendum was circulated to Members of the Committee, made available for public inspection and posted on the County Council's website.

Addendum 2

This addendum includes information relating to late representations, County Wildlife Site designation and proposed changes to the recommendation that was not available at the time of finalising the report.

1. Late Representations

After the report was finalised further representations were received. These are outlined below.

- There were 352 additional Save Radley Lakes postcards
- There were 5 additional letters from individuals, which raised the points summarised in the table below.
- 2 of these letters were further points from people who had already written

Topic	Number of letters raising related points
Adverse affect on wildlife	3
Adverse affect on amenity	2
Loss of recreation	1
Previously filled lakes have not been restored well/restoration will not be possible as proposed	2
Short term solution	1
Waste should be recycled	2
Will have an adverse effect on floodplain	1
Will cause pollution	1

These points are addressed in the report.

There were also a number of individual points raised by letters:

• **The members' site visit that took place on 22 May 2006 was not carried out correctly. There was no need for representatives of RWEnpower to be present as they are not the landowners, do not manage the site and are not required for access to the land. Members should not have been shown phase 1 as a model for restoration as those lakes are unbunded and unlined and many trees were left intact. It is managed for ground-nesting birds, which partly explains its ecological value, but this would not be the case in Lake E.**

Comment: The members' site visit took place in accordance with Oxfordshire County Council's code of conduct. Representatives from RWEnpower were present only to provide access and transport and did not offer comments on the site or proposal. Members were made aware of the differences between phase 1 and phase 2.

• **Lake E has not been surveyed as thoroughly as Lake F particularly in relation to the presence of certain protected species and Charophytes (stoneworts)**

Comment: The County Ecologist received an e-mail from RWEnpower on the 29th June confirming that these surveys have now been undertaken.

Bioscan, which undertook the surveys, confirmed that there was no evidence of water voles or otters being present in and around Lake E.

Only one species of stonewort was recorded in the shallow areas within Lake E and it is the same as a species previously recorded from the site. This confirms that there are two species of stonewort in Lake E and three species in Lake F. Both lakes therefore remain of local importance from a stonewort point of view with Lake F being the richer of the two.

Lake F will be effectively destroyed as a result of the dismissal of a temporary steel sheet retaining wall to protect it

Dewatering of Lake F will be temporary. As stated in the Environmental Statement it is not clear that a temporary steel sheet retaining wall would be effective in protecting Lake F from dewatering.

This proposal would result in a loss of groundwater supplies in Thrupp

The properties that may be affected by this loss have mains water

Soil was dumped in The Spinney (immediately west of Lakes H and I) when Lake M was dug.

This is not relevant to the current application

Dewatering using pumps will cause noise pollution in the local area

Possible noise intrusion would be dealt with through conditions controlling noise levels. Conditions 3, 4, 5 and 18 cover this point.

A condition should be imposed that the BOAT (the Byway Open to All Traffic to the east of Lake E) should not be used by construction traffic

A condition could be added to ensure that construction traffic cannot use the BOAT to access the site

Lakes H/I have been overfilled

Although the levels of pfa may be higher in parts of H and I than shown on the restoration plan, the material can be graded out, once it has dried sufficiently, to approved levels.

The northern boundary of Lakes H/I has been filled with industrial waste. The altered pattern of groundwater flow caused by the dewatering of Lake E will cause pollution to be drawn out of this area. Lake F may become polluted

I asked the Environment Agency for their views on this comment. They had little information on the site but understood it contained construction and demolition waste rather than putrescible waste. There would have been little in the way of contaminated leachate and that would have probably dispersed as the site was unlined. Monitoring down-gradient from this site has not revealed groundwater contamination. Dewatering would draw groundwater primarily into Lake E and discharge from that would be routinely monitored.

Save Radley Lakes Additional Documents

12 June 2006 SRL/SOB/003

Letter providing further information to supplement SRL's objection on the grounds that the restoration proposals are inadequate. Claims that restoration proposals have been misrepresented. The success of restoration on lakes A-D should not be taken as representative of what can be achieved on Lake E because A-D were not banded and sealed. The restoration on Lakes A-D has not been as successful as claimed. This letter included photographs showing sparse vegetation on parts of the surface of Lake A.

Comment: The restoration of Lakes A-D has been successful and most of the area is covered in vegetation, including some rare orchids. The phase 2 lakes which have been clay-lined and filled are becoming stable and vegetation is establishing. There is no evidence to suggest that in the long term they Lake E will not be able to support vegetation of the type proposed in the restoration plan.

14 June 2006 SRL/SOB/004

SRL are unhappy with the way that Radley Lakes have been monitored by the Environment Agency (EA.) The Discharge Consent has been violated without the EA taking enforcement action. They claim that the EA has not reacted to potential breaches of the Discharge Consent and its monitoring is inadequate. The EA apply a lower quality standard to substances not specified in the Discharge Licence. Purney Ditch is polluted contrary to planning conditions. Allowing disposal in Lake E will make matters worse. SRL enclosed correspondence that it had with the EA on pollution matters.

Comment:

The EA has not objected to the application on the grounds of pollution. If planning permission is granted a PPC licence from the EA will also be needed. That licence will control potential pollution.

