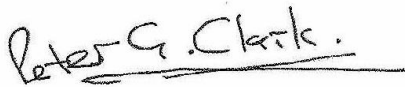


To: Members of the Planning & Regulation Committee

***Notice of a Meeting of the Planning & Regulation  
Committee***

**Monday, 23 May 2011 at 2.00 pm**

**County Hall, New Road, Oxford**



Peter G. Clark  
County Solicitor

May 2011

Contact Officer: **Graham Warrington**  
Tel: (01865) 815321; E-Mail:  
[graham.warrington@oxfordshire.gov.uk](mailto:graham.warrington@oxfordshire.gov.uk)

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*Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.*

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**Membership**

Chairman – Councillor Steve Hayward  
Deputy Chairman - Councillor Mrs Catherine Fulljames

*Councillors*

Alan Armitage  
Tony Crabbe  
Anda Fitzgerald-O'Connor  
Jenny Hannaby  
Ray Jelf

Peter Jones  
Lorraine Lindsay-Gale  
David Nimmo-Smith  
Neil Owen  
G.A. Reynolds

John Sanders  
Don Seale  
John Tanner

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**Notes:**

- **Date of next meeting: 18 July 2011**

## Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

### **The duty to declare ...**

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

### **Whose interests are included ...**

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

### **When and what to declare ...**

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

### **Taking part if you have an interest ...**

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

### **"Prejudicial" interests ...**

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

### **What to do if your interest is prejudicial ...**

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Exceptions ...**

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

### **Seeking Advice ...**

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

# AGENDA

1. **Election of Chairman for the Council year**
2. **Election of Deputy Chairman for the Council year**
3. **Apologies for Absence and Temporary Appointments**
4. **Declarations of Interest - see guidance note opposite**
5. **Minutes** (Pages 1 - 10)

To approve the minutes (**PN5**) of the meeting held on 11 April 2011 and to receive for information any matters arising therefrom.

6. **Petitions and Public Address**
7. **Construction of a new roundabout junction on the B4022 Oxford Hill at its junction with Jubilee Way, Cogges Hill Road and the proposed A4095 Cogges Link Road; to include provision for pedestrian and cycle crossings to link proposed or existing pedestrian and cycle routes; at existing traffic light controlled junction between Oxford Hill, Jubilee Way and Cogges Hill Road, Witney - Application No R3.0039/11** (Pages 11 - 20)

Report by Deputy Director for Environment & Economy (Growth & Infrastructure) (**PN7**).

Planning permission for the Cogges Link Road at Witney was granted in April 2009. Work on the scheme has not yet commenced. In the meantime further work has been undertaken to assess the potential for improvements to the traffic signal controlled junction at Oxford Hill/Jubilee Way (the north-eastern end of the Cogges Link Road). As a result of that work, a roundabout is now considered to be the preferred solution for managing traffic movements at this junction. This report describes the planning application that has now been submitted for the roundabout. The application is being reported to this committee as objections have been received to the proposal.

Some of the comments received repeat objections to the Cogges Link Road that have already been considered and the principle of the Cogges Link Road is not up for consideration as part of this proposal.

The report describes the proposed development and its background, sets out the comments and representations received, and outlines the views of the Deputy Director (Growth & Infrastructure).

***It is RECOMMENDED that planning permission be granted for the development proposed in Application No. R3.0039/11 subject to conditions to be determined***

**by the Deputy Director for Environment & Economy (Growth & Infrastructure) to include the following matters:**

- 1. Detailed compliance – development to be carried out strictly in accordance with the particulars contained in the application and plans.**
- 2. Detailed duration – development to commence within 3 years.**
- 3. Landscaping scheme to be submitted and agreed.**
- 4. Landscaping scheme to be implemented.**
- 5. Retained trees/hedges to be protected during construction.**
- 6. Agreement and implementation of an archaeological mitigation strategy.**
- 7. Details of lighting to be submitted and agreed.**
- 8. Surface water drainage scheme to be approved.**
- 9. Details of ecological mitigation measures (including measures already agreed as part of the CLR approval) to be submitted and agreed.**
- 10. Final details of cycleway provision to be agreed.**
- 11. Existing footpaths and cycleways to be made good following completion of works.**
- 12. Details of proposed working hours during construction to be agreed.**
- 13. All plant and equipment to be used in pond construction to be designed and maintained to reduce noise levels to a minimum.**
- 14. Road to be constructed using a low road noise surface material.**
- 15. A scheme for routeing and control of construction traffic to be approved.**
- 16. No vehicles used in construction works shall enter the public highway unless its wheels and chassis are cleaned.**
- 17. Measures to be adopted to prevent dust nuisance.**

#### **Informatives**

- 1. Requirement for a Site Waste Management Plan.**
  - 2. Diversion required for any Thames Water Main that crosses the site.**
- 8. Conversion of existing footpath to a new pedestrian/cycle route and associated works to include the creation of new steps, cycle ramps and 7 new lighting columns at former mineral railway, Hanwell Fields, Banbury - Application No R3.0043/11 (Pages 21 - 32)**

Report by Deputy Director for Environment & Economy (Growth & Infrastructure) (**PN8**).

The proposal is to convert an existing footpath route into a combined pedestrian/cycle track. The application includes the creation of some new steps, two cycle ramps and seven new lighting columns. The application is being reported to this Committee as an objection has been received to the proposal.

The report describes the development and outlines the objection and other responses to the application. Relevant planning policies are included along with the comments and recommendation of the Deputy Director (Growth and Infrastructure).

**It is RECOMMENDED that planning permission be granted for the development proposed in Application No. R3.0043/11 subject to conditions to be determined by the Head of Sustainable Development to include the following matters:**

1. *The development must be carried out strictly in accordance with the particulars contained in the application and the plans.*
  2. *Commencement of the development within 3 years.*
  3. *Submission and agreement of the external material proposed for the retaining walls.*
  4. *Retained trees to be protected during construction works.*
  5. *Submission and agreement of a landscaping scheme - to include replacement planting.*
  6. *Landscaping scheme to be implemented within first planting season following the completion of the development.*
  7. *Tree removal to be carried out outside of the bird breeding season.*
  8. *Site assessment of lighting levels from the new lights and implementation of any remedial action that may be required.*
  9. *Submission and agreement of a construction traffic management plan (to include contractors working hours, delivery times of materials and site compound).*
9. **Progress report on minerals and waste site monitoring and enforcement**  
(Pages 33 - 66)

Report by Deputy Director for Environment & Economy (Growth & Infrastructure) (PN9).

The report updates the Committee on regular monitoring of minerals and waste planning permissions and progress on enforcement cases.

***It is RECOMMENDED that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 to the report PN9 be noted.***

10. **Relevant Development Plan and other Policies** (Pages 67 - 74)

This paper sets out the policies referred to in Items 7 and 8 and should be regarded as an Annex to each.

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 23 September 2011** at **12.00 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 11 April 2011 commencing at 2.00 pm and finishing at 4.20 pm

**Present:**

**Voting Members:** Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)  
Councillor Alan Armitage  
Councillor Tony Crabbe  
Councillor Ray Jelf  
Councillor Peter Jones  
Councillor Lorraine Lindsay-Gale  
Councillor David Nimmo-Smith  
Councillor Neil Owen  
Councillor Zoé Patrick (In place of Councillor Jenny Hannaby)  
Councillor G.A. Reynolds  
Councillor John Sanders  
Councillor Don Seale  
Councillor John Tanner  
Councillor Melinda Tilley (In place of Councillor Mrs Anda Fitzgerald-O'Connor)

**Officers:**

Whole of meeting G. Warrington and J. Crouch (Law & Governance); R. Dance, J. Hamilton and F. Hamid (Environment & Economy)

Part of meeting

**Agenda Item**

**Officer Attending**

- |    |                                     |
|----|-------------------------------------|
| 5. | J. Duncalfe (Environment & Economy) |
| 6. | T. Islam (Environment & Economy)    |

*The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.*

**7/11 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

*Apology from*

*Temporary Appointment*

Councillor Anda Fitzgerald O'Connor  
Councillor Jenny Hannaby

Councillor Melinda Tilley  
Councillor Zoe Patrick

**8/11 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

Councillor	Item	Nature of Interest
Mrs C Fulljames and George Reynolds	<p>5. Finmere Quarry</p> <p>(1) Change of use of the materials recycling facility which is the subject of planning permission reference 10/00361/CM to add biodrying and gasification waste treatment technologies and associated power generation together with the extension of the operational life of the materials recycling facility – Application 11/00015/CM</p> <p>(2) To continue development of non hazardous landfilling operations without complying with conditions of planning permission 08/02519/CM (as varied by appeal reference APP/U3100/A/09/2117987/N WF) relating to phasing of landfilling and restoration, life of the site, restoration and aftercare schemes and tipping levels – Application 11/00026/CM</p>	<p>Personal. Both were members of Cherwell District Council Planning Committee and both advised that they had not expressed an opinion on either application in that capacity and therefore intended to participate in discussion and any voting on both.</p>

**9/11 MINUTES**

(Agenda No. 3)

The minutes of the meeting held on 7 March 2011 were approved and signed.



Updates

*Dix Pit, Sutton Courtenay* – Appeal against refusal allowed

*Ardley Energy from Waste*

*Residents Against Incinerators* had submitted a judicial review challenging the decision by the Secretary of State.

*Slurry Lagoon, Worton Farm*

The Council's Monitoring Officer was carrying out an investigation into the process leading up to approval of this application following representations by a local resident. The permission would not be issued pending the outcome of that investigation.

*Oxfordshire Minerals Producers Group*

Members were asked to respond to an invitation issued by the Producers Group to attend a seminar on 11 May. County officers would also be attending.

## 10/11 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Mike Kerford-Byrnes Matthew Horton QC	) 5. Finmere Quarry )
Steve Bowley	6. Shellingford Quarry

## 11/11 FINMERE QUARRY

(Agenda No. 5)

**Change of use of the materials recycling facility which is the subject of planning permission reference 10/00361/CM to add biodrying and gasification waste treatment technologies and associated power generation together with the extension of the operational life of the materials recycling facility – Application 11/00015/CM**

**To continue development of non hazardous landfilling operations without complying with conditions of planning permission 00/01480/CM (as varied by appeal reference APP/U3100/A/09/2117987/NWF) relating to phasing of landfilling and restoration, life of the site, restoration and aftercare schemes and tipping levels – Application 11/00026/CM**

The Committee considered (PN5) two applications. The first to add a gasification plant to the existing MRF permission to process more waste and the second to

continue landfilling operations at the quarry without complying with conditions which related to an end date for filling, changes to phasing of tipping and restoration and assessment of pre-settlement levels.

Mr Kerford-Byrnes referred to the dismay locally at yet another request to extend operations at the quarry. This translated to a total operational life of 42 years which was wholly disproportionate when compared to the area of land involved which was only 16 hectares. Finmere Parish Council considered that amounted to grounds for refusal in itself. Previous operations had blighted the landscape. There were also many unknowns regarding the gasification process and provenance of the operation itself with no guarantee that it would be successful. There were also serious safety concerns. He urged the Committee to refuse the application on the grounds of the length of the restoration operation and uncertainties regarding gasification technology. At the very least residents would expect a condition to be imposed to revoke any permission for the plant if it was not operational after a certain time in order to prevent any unnecessary delay to the restoration programme.

He then responded to questions from:

Councillor Reynolds – previous problems at the site had been largely containable but this was new technology even closer to the village and if a major incident occurred, say an explosion, could potentially have catastrophic results. Residents had from past experience little confidence in the quality of operations at the site.

Matthew Horton QC reminded the Committee that permission for the MRF and the extension to operations at the site had been granted on appeal in September 2007 and that circumstances which existed before that date were irrelevant because ownership had changed. The nature of the MRF had also changed as a result of new technology. Gasification was in line with government policy and complaints regarding odour had been overcome. Delays to landfill had occurred because of problems with the Environment Agency, the recession and increased levels of recycling. There would be a further reduction in landfill material because of gasification which had resulted in the need to apply for an extension to the landfill operation. He did not accept statements made regarding uncertainties relating to gasification technology nor was there any risk of explosion. The gas produced would be sealed and transported via pipes and not emitted to the air. Safety was the responsibility of the Environment Agency and Health Protection Agency and county planning officers had been right to recommend approval. He asked the Committee to support that recommendation.

He responded to questions from:

Councillor Sanders – gas was not processed in 2007 and therefore was not part of the applicant's case. Permission was now being sought to process waste using the best practice and resources.

Councillor Reynolds – the earlier history regarding the EA had arisen from problems experienced by the previous owners.

Councillor Owen – he considered that the detail in the proposal completely addressed the safety concerns and there was no danger to local residents. That had been borne out by comments from relevant agencies. The gas produced would be in a sealed unit and the only substance emitted would be filtered exhaust fumes from the facility's engine.

At the invitation of the Chairman Mr Krantz summarized the gasification technology. Although the process itself was not new its adaptation to burning waste was. The technology was used more commonly used abroad than in the UK but more sites were beginning to appear. The process itself involved drying waste prior to degrading it thermally which produced a synthetic gas composed of hydrogen, methane and carbon dioxide and monoxide. The gas was then oxidised to clean it prior to it being used in a turbine/engine to produce electricity. Non hazardous ash was also produced as a by product which could be disposed of as landfill He clarified that the engine would produce exhaust fumes which would be passed through a filtration system to meet permitted toxin levels. The plant itself was very expensive and companies would be unlikely to undertake such an investment unless they were satisfied that the process would work. Similar systems had been commissioned by the Royal Navy and after extensive trials on shore had been installed on naval vessels with proposals for further installation.

He responded to questions from:

Councillor Armitage – if the system used was a singular unit it would need to be capable of being switched off for maintenance. If a modular system then one unit could be switched off while others remained operational. The system itself was more versatile and the heating process was so great that it removed toxins. In the unlikely event that the residue ash was found to be hazardous then it would have to be disposed of correctly.

Councillor Owen – if the gas produced was breathed in for long periods of time then it could be harmful. However, if it did escape then it would disperse in the atmosphere over a distance. The Environment Agency and Health & Safety Executive would ensure that any risk was minimal.

Councillor Seale – he estimated that the proportion of used energy to energy produced was about 31/2 to 1.

Councillor Tilley – there were a lot of differences between this process and incineration not least of all scale and efficiency. Gasification degraded waste thermally rather than incineration.

Councillor Lindsey-Gale – he listed other sites in the country including Rainham (Essex), Dumfries and South Wales.

Councillor Tanner – there would be no increase in waste throughput or change to the type of waste or catchment area.

Mr Duncalfe introduced the report together with additional information and amendments as set out in the addenda sheet.

Mr Dance confirmed there were no changes to the type or amounts of waste or where that waste came from. The applicants were looking to adapt an existing facility to use new technology and extend the landfill operation to allow for the diversion of waste from landfill. Furthermore the two applications were inextricably linked and the Committee needed to agree or refuse both. There was now regular monitoring of activity at the site which now generally complied with conditions and benefitted from regular liaison at which the county council and environment agency were present. The Committee needed to look at the application on its merits. The history of the site had been dealt with and the Committee were now required to consider the application before it. It did represent industrial use in a rural area but as there was an existing gravel site it seemed logical for it to be sited there. There were existing consents for waste and the type of waste to be used (commercial and industrial) was different to the type of waste going to Ardley.

Councillor Mrs Fulljames appreciated the explanation regarding the process even though it seemed a little biased in favour. She endorsed all that Mr Kerford-Byrnes had said and advised that the Parish Council at a recent meeting had been extremely concerned over the largely unknown technology. She felt the report had done a disservice to the chequered history at this site and local residents were being asked to live alongside a visual eyesore until 2035. She was also concerned about bi products from this process and where the waste would come from bearing in mind this facility was only 9 miles from the proposed energy from waste facility at Ardley and recycling levels continued to rise. Figures given in paragraph 11 did little to remove those grounds for confusion. She could not support the applications.

Councillor Reynolds wondered whether tipping could be carried out to a lower level and therefore reduce the time required.

Councillor Tanner believed that the Council had little choice other than to approve the application.

**RESOLVED:** (on a motion by Councillor Tanner, seconded by Councillor Jelf and amended with their agreement by Councillor Armitage and carried by 13 votes to 2):

- (a) subject to a legal agreement requiring restoration payments and operation of a hinterland that planning permission be granted for Application (1) (11/00015/CM (MRF) ) subject to conditions to be determined by the Deputy Director for Environment - Growth and Infrastructure the heads of which were set out in Annex 3 to the report PN5; and
- (b) subject to a legal agreement requiring early application for diverting bridleway 4, restoration payments and operation of a hinterland that planning permission be granted for Application (2) (11/00026/CM (Landfill)) subject to the condition changes proposed in the application as set out in Annex 1 to the report PN5 (with the exception of condition 4), the modified condition 4 and any other conditions to be determined by the Deputy Director for Environment & Economy - Growth and Infrastructure but to include the heads of which were set out in Annex 3 to the report PN5 together with the following additional conditions:

- no implementation of this permission unless or until the gasification plant was operating in the MRF and variation of end date if plant implementation was delayed, relative to the effect of that delay in terms of filling rates
- tipping and restoration of cells 1 – 6, 8 and 9 to be completed by 2015.

## **12/11 SHELLINGFORD QUARRY**

(Agenda No. 6)

**Continuation of the development permitted under permission STA/SHE/8554/8 (extension of areas of extraction of limestone and sand and restoration to agriculture at original ground levels using inert fill over total quarry area and retention of existing facilities) without complying with conditions relating to approved plans, bund details, access, depth for working dewatering and water discharge, removal of bagging and processing plant, the importation of aggregates, restoration details, and sand martin habitat and extension of the time period for operations at the site;**

**To consider an extension of the existing quarry to the east for the extraction of limestone and sand with restoration to agriculture at original ground levels using inert fill**

The Committee considered (PN6) 2 applications for developments at Shellingford Quarry, near Stanford in the Vale the first of which sought consent to vary a number of conditions on the existing permission for the quarry, principally dealing with changes to the phasing of sand and limestone extraction (with subsequent infill operations), the depth of working of the site and an extension of the time period for completion of the development. The second sought permission for an extension to the east of the existing quarry to extract further sand and limestone with subsequent restoration to agriculture using inert waste material over a period of 8 years with restoration within a year.

Mr Bowley thanked county officers for their work during the pre-application stage. That had helped to allay many concerns regarding the applications and the only real area of concern seemed to relate to traffic. The site had direct access onto an A road with proposed improvements to the access if the application was approved. There would be no increase to current levels of traffic and the applicants, as one of many users of the A417 did not consider it necessary to impose any limits on traffic movements. However, if the Committee were so minded then limits should only apply to south bound vehicles. The Company were sympathetic to the concerns of local residents regarding the impact of lorries but felt the best way forward was through management. The Company were therefore proposing a formalisation of current practice through a code of practice for all hgv drivers which would deal with issues such as driving behaviour, speed, sheeting of loads and wheelwashing. The company were also suggesting a hot line to deal with any problems and reinstatement of the quarry liaison committee. He referred to a number of conditions

which related to the old site which duplicated the activity of other agencies. He asked the Committee to support the officer recommendation.

He responded to questions from:

Councillor Tilley – an average figure for vehicle movement was 140 daily but that did fluctuate.

Councillor Armitage – he clarified that the vast majority of the proposed conditions were relevant but some for example relating to groundwater, landfill gas and leachate referred to areas of activities of other agencies.

Councillor Seale – he agreed that southward lorry movements presented more of a problem for Wantage and there was little that could be done to alleviate that but the company were not proposing any increase in movements.

Mr Dance confirmed that the conditions set out in the report gave an indication of the matters which needed to be covered. It would be possible to add conditions but not remove any. He suggested that the Committee consider delegating authority to the Director for Environment & Economy to finalise conditions to adequately cover the matters in Annex 1 to the report with a further delegation regarding traffic, possibly in consultation with the local member, to agree a precise number of vehicles leaving the site southwards in order to properly protect Stanford in the Vale.

Presenting the report Taufiq Islam clarified that the proposal if agreed would increase the County landbank but that the rate of production at the site would not change. He also referred to amendments to the recommendation set out in the addenda regarding traffic levels and monitoring arrangements.

Councillor Tilley considered a limit of 50 vehicle movements would be too restrictive. The real problem related to speeding, lack of sheeting and wheelwashing which the Company were proposing to deal with. They had made huge efforts to improve liaison. She supported the introduction of a company hotline and reinstatement of the liaison committee and wanted the company to comply with conditions.

She moved that the application should be approved as amended in the addenda sheet but with no restriction imposed on vehicle movements over and above current hgv traffic levels. The motion, seconded by Councillor Patrick was put to the Committee and –

**RESOLVED:** (13 votes to 0) that subject to:

- (a) an agreement to secure the required funding for independent monitoring of traffic movements and destinations;
- (b) no restriction being imposed on vehicle movements over and above current limits;

that planning permission be granted for the developments described in Applications STA/SHE/8554/12-CM and STA/SHE/8554/11-CM subject to conditions to be

determined by the Deputy Director for Environment & Economy -Growth & Infrastructure to include the matters set out in Annex 1 (with regard to Application 1) and Annex 2 (with regard to Application 2) to the report PN6 and to the following additional condition requiring access to the operators weighbridge records to be given to the Council's monitoring team.

..... in the Chair

Date of signing .....

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Contact Officer: John Hamilton Tel. No. 01865 815584

**Divisions:** Witney East, Witney West

## **PLANNING & REGULATION COMMITTEE – 23 MAY 2011**

### **CONSTRUCTION OF A NEW ROUNDABOUT JUNCTION ON THE B4022 OXFORD HILL AT ITS JUNCTION WITH JUBILEE WAY, COGGES HILL ROAD AND THE PROPOSED A4095 COGGES LINK ROAD; TO INCLUDE THE PROVISION FOR PEDESTRIAN AND CYCLE CROSSINGS TO LINK PROPOSED OR EXISTING PEDESTRIAN AND CYCLE ROUTES; AT EXISTING TRAFFIC LIGHT CONTROLLED JUNCTION BETWEEN OXFORD HILL, JUBILEE WAY AND COGGES HILL ROAD, WITNEY**

**Report by Deputy Director (Growth & Infrastructure)**

**Location:** Cogges link Road, Witney

**Applicant:** Oxfordshire County Council

**Application No:** R3.0039/11

**District Council Area:** West Oxfordshire

#### **Introduction**

1. Planning permission was granted for the Cogges Link Road (CLR) in Witney on the 7 April 2009. Construction of the road has yet to be commenced. Further work has now been carried out to assess the potential for improvements to the traffic signal junction layout at Oxford Hill/Jubilee Way (the north eastern end of the Cogges Link Road) and as a result the developer has concluded that a roundabout is a better solution for this junction. This application therefore seeks permission for a roundabout to replace the traffic light controlled junction at this northern end of the CLR. The application does not require reconsideration of the CLR itself.

#### **Location (see plan)**

2. The proposed CLR runs from the roundabout opposite Sainsburys on Station Lane, Witney, across the River Windrush in the west to east direction, passing under Stanton Harcourt Road through the gap between the existing housing in the Cogges Estate and the A40 to the south. The road then swings northwards to join Oxford Hill at a point opposite Jubilee Way. It is at this latter location that the new roundabout is proposed.
3. The main built up area of Witney lies to the west and north of the CLR. Major housing development has taken place in recent years in north east Witney which has its access via Jubilee Way.

## Details of the Development

4. The permitted scheme for the CLR (see plan 1) modifies the existing alignment of the signalised junction of the B4022 Oxford Hill with Jubilee Way and Cogges Hill Road to accommodate the new CLR, under signals, opposite Jubilee Way. The existing Cogges Hill Road (leading into the Cogges Estate) was to join the CLR at a linked signalised T-junction.
5. The development now proposed is for the junction of the B4022 Oxford Hill with Jubilee Way and the proposed CLR to be constructed as a roundabout (see plan 2). The junction of the CLR with Cogges Hill Road would remain but would no longer be under signal control. The reason for this change to the approved scheme follows the assessment and traffic modelling exercises into junction improvements mentioned in paragraph 1 above. These assessments indicated that, based on 'high' traffic growth forecasts, by 2026 there would be significant queuing at this junction if signal controls were to be retained. The assessments further indicated that a roundabout solution would greatly reduce queuing and improve traffic flow through the junction.
6. Apart from the roundabout centred on the existing junction, development along the B4022 Oxford is proposed to extend from about 75m to the west of its junction with Jubilee Way to a position immediately to the west of the existing access to the Windrush Cemetery. There are footways adjacent to the road on both the north and south sides of the western arm of the new roundabout. A bus lay by, unaffected by this development is also on the south side. An on-carriageway advisory cycle lane is also laid out on both sides of the western arm to the roundabout.
7. To the east, there is an off-carriageway un-segregated shared use footway/cycleway on the north side of the road. The Windrush Cemetery is unaffected by the proposals.
8. The proposed development would extend 85m northward up Jubilee Way from the current junction with Oxford Hill. An off road parking area immediately to the west would not be affected by the proposal. There is an un-segregated shared use footway/cycleway along the west side of Jubilee Way.
9. About 195m of Cogges Hill Road is affected by the development. A footway is located on its western side beyond which is a wide, banked verge. On the east side of the road there is a narrow highway verge beyond which is a hedgerow marking the highway boundary.
10. The suitability of a roundabout at this location has been considered taking into account the requirements of pedestrians and cyclists. Pedestrian and Cycle Pass counts have indicated that the existing crossing facilities are only used occasionally. However, uncontrolled crossings at the same locations are to be retained as part of this scheme and they will benefit from flush kerbs along with enlarged refuge islands capable of accommodating a bicycle. Both

pedestrians and cyclists should find that the proposed arrangements make crossing easier and safer – for instance there will be good visibility and traffic will only approach from one direction ( unlike the existing situation where traffic arrives in ‘platoons’ and from multiple directions).

11. All four roads leading into the roundabout benefit from street lighting. This will be retained.

### **Consultations and Representations**

12. **West Oxfordshire District Council** – Planning, and Environmental Protection, raise no objections subject to the following observation:  
 “In particular provision should be made for convenient access to the Cogges Link Road cycleway from those travelling down to the proposed roundabout from the A40 cycleway. It is suggested that a further crossing and extending the cycleway up to the roundabout would result in a more amenable route.”
13. **Witney Town Council** – make the following comments:  
 “The new application for the proposed roundabout contained sufficient additional information to alleviate Witney Town Council’s concerns regarding the proposed roundabout at the Cogges Link Road junction. Members of the Council’s Planning Committee also received a more detailed explanation from Oxfordshire County Council which addressed their original concerns, therefore they wish to withdraw their objections and support this application. Witney Town Council did receive objections to this application. Members, whilst not specialists in the field, carefully considered the concerns raised but concluded that OCC had taken sufficient measures to address these issues. Nevertheless, we would request that the OCC Highway specialists take one final look at the concerns and either address them or satisfy themselves that the concerns are covered by the current proposals.”
14. **Natural England** – no comments to make on this proposal. However stress that the absence of comments or direct involvement on individual plans or proposals is simply an expression of priorities. It should not be taken as implying a lack of interest or indicating either support for, or objection to, any proposal. Would expect the LPA to assess and consider the possible impacts resulting from this proposal on protected species.
15. **Environment Agency** – There are no significant environmental constraints associated with this proposal. As such, they have no objection to the application. Recommend the following condition:  
 “Development shall not begin until a surface water drainage scheme, based on sustainable drainage principles, has been submitted to and approved in writing by the planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.”
16. **Thames Water** – with regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to groundwater courses or a suitable sewer. There are public services that cross, or run close to, the

site. Recommend an informative requiring the diversion of any Thames Water main that crosses the site.

17. **County Archaeologist** – The junction concerned lies within an area of some archaeological interest being located immediately north west of a Roman and Medieval settlement site. Recommend that should planning permission be granted, the applicant be responsible for implementing a staged programme of archaeological work. This can be achieved through an archaeological mitigation condition.
18. **County Forester** – No tree survey or tree protection plan has been submitted with the application. Such details should be submitted to ensure adequate protection measures for retained trees.
19. **County Ecologist** – No comments to make on this application.
20. **Transport Development Control** – The principle for the CLR has already been robustly assessed and granted permission in April 2009. The LHA's assessment for the principle of the scheme remains as one of no objection.

In terms of traffic impact this appears to be an improvement to the CLR scheme. Submitted plans do not provide a great detail of the type of roundabout to be built. It is stated that the appropriate design standard is to be used and the scheme will go through the normal design and construction processes and checks which includes a number of safety audits etc - which is acceptable.

A concern has been raised by third parties that the gradient of the hill will affect large vehicles turning into the CLR or Jubilee Way. The concern is addressed in the Design & Access Statement, although a more detailed plan showing the design of the roundabout and the tracking of HGV's would be useful.

Taking the above into account, recommend no objection to this application.

### **Third Party Representations**

21. Three responses have been received to this application, of which one resident expresses concern about the proximity of their property to the roundabout and the impact on right turn movements (i.e. into the town centre) from the property.
22. The other two responses object to the proposal on the following grounds:
  - proposal does not address any of the fundamental flaws to the CLR scheme as a whole;
  - will result in more significant delays to traffic;
  - will adversely impact on vehicles trying to exit Cogges Hill Road onto the CLR – leading to significant diversions and additional 'u-turning' of traffic on the CLR roundabouts;

- proposal downgrades the provision for pedestrians and cyclists at the junction – accidents rates for cyclists at roundabouts are 2-3 times more than those at signal controlled crossings;
- introduction of a roundabout will give rise to potential adverse impacts that have not been properly addressed;
- Shores Green provides a preferable alternative to the CLR;
- a five limb roundabout junction should be considered;
- risk of HGVs overtaking whilst navigating the roundabout.

### **Relevant Planning Policies**

23. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the relevant documents comprising the Development Plan are the South East Plan (SEP) and the adopted West Oxfordshire Local Plan.
24. Relevant Government Guidance includes PPS5 (planning for the historic environment).
25. Whilst the South East Plan forms part of the Development Plan, the government has made it clear that it intends to abolish regional strategies. This intention has been upheld as being a material consideration in determining planning applications.
26. All relevant policies are set out in detail in the Policy Annex circulated with this Agenda. Key Policies are SEP policies CC7, T1, T2 and WOLP policies BE1, BE3, BE18, NE6, T1, T2, T4 and T6.

### **Comments of the Deputy Director (Growth & Infrastructure)**

27. The Cogges Link Road was granted planning permission in April 2009 following extensive debate where the planning issues and concerns were fully considered against the backdrop of the Development Plan and other government guidance at the time.
28. The development now proposed is limited in its extent to the replacement of the light controlled junction on Oxford Hill (at the eastern end of the CLR) with a roundabout. The extent of the area of the application is basically within the footprint of the main CLR permission. The policy implications for the development, in relation to the West Oxfordshire Local Plan, remain the same as in 2009 when the CLR as a whole was determined. The policy change since that time therefore relates to the change from the Oxfordshire Structure Plan to the SEP.
29. Policy CC7 of the SEP seeks the provision of appropriate levels of infrastructure to meet the needs of new development. The bulk of the funding for the CLR comes from developer contributions from developers building in Witney and permitting this roundabout would improve on the permitted CLR scheme and enhance this piece of highway infrastructure for the town. Similarly, the roundabout proposed is considered to be an improvement on

the signal controlled junction in traffic movement terms, contrary to the argument proposed by an objector that it will result in more delays to traffic rather than less. Both pedestrian and cycleway provision is properly catered for and the landscape impact should be no more than that anticipated as part of the original approved scheme. Policies T1 and T2 of the SEP are therefore in my view complied with.

30. A concern has been raised that HGVs using the roundabout would topple over when manoeuvring around the roundabout due to its design and gradient. However, the scheme would be designed in accordance with recommended highway design standards and would proceed through the normal design and construction process which involves various safety audits. Indeed the proposal involves the re-profiling of the B4022 Oxford Hill road on its approaches to the roundabout. The design of the roundabout circulatory carriageway has been designed to minimise the risk of overturning vehicles. The size of the roundabout is sufficient for all standard vehicles including HGVs to safely manoeuvre and execute turns to and from any of the arms of the roundabout.
31. An objection has been raised about traffic trying to exit Cogges Hill Road onto the CLR. This originally was to be signal controlled linked to the signals at the Oxford Hill/Jubilee Way/CLR junction. As a roundabout is now proposed, it is proposed to remove the signals at Cogges Hill Road replacing them with dedicated right and left turn lanes on entry onto the CLR and vehicles turning right into Cogges Hill Road from the CLR would have a dedicated right turn lane. Modelling has shown that with the roundabout in place, traffic at the Cogges Hill Road moves freely and it is not therefore considered necessary to develop a signal controlled junction here as it could introduce additional and unnecessary delay.
32. One of the aims of the CLR, by reducing traffic through the Bridge Street area of Witney, is to reduce pollution in that part of the town. Similarly, the provision of a roundabout, rather than a light controlled junction, would involve less queuing and smoother flow of traffic which is likely to reduce pollution from standing traffic and reduce the impact of cars moving up through the gears from a standing start. This would be of significant benefit to the residential properties located along this junction.
33. The proposal is basically within the envelope of the existing CLR permission and the impact of trees and hedgerows at this eastern end of the scheme are comparable. Some hedge removal would be involved along the eastern side of the CLR and Oxford Hill but this hedgerow would have been affected by the permitted scheme. As with the permitted CLR scheme, it is proposed to plant the area adjacent to the Windrush Cemetery with mature woodland trees with the redundant part of Cogges Hill Road being landscaped with shrubs and trees. Conditions can be imposed to minimise any further loss of hedgerows, protect and maintain those hedgerows and trees that are to remain and can require additional landscaping and tree planting. As such the proposal should have no more a significant impact on the landscape or visual character of the area as the permitted scheme.

34. The Council, in the exercise of its functions, has a legal duty to have regard to the requirements of the Conservation & Habitats Regulations 2010 which identify four main offences for development affecting European Protected Species (EPS):
- deliberate capture or killing or injury of an EPS;
  - deliberate taking or destroying of EPS eggs;
  - deliberate disturbance of an EPS including any disturbance likely to:
    - a) impair their ability
      - i) to survive, breed or rear or nurture their young, or
      - ii) to liberate or migrate; and
    - b) to affect significantly the local distribution or abundance of the species to which they belong;
  - damage or destruction of an EPS breeding site or resting place.
35. Ongoing surveys have been undertaken which indicate that, whilst the bulk of EPS present occupy the part of the CLR site that crosses the Windrush floodplain, the presence of an EPS at this north eastern end of the site is likely. Suitable mitigation measures to deal with this issue have been prepared as part of the CLR permission and will be implemented as part of the CLR scheme. Such measures are considered to be convincing and in my view will secure “offence avoidance”. Neither Natural England nor the Council’s Ecologist Planner have raised any objections to this application. The application is therefore not considered to have an adverse impact on EPS provided the mitigation measures agreed as part of the previous CLR scheme are implemented.
36. One local resident, whilst not objecting to the application, has raised a concern that they will not be able to turn right out of their property towards the town centre as a result of the construction of the roundabout. The resident has been visited and advised that the creation of a new drive from their property will form part of the development and will enable right turn movements to be undertaken.
37. Witney is a congested town and this congestion has potential to be detrimental to the vitality and viability of the town centre and on the residential amenities of those properties directly affected by traffic. The CLR was approved to address these environmental concerns. The current proposal, replacing the traffic signal controlled junction at the eastern end of the CLR with a roundabout, would provide a far more effective solution with limited environmental impact. It could indeed provide greater benefits in relation to the minimisation of queuing and reduction in pollution and it would provide an enhancement to the local highway network in Witney.

## **Recommendation**

38. It is **RECOMMENDED** that planning permission be granted for the development proposed in Application No. R3.0039/11 subject to conditions to be determined by the Deputy Director (Growth & Infrastructure) to include the following matters:
1. Detailed compliance – development to be carried out strictly in accordance with the particulars contained in the application and plans.
  2. Detailed duration – development to commence within 3 years.
  3. Landscaping scheme to be submitted and agreed.
  4. Landscaping scheme to be implemented.
  5. Retained trees/hedges to be protected during construction.
  6. Agreement and implementation of an archaeological mitigation strategy.
  7. Details of lighting to be submitted and agreed.
  8. Surface water drainage scheme to be approved.
  9. Details of ecological mitigation measures (including measures already agreed as part of the CLR approval) to be submitted and agreed.
  10. Final details of cycleway provision to be agreed.
  11. Existing footpaths and cycleways to be made good following completion of works.
  12. Details of proposed working hours during construction to be agreed.
  13. All plant and equipment to be used in pond construction to be designed and maintained to reduce noise levels to a minimum.
  14. Road to be constructed using a low road noise surface material.
  15. A scheme for routeing and control of construction traffic to be approved.
  16. No vehicles used in construction works shall enter the public highway unless its wheels and chassis are cleaned.
  17. Measures to be adopted to prevent dust nuisance.

### **Informatives**

1. Requirement for a Site Waste Management Plan.
2. Diversion required for any Thames Water Main that crosses the site.

MARTIN TUGWELL  
Deputy Director (Growth & Infrastructure)

File ref: R3.0039/11







Contact Officer: Naomi Woodcock Tel: Oxford 815708

Division affected: Banbury Hardwick

## **PLANNING & REGULATION COMMITTEE – 23 MAY 2011**

### **CONVERSION OF EXISTING FOOTPATH TO A NEW PEDESTRIAN/CYCLE ROUTE AND ASSOCIATED WORKS TO INCLUDE THE CREATION OF NEW STEPS, CYCLE RAMPS AND 7 NEW LIGHTING COLUMNS**

#### **Report by the Deputy Director for Environment & Economy (Growth & Infrastructure)**

**Location:** Former Mineral Railway, Hanwell Fields, Banbury.

**Applicant:** Oxfordshire County Council

**Application No:** R3.0043/11

**District Council Area:** Cherwell

#### **Introduction**

1. The proposal is to convert an existing footpath route into a combined pedestrian/cycle track. The application includes the creation of some new steps, two cycle ramps and seven new lighting columns.

#### **Location (see site plan)**

2. The site is located to the west of Banbury Town Centre just off Highlands.

#### **Site and Setting (see site plan)**

3. The application forms part of a former railway line but is now part of an area of open space measuring 400 metres in length and between 20 metres and 40 metres in width. It is immediately bounded by Beaumont Industrial Estate to the east, a play area to the north and houses to the north, west and south. An existing cycle track lies immediately north east of the site which leads to The Magnolias. The present footpath is accessed via the cycle track from the Magnolias and from the north via two footpaths which lead to the houses on The Wisterias and Fuchsia Walk. From the south west the footpath is reached either by climbing down a steep embankment to the eastern side of Highlands or via an unlit subway which runs beneath Highlands and connects to a footpath beyond.
4. The application site comprises land which contains an adopted footpath, which is paved and lit, and an informal unlit footpath. The routes of the paths are shown on the site plan attached. They link the surrounding streets to the play area, an industrial estate, Hanwell Fields School and community centre.

5. The entire area of open space between Highlands, the existing cycle route, Beaumont Industrial Estate and the housing estate is roughly 21,500m<sup>2</sup> in area. This area is grassed, except for the footpaths, and well landscaped with a mixture of roughly 370 young and mature trees. Certain parts of this area are more densely populated with trees than others, one of which is in the north eastern end of the site. The site has different areas of sloping ground but overall slopes gently from south west to north east and there is a steep downwards slope at the north east end of the site.
6. The houses in The Magnolias are closest to the site. Their gardens back on to the footpaths, and the houses themselves are about 16 metres from the site boundary. The rear boundaries of these properties are screened by trees and shrubs.

### **Background and Details of the Development**

7. On 5 April 2011 the Council approved and adopted the Local Transport Plan (LTP) 3 which (amongst other things) aims to improve the conditions of local footways and cycleways and develop and increase cycling and walking for local journeys, recreation and health across Oxfordshire.
8. The LTP3 proposes that the Hanwell Fields pedestrian and cycle network would be developed and improved by converting part of the adopted footpath to a combined pedestrian/cycle track. It proposes that access to the existing cycle track be improved by widening the informal footpath from 1 metre to 2.5 metres and converting it to a pedestrian/cycle track. The proposals are part of a series of improvements to expand, develop and promote walking and cycling to key destinations across Banbury. It is anticipated that the improvements to the footpaths would increase travel choice for both leisure and commuting purposes between the newer residential estates of Hanwell Fields and the school, community centre and business park to the north, and the more established residential areas to the south of Banbury and the Beaumont Industrial Estate. The applicant explains that the development proposals would also legalise cycling which already takes place along the footpath.
9. At the north east end of the site the present cycle track will be lowered to reduce its gradient. This will involve some cut and fill between 0.3 metres (about 1ft) and 0.9 metres (about 3ft) and construction of two retaining walls. A zig zag bypass path with a gradient of 1 in 16 would also be constructed adjacent to one of the retaining walls and alongside the cycle track as an alternative to a 6 metre stretch of cycle track which would have a gradient of 1 in 8. The alignment at the very north east end of the cycle track would have short sharp curves to discourage cyclists from speeding downhill. An area of some 1,150m<sup>2</sup> of the overall open space would be disturbed by the path.
10. The new pedestrian/cycle track would have a dark grey asphalt surface to match the existing adopted footpath. Associated works include the creation of a set of concrete steps with a galvanised steel hand rail and a cycle ramp (at the south western end of the site, east of Highlands) and a cycle ramp to the west of Highlands to facilitate safe and convenient access to Highlands and the path

immediately west of Highlands. Dropped kerbs would be constructed on either side of Highlands. Seven new 5 metre high lighting columns would be installed (six alongside the widened pedestrian/cycle track and one adjacent to the new steps). The columns would be painted green and house 50 watt lanterns. The light spillage diagram (which was requested during the consultation period) shows that light would not spill into any neighbouring houses or gardens. The area immediately adjacent to the lamps (i.e the route of the footpath) would have a light intensity of between 1.5 lux and 7.5 lux<sup>1</sup>. The lamps would be lit until midnight apart from the lamp adjacent to the new stairs at the western end which would be left on between the hours of midnight and 5.00am. An 'end of cycle track' sign would be installed west of the play area to discourage cyclists from using the footpath which loops from west to east around the play area.

11. To facilitate the works it will be necessary to fell 13 young and small trees (a mixture of Aspen, Oak Red, Silver Birch, Oak Common, Ash and Willow). An additional two trees would also be felled because they are overcrowding on other trees. Tree felling would take place in September to avoid the bird breeding season. Replacement planting of the equivalent species and number is proposed.
12. Contractors' vehicles would access the site via Highlands and the footpath which runs from 'The Wisterias'.

## Consultations

13. **Cherwell District Council**\_ – No objection subject to: i) a condition ensuring that the lights do not impact on residential amenity and ii) assurances that works will be carried out in accordance with the requirements of relevant protected species legislation.
14. **Banbury Town Council**\_ – No objection.
15. **County Forester** – No objection.
16. **Rights of Way Officer** – No objection.
17. **Transport Development Control** – No objection. The development would encourage sustainable travel by promoting walking and cycling across Banbury.
18. **Ecologist Planner** – No objection. There is no habitat suitable for protected species that will be lost as a result of the works. There is the potential for bats to be disturbed by artificial lighting. However the bat species most likely to be using this area is the Pipistrelle which is not adverse to artificial lighting. Harmful disturbance is unlikely. The trees which are to be lost are too small and young to be of use to nesting birds or bats and would have minimal impact on local wildlife. Their removal will not stop bats using the area as a flight corridor.

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<sup>1</sup> Lux measurement of light intensity. A deep twilight is 1.08 lux, a very dark day is 107 lux and an overcast day is 1075 lux (Engineering Toolbox 2005).

**Third Party Representations** (available in the Members' Resource Centre)

19. We have received one response from a local resident. The points made are:
- There is not a need for the development as a negligible amount of cyclists use the paths and people use the estate rather than cut through the site.
  - Lights are not environmentally friendly.
  - Reduced slopes may affect the privacy and security of the houses adjacent to the site.
  - A 2.5 metre wide cycle track would encourage cyclists to cycle faster and this may affect the safety of pedestrians.
  - It is difficult for the resident to walk on pavement due to health problems.
  - The development would have a negative effect on the character of the open space and local wildlife.

**Relevant Development Plan and other Policies**

20. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
21. The relevant Development Plan document is the South East Plan (SEP) and the adopted Cherwell Local Plan 1996 (CLP).
22. The Non-Statutory Cherwell Local Plan 2011 (NSCLP), Conservation and Habitats Regulation 2010, Planning Policy Guidance (PPG) 13 and the Local Transport Plan (LTP) 3 are material to the consideration of the proposal (and indeed the LTP 3 is part of the driver for this proposal).
23. Whilst the South East Plan (SEP) forms part of the development plan, the government has made it clear that it intends to abolish the regional strategies. This intention has been upheld as being a material consideration in determining planning applications.
24. Relevant policies are SEP policies: C4, T1 and T2. CLP Policies: C2, C31 and R5. NSCLP policies: D1, D3, D5, EN6, EN24, EN35, EN36, TR5, TR8, TR25. These policies are set out in the policy annex attached to the main agenda.

**Comments of the Deputy Director (Growth & Infrastructure)**

25. In my view the main issues to be considered in assessing the merits of this application relate to:
- i The level of benefit and significance of providing a pedestrian/cycle track
  - ii Impact on neighbouring residents and users of the site
  - iii Impact on the environment.

(i) **The level of benefit and significance of providing a pedestrian /cycle track:**

26. At a strategic level the works would be part of a series of improvements to expand, develop and promote walking and cycling to key destinations across Banbury. It is intended that the improvements to the footpaths would increase travel choice for both leisure and community purposes between the more recent residential, educational, community and commercial developments to the north and the more established areas of the town to the south. The development forms part of the Oxfordshire County Council's adopted Local Transport Plan 3 which seeks to improve and develop footpaths and cycleways across Oxfordshire. It is also intended that the development would legalise cycling through the site. PPG13 seeks to promote more sustainable transport choices for people and reduce the need to travel by car. Policy T2 of the SEP specifies that improvements should be made to the extent and quality of pedestrian and cycle routes. Policy TR25 of the NSCLP encourages development which would provide a cycle and pedestrian network between residential areas and employment areas. LTP3 seeks to provide the Hanwell Fields cycle route along the former minerals railway.
27. One local resident has expressed concern about whether there is a need for the pedestrian/cycle track as cyclists cycle through the adjacent residential estate and not many people cut through the application site. Transport Development Control have commented that the development would encourage sustainable travel by promoting walking and cycling across Banbury.
28. I think the proposed development would be beneficial to local residents and contribute to benefits for Banbury as a whole as the works form part of a series of measures to promote sustainable transport choice to key destinations across the town. Through upgrading and connecting the existing footpaths to the existing cycle track the extent and quality of the local pedestrian and cycle routes would be greatly improved. It would promote and encourage the option of cycling for Hanwell Fields residents, would improve links to the new Hanwell Fields School, community centre and would assist people accessing Beaumont Industrial Estate. I therefore consider that there is a clear benefit to be gained from the pedestrian cycle track and that the development accords with development plan policy and the Local Transport Plan 3.

(ii) **Potential impact on neighbouring residents and users of the site**

*Lighting columns*

29. Seven 5 metre high lighting columns with 50 watt lanterns would be installed. Policy EN6 of the NSCLP requires planning proposals to demonstrate that lighting schemes would not have a detrimental impact on residential amenity or road safety. Cherwell District Council has suggested that a condition should be imposed to ensure that the lighting does not impact on residential amenity. A local resident has commented that the use of lights is not environmentally friendly. However the applicant has confirmed that light spillage from the columns would not affect any residential properties or gardens. The areas immediately adjacent to the columns would be affected by lighting spillage of

between 1.5 lux and 7.5 lux (but these are precisely the areas – under the lights and along the path – that require illumination).

30. The lighting is necessary for the safety of the users of the cycle track. Given that the light spillage assessment shows that light from the columns would not spill into any residential dwellings or gardens I do not consider that the lighting scheme would have a detrimental impact on residential amenity. A condition can be imposed to require an assessment of the impact of the lights to be undertaken once installed and any consequent remedial action to be put in place (should this be necessary) before the lights are used.

*Privacy and security*

31. There are shrubs and six trees between the nearest residential dwellings and the proposed track. As part of the works cuttings would be made to reduce the gradients of some of the slopes within the site and a total of 15 trees would be felled. Replacement planting of equivalent species and number is proposed. Policy C31 of the CLP explains that development which would cause an unacceptable level of nuisance or visual intrusion in residential areas will not normally be permitted. The one objection received to the application has expressed concern that the combination of tree felling and the cuttings to facilitate the zig zag bypass path would result in overlooking and cause security issues for some residents. The applicant has indicated that only two trees (Ash and Oak) and a small proportion of the shrubs between the nearest houses and the new track would be removed. Five replacement trees are to be planted near these houses. As most of the shrubs and four out of six trees would be retained and five replacement trees would be provided between the path and the nearest houses, I consider that the development and its use would have minimal effect on security and should not cause an unacceptable level of visual intrusion for the residents. To ensure that replacement planting is provided a landscaping condition can be imposed. I therefore consider that subject to condition the development accords with policy C31 of the NSCLP.

*Widening of the informal footpath*

32. The proposal seeks to widen the existing informal footpath by 1.5 metres (from 1 metre to 2.5 metres). Policy TR5 of the NSCLP encourages developments which minimise conflict between cyclists and people with mobility impairments. Policy D1 requires proposals to demonstrate permeability through ease of movement for pedestrians, particularly disabled people and cyclists. The objector to the scheme has said that widening the existing informal footpath by 1.5 metres would encourage cyclists to speed past pedestrians and may result in a collision between a cyclist and a pedestrian. However, widening the existing footpath should limit conflict as pedestrians (including those with mobility impairments) and cyclists would be able to move more easily and simultaneously along the path to access existing pedestrian/cycle routes, residential and employment areas.
33. The objector has also expressed concern about the proposed width of the cycle track as she has mobility difficulties and finds it easier to walk on grass than on concrete. In particular the resident has commented that little grass would be left



for walking on. The applicant has confirmed that most of the grass areas would still be available for walking on. In my view the widening of the path would still leave sufficient room for pedestrians with certain mobility impairments to walk on the grass whilst still allowing pedestrians who use wheelchairs or prams to use the proposed track. I therefore consider that the widening of the path accords with policies TR5 and D1 of the NSCLP.

**(iii) Potential impact on the environment**

*Tree felling*

34. The local resident has raised concerns about the loss of 15 trees. Policies C4 of the SEP and EN35 of the NSCLP seek to retain trees unless their loss can be justified by appropriate compensatory measures. The County Forester has raised no issue about the loss of 15 trees. As replacement planting is proposed I am of the view that the development does not conflict with policies C4 of the SEP and EN36 of the NSCLP.

*Local wildlife*

35. The development proposes to fell 4% of the trees in the area of open space. Tree felling would take place in September to avoid the bird breeding season. Policy C2 of the CLP and EN25 of the NSCLP require that development should not cause loss or damage to protected species. The Local Planning Authority in exercising any of its functions, has a legal duty to have regard to the requirements of the Conservation & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS.
2. Deliberate taking or destroying of EPS eggs.
3. Deliberate disturbance of an EPS including in particular any disturbance which is likely
  - a) to impair their ability –
    - i) to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

36. The local resident has commented that the loss of trees may affect wildlife. Cherwell District Council has suggested that a condition should be imposed to ensure that the development is carried out in accordance with the requirements of protected species legislation. The Ecologist Planner has commented that the lights would not have an adverse effect on Pipistrelle bats and that the loss of the trees would have minimal effect on birds or bats. The Ecologist Planner's records show that neither great crested newts nor roosting bats are likely to be present on the development site. Although common Pipistrelle may use the area for foraging and commuting it is unlikely that they would be harmfully disturbed. In my view because the proposals should not

adversely affect the bats, no further consideration of the Conservation & Habitats Regulations is necessary. The proposals are in line with policies C2 of the CLP and EN25 of the NSCLP. Given that only 4% of the trees in the area of open space would be lost I do not consider that the proposed development would have a significant effect on local wildlife.

*Character of the open space*

37. The 21,500m<sup>2</sup> area of open space is predominately grassed and is well landscaped with a mixture of 370 mature and young trees. An area of 1,150m<sup>2</sup> of this open space would be disturbed by the path. Policy D1 of the NSCLP requires a development proposal to demonstrate attractive public spaces and routes. The local resident has commented that the open space would be spoilt by the concrete pedestrian/cycle track, supporting walls and loss of grass. I consider that the development would not have an unduly adverse effect on the attractiveness of the open space and cycle track and that the character of the area would not be unduly harmed as only 5% of the area would be disturbed by the path and only 4% of the trees would be lost. Replacement planting would also be provided. The submission of a landscaping scheme would help to ensure that the urban effect of the retaining wall on the attractiveness of the public space can be limited.

Conclusion

38. The proposed cycle track would improve and promote use of the pedestrian and cycle network in Hanwell Fields. Although concerns have been raised about the need for the development I consider that the proposal accords with national, regional and local policy as the development would promote more sustainable choice, reduce the need to travel by car, improve the quality and extent of the Banbury pedestrian /cycle network and provide a pedestrian/cycle network between the Hanwell Fields residential estate and the nearby employment site. I consider that the lights would not have a detrimental effect on residential amenity, nevertheless the lighting assessment condition would ensure that the development is in line with policy EN6 of the NSCLP. Conditions requiring the submission and implementation of a landscaping scheme would address any security and overlooking concerns and would ensure that the development accords with C31 of the NSCLP. Concerns have also been expressed about the widening of the existing informal footpath. I consider the widening works accord with policies TR5 and D1 of the NSCLP as they would minimise conflict between cyclists and pedestrians with mobility impairments and allow pedestrian and cyclists to move with ease through the application site. The proposed tree felling will be mitigated by replacement planting and therefore the works accord with regional and local policy. As protected species would not be adversely affected by the works and a condition would ensure that birds are protected during the bird breeding season, I consider the development is in line with national and local policy. I consider the development would not have a significant adverse impact on the surrounding area. Permission is therefore recommended.

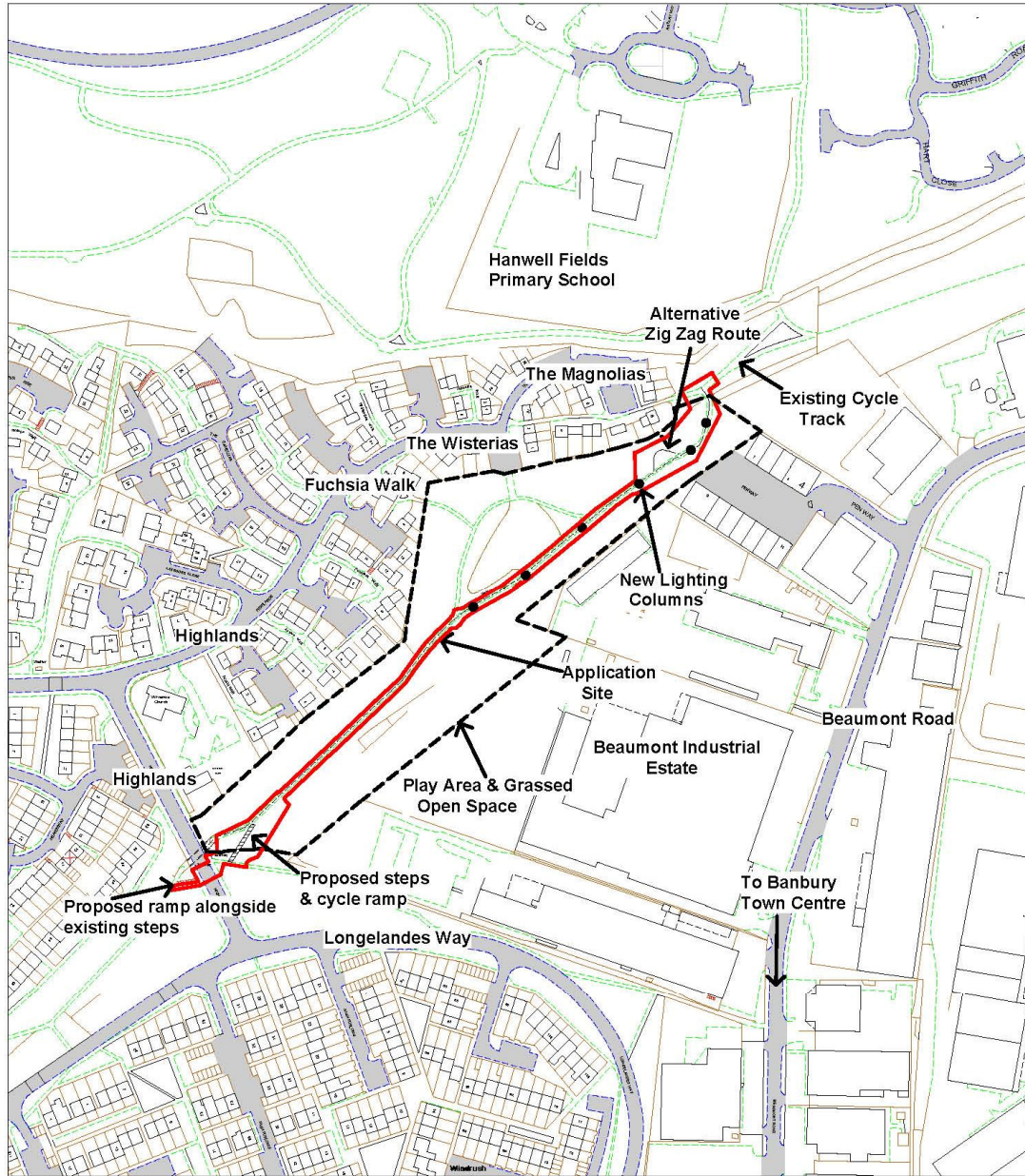
## **RECOMMENDATION**

- 39. It is RECOMMENDED that planning permission be granted for the development in Application No. R3.0043/11 subject to conditions to be determined by the Head of Sustainable Development to include the following matters:**
- 1. The development must be carried out strictly in accordance with the particulars contained in the application and the plans.**
  - 2. Commencement of the development within 3 years.**
  - 3. Submission and agreement of the external material proposed for the retaining walls.**
  - 4. Retained trees to be protected during construction works.**
  - 5. Submission and agreement of a landscaping scheme - to include replacement planting.**
  - 6. Landscaping scheme to be implemented within first planting season following the completion of the development.**
  - 7. Tree removal to be carried out outside of the bird breeding season.**
  - 8. Site assessment of lighting levels from the new lights and implementation of any remedial action that may be required.**
  - 9. Submission and agreement of a construction traffic management plan (to include contractors working hours, delivery times of materials and site compound).**

MARTIN TUGWELL  
Deputy Director (Growth & Infrastructure)

File Ref: R3.0043/11      8.1/4442/3

# Hanwell Fields Pedestrian/Cycle Track Application No: R3.0043/11



T.Philp 9/5/2011



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Division(s): All

Contact Officer: Chris Hodgkinson (chris.hodgkinson@oxfordshire.gov.uk)  
Tel : Oxford 01865 815872

## **PLANNING & REGULATION COMMITTEE – 23 MAY 2011**

### **PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT**

#### **Report by the Deputy Director for Environment & Economy (Growth & Infrastructure)**

##### **Introduction**

1. This report updates members on the regular monitoring of minerals and waste planning permissions and on the progress of enforcement cases.

##### **Compliance Monitoring Visits**

2. County Council officers endeavour to pursue and foster good working relationships with operators following the grant of planning permission. The effective monitoring of sites can avoid problems developing and by acting in a proactive manner we can be a positive educator of good practice. This approach can avoid the necessity to act in a reactive way after problems emerge and can avoid the need for enforcement action. Through our efforts we seek to:
  - I. identify potential problems early and avoid them developing;
  - II. minimise the need to resort to enforcement or other action;
  - III. encourage good practice in the first instance thus reducing the need to apply sanctions against bad practice;
  - IV. review planning decisions and agreements made with the County Council;
  - V. facilitate regular liaison and dialogue between operators, the public/local community representatives and council officers.
3. All sites with planning permission are regularly visited and a report produced following each visit. Where elements of non compliance with a consent are identified this can result in subsequent compliance with matters that are outstanding or in a planning application being made to regularise unauthorised activities on site.

4. Annex 1 provides a schedule of all the sites we monitor. It includes two columns, one which sets out the target visits for the period 1 April 10 to 31 March 11. The second column sets out the actual number of compliance monitoring visits that were carried out for this period.
5. In order to try and achieve good environmental standards countywide, officers have committed to monitoring 317 planning permissions across all of the 112 mineral and waste related sites in Oxfordshire. However, you will see that some sites have a zero target, these are low risk, small scale or dormant sites (such as sewage treatment works) which we record but will only visit every other year.
6. Of all the sites, 44 fall within the remit of Government Regulations that allow the council to charge a fee for conditions monitoring, in that they relate directly to the winning and working of mineral permissions or directly to land filling permissions. The 44 sites are split as follows; 19 mineral sites, 18 land filling operations and 7 dormant mineral/landfill sites. These 'Chargeable Sites' are shaded grey in Annex 1.
7. The remaining non-chargeable sites include scrap yards, recycling operations, waste transfer stations, sewage works and composting operations.
8. The current 'full' charge is £288 for an active site and £96 for a dormant site where activity is not taking place.
9. Officers determine the target number of visits for each site on a "risk assessment" basis for each site drawing on the following points:
  - I. sensitivity of location
  - II. size and type of development
  - III. number and complexity of planning conditions
  - IV. number of issues requiring monitoring input
  - V. the stage and pace of development
  - VI. whether the operator carries ISO 14001 (recognised best practice)
  - VII. breaches of planning control that are or have been observed
  - VIII. complaints received for the site
10. There is an opportunity for operators to enter into discussions on how the Council has reached its decision for the number of visits scheduled per year. Having set a target for the number of visits per annum, officers keep the frequency of actual visits under review and adjust the frequency particularly taking account of IV, VII and VIII above.

## **Enforcement**

11. Annex 2 to this report sets out alleged breaches of planning control and progress toward remedying those breaches of substance.
12. All operators are made aware of an allegation of a breach in planning control that has been made against them.



13. Annex 2 includes all cases which are currently being investigated regardless of when they were received. When a case is closed it will appear on the progress report as 'Case Closed' with a summary of the outcome.
14. Unless the case is a proven breach and formal enforcement action taken then no inference on the character of the operator should be drawn from an allegation.
15. A glossary of terms used in Annex 2 is attached. The Senior Planning Enforcement Officer can be contacted for further information in respect of any of these cases if necessary.

### **Monitoring and Enforcement Service**

16. The routine monitoring programme continues to pay dividends by increasing compliance with planning conditions and by identifying and rectifying matters where conditions are not being complied with on all mineral and waste planning permissions.
17. The service is generally well received by householders, liaison committees, parish and town councils with access to compliance reports providing a basis for discussions with operators on the progress on sites in their locality. It seeks to provide a timely response to local concerns and serves to pre-empt issues which are likely to affect the amenities of an area. There are nevertheless occasions when local people have expectations about the actions that can be taken and are frustrated by the time it can take to resolve disputes. It is not always appreciated, for instance, that whilst the carrying out of development without a planning permission might be unauthorised, it is not illegal in the first instance.
18. Officers in the team also provide key support in ensuring that details pursuant to permissions are submitted where these are required by planning conditions before a development starts. They often co-ordinate action between Development Control planners, Highways, Ecology and other County services and the operator. The aim is to ensure pre-commencement works are completed in a timely manner and before the main development is started.
19. Some of the examples of the team's successes and difficulties are listed below. This is not an exhaustive list but serves as an example of the team's work during the reporting period:
20. The team continue to bring active sites into full compliance through updating development proposals, an example would be the recent changes to the permitted working scheme agreed by committee for Shellingford Quarry. The new planning permission will include an agreement to introduce independent monitoring of HGV numbers to help address a recognised problem in the wider community.
21. Lorry traffic has also been recognised as a problem from a dry recycling facility at Enstone Airport. Regular inspection by Monitoring Officers established the need for a consolidating planning permission to address differences in what was actually implemented against the original grant of

planning permission and an extension to the facility. Negotiations are continuing for the introduction of a routeing agreement with monitoring to route lorries away from The Bartons improving the amenity for the local residents.

22. However, some matters can take a long time to bring to conclusion. The complicated mineral and waste planning history of the Radley area has meant that our slow progress to resolve a Certificate of Lawfulness application for processing plant has frustrated local residents who suffer from lorry traffic along Thrupp Lane. We are bolstering our resource to project manage this wider area to help make sure we take timely and coordinated decisions.

### **Recommendation**

**It is RECOMMENDED that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 to this report be noted.**

MARTIN TUGWELL  
Deputy Director (Growth & Infrastructure)

Background Papers. - Files in Minerals and Waste Development Control Section, Speedwell House, Oxford.

April 2011

**Minerals & Waste Compliance Monitoring Sites in Cherwell District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Alkerton CA & Landfill, Alkerton, Nr. Banbury, Oxon.	Alkerton Landfill	W	Active	Full	3	3
	Alkerton CA	W	Active	Nil		
Hornton Grounds, Startford Road, Hornton, Banbury, OX15 6AH.	Alkerton Quarry	M	Active	Full	3	3
	Hornton Grounds Quarry.	M	Active & Aftercare (in part)	Full		
	Wroxton	M	Active	Full		
Ardley Quarry, Ardley, Bicester, Oxon, OX27 7PH.	Ardley Landfill	W	Active & Aftercare (in part)	Full	4	5
	Ardley Quarry	M	Active	Full		
Ardley Composting Site, Ashgrove Farm, Upper Heyford Road, Ardley, OX27 7PJ.	In-vessel Composting	W	Not Implemented	Nil	3	2
	Windrow Composting	W	Active	Nil		
Dewar's Farm, Ardley Road, Middleton Stoney, Oxfordshire, OX25 4AE.			Active	Full	4	3
Horsehay Quarry, Middle Barton Road, Duns Tew, Oxfordshire.		M	Active	Full	3	2

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Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Epwell ROMP, Shutford.		M	Dormant	Low	1	0
Ferris Hill Farm, Sibford Road, Hook Norton, Banbury, OX15 5JY.		W	Active	Nil	3	3
Finmere Quarry, Banbury Road, Finmere, Oxfordshire, MK18 4AJ.	Finmere (Landfill)	M & W	Active	Full	4	5
	Widmore	W	Aftercare	Nil		
	Clay, S&G	M	Not Implemented	Full		
	Sand & Gravel	M&W	Not Implemented	Full		
Gosford Silo Waste Recovery, Oxford Road, Kidlington, Oxford.		W	Not Implemented	Nil	1	1
Greenhill Farm Quarry, Bletchingdon.		W	Active	Full	2	2
Heneff Way - Batching, Heneff Way, Banbury, Oxon.		M	Active	Nil	1	1
Heneff Way - Tarmac, Heneff Way, Banbury, Oxon.		M	Active	Nil	1	1

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Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
L.C. Hughes Scrap Yard, London Road, Bicester.		W	Active	Nil	1	1
Kidlington Rail Depot, Oxford Road, Kidlington, Oxford.		M	Active	Nil	1	1
Manor Farm - Biomass Gen, Twyford, Banbury, Oxon, OX17 3JL		W	Active	Nil	2	1
Old Brickworks Farm, Bletchingdon, Oxon, OX5 3DT.		W	Active	Full	2	2
Overthorpe Ind. Estate - WTS, Banbury.		W	Active	Nil	1	1
Sewage Plant, Merton		W	Active	Nil	1	1
Sewage Treatment Works, Hethe		W	Active	Nil	1	1
Shennington ROMP, Sugarswell Lane, Shennington.		M	ROMP	Low	1	1
Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire.		W	Active	Full	2	2

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Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Smiths Concrete Ltd, Old Blackthorn Station, Bicester.	Bicester	M	Active	Nil	0	0
Smiths Concrete Ltd, Southam Road, Banbury.	Banbury	M	Active	Nil	1	0
Smiths of Bloxham - WTS. Milton Road, Bloxham, Banbury, OX15 4HD.		W	Active	Nil	2	2
Stratton Audley, Elm Farm Quarry, Stratton Audley.	Landfill	W	Dormant	Low	1	2
	Recycling	W	Dormant	Nil		

**Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Ambrose Quarry, Ewelme, Oxon.		M	Dormant	Low	1	1
Battle Farm, Crowmarsh, 84 Preston Crowmarsh, Oxon, OX10 6SL.		W	Active	Nil	2	2
Caversham, Sonning Eye, Reading.	Caversham Main	M	Active	Full	3	4
	Caversham Extension	M	Active	Full		
Chinnor Quarry.		M	Dormant	Full	1	0
Clifton Hampton (The Old Sewage Works)		W	Ended	Nil	2	3
Culham B3 North		W	Active	Nil	1	1
Culham UKAEA	J30 JET	W	Active	Nil	1	0
Ewelme	Ewelme I (Buildings)	W	Active	Nil	4	2
	Ewelme I WTS	W	Active	Nil		
	Ewelme II MRF	W	Active	Nil		
	Ewelme II Landfill	W	Active	Full		
Eyres Lane Waste Transfer Site, Ewelme.		W	Active	Nil	2	2

**Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Greenwoods of Garsington, Scrap Yard, Pettiwell, Garsington, Oxford.		W	Active	Nil	1	1
Hundridge Farm, Waste Transfer, Hundridge Farm, Ipsden, Oxon		W	Active	Nil	2	3
Menlo Industrial Park - Scrap Yard, Roycote Lane, Thame, Oxfordshire, OX9 2JB.		W	Active	Nil	1	1
Playhatch Quarry - WTS, Dunsden Green Lane, Playhatch, Caversham, Reading.		W	Active	Nil	2	2
Sewage Pumping Station Beckley	Thames Water Sewage Plant	W	Aftercare	Nil	1	1



**Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
The Piggeries, Sandy Lane, Horspath, Oxford.		W	Active	Nil	1	2
Waterstock Golf Course, Thame Road, Waterstock, Oxford. OX33 1HT.		W	Active	Full	3	5
Woodeaton Quarry, Woodeaton, OXON.		M	Dormant	Low	1	2

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**Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

<b>Address</b>	<b>Sites</b>	<b>Type - Mineral or Waste.</b>	<b>Status</b>	<b>Charge</b>	<b>Target Visits for year 01/04/10 to 31/03/11.</b>	<b>Visits Carried Out for the year 01/04/10 to 31/03/11.</b>
Aasvogal, Waste Transfer Station, Grove Business Park, Grove.		W	Active	Nil	1	0
Baulking Quarry, Baulking, Faringdon, Oxfordshire, SN7 7QB.		M	Aftercare	Full	1	1
Bowling Green Farm, Stanford Road, Faringdon, Oxon, SN7 8EZ.		M	Active	Full	3	3
Childrey Quarry, Childrey, Wantage, Oxon.		W	Active	Full	3	4
Chilton Waste (Prospect Farm), Prospect Farm, Chilton, Didcot, Oxfordshire, OX11 0ST.		W	Active	Full	3	2
Drayton CA Site, Drayton, Oxon.		W	Active	Nil	1	1
Composting Facility, Church Lane, Coleshill, Swindon, SN6 7PR.		W	Active	Nil	1	1

**Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Glebe Farm Composting, Glebe Farm, Hinton Waldrist, Oxfordshire.		W	Active	Nil	1	2
Hackpen Hill (Land Raising), Childrey, Wantage, OXON.		W	Aftercare	Full	1	0
Haynes of Challow, East Challow, Wantage, Oxon, OX12 9TB.		W	Active	Nil	1	1
Hatford Quarry, Sandy Lane, Hatford, Oxon, SN7 8JH.		M	Active	Full	4	3
Hill Farm - Woodchipping, Nr Didcot, Oxfordshire.		W	Active	Nil	2	3
Quelchs Orchard