15 June 2006 Version 8 of Flooding Report (SRL.FP/001.8)

This replaced the previously submitted version 7 of the flooding report. An accompanying letter made it clear that SRL stand by their objection although they are aware that the Environment Agency is not objecting on flooding grounds. This updated version is largely the same as the previous version (SRL.FP.001.7) discussed in the report. However it included aerial photographs to show that in 2003 flood water did not enter Lake H/I. It also included the additional comment that the restoration levels for Lakes H/I would preserve the raised levels south of the railway embankment and thereby obstruct connectivity with Lakes E and F, contrary to PPG25 and PPS25.

Comment: The Environment Agency is the body with expertise on flooding issues. As they are fully aware of SRL's comments and are not objecting on flooding grounds this cannot be a reason for refusal.

15 June 2006 SRL/SOB/005

This letter adds further information to SRL's objection on the grounds that the proposal would have serious detrimental effects on local assets currently enjoyed by local people. Refers to policy R1 in Oxfordshire Structure Plan, which states that the local planning authorities will encourage optimum use to be made of existing countryside recreation facilities and resources. Opportunities to create new outdoor facilities which are appropriate in scale and sensitive to a rural location will be supported.

This letter argues that the area is currently well-used, greatly valued and valuable informal recreational resource and that the proposals would reduce the amenity value of the area virtually to zero.

Comment: There may be room for misunderstanding here between use via formal legal public access and informal access which may occur without express consent of landowners. In any event, the public right of way around the site will be unaffected. Although for the period while the lake is filled there will be a reduction in visual amenity from the public right of way, in the long term the restoration proposals will ensure that the area fits in with the surrounding countryside again.

28 June 2006 SRL/SOB/007

This letter claims that Didcot power station did not follow up a recommendation made by Save Radley Lakes to have their pfa recycled by a company named Retexo. The ash would need to be tested for suitability, but this was not done. It details a company from Wantage who have proposed that pfa should be disposed of by above ground filling adjacent to Didcot power station. It also mentions a third company that SLR have been communication with regarding finding an alternative method of disposal, but further information is not supplied on this.

Comment: RWEpower have stated that they have thoroughly investigated all alternative methods of pfa disposal, and as a result, chose the ash beneficiation plant currently in use at the power station. The alternative option of filling above ground has been discussed in the report.

5 July 2006 (No Reference)

This letter responds to the report. It states:

- 1. That the formatting error on the system of internal referencing makes it very difficult to follow the arguments put forward in the report.**
- 2. A number of statements in the report do not give a full, accurate or balanced view of matters**
- 3. Does not make sufficiently clear how many individual letters of objection have been received.**
- 4. Questions how the issue of alternative sites were dealt with. Reference and logic in the report in relation to financial costs/implications of alternative sites is not consistent and not material.**

Comment:

The error in the formatting has been corrected in an addendum, which has already been distributed, which makes it clear which paragraph should have been referred to in each case. To provide a digestible report it is necessary to highlight key elements of the development, impacts and policies and précis others. If the report is taken as a whole it provides a balanced view of the issues. It is not unduly difficult to work out the volume of individual letters which have been received from the information in the report and this

minor point is not material to the Council's consideration of the proposal. The Environmental Statement submitted by the applicant took 4 pages to consider alternative sites. Nevertheless our own analysis was included in the report. No weight is given to the financial implications of various alternatives while balancing the arguments or in the conclusions.

2. County Wildlife Site Designation

The Environmental Statement, Save Radley Lakes group and the County Ecologist have referred to the point that Lakes E and F are of County importance from an ecological point of view.

Comment:

In order to clarify and formalise this issue it has always been the intention to assess whether both lakes meet the necessary criteria to designate them as a non-statutory county wildlife site. This decision is always made by a selection panel which normally includes the County Ecologist and representatives from English Nature, the local Wildlife Trust and the Thames Valley Environmental Records Centre. The panel was intending to consider which parts of the Radley complex, including Lakes E and F, might qualify for county wildlife status in advance of the Planning and Regulations Committee meeting on the 10 July. Unfortunately, this has not been possible and all that can be reported is that the complex has been assessed by the Thames Valley Environmental Records Centre and they propose that Lakes A, B, C, D, E, F and M should be considered as a county wildlife site with a recommendation of acceptance (see attached plan). Parts of the existing operational areas are also proposed as a county wildlife site at this stage but this is subject to further discussion by the selection panel when they next meet. The panel must make the final decision but if it accepts these proposals then Lakes E and F would form part of a county wildlife site covering most of the Radley complex.

3. Proposed Change to Recommendation

The Solicitor to the Council has commented as follows:

As noted in various paragraphs of the report, RWE Npower have proposed to enter into a binding commitment not to fill areas K/L/M with pfa as and when they have been dug for gravel and restored. RWE Npower do not own areas K, L and M but can control any pfa pipeline on their land. The following recommendation is therefore substituted for that in paragraph 106 of the report

106. It is RECOMMENDED that subject to:

(i) prior completion of a legal agreement to ensure that any RWE nPower pfa pipeline is not used for the transfer of pfa to areas K, L and M and to secure long term management of the site; and

(ii) notifying the Secretary of State that the proposal represents a departure from the development plan;

planning permission for Application RAD/5948/24-CM be granted subject to conditions in accordance with the heads of conditions set out below

AMENDED RECOMMENDATION:

It is RECOMMENDED that the recommendation as set out in the officers report should be approved as set out immediately above and that a condition be included preventing access to the site from the BOAT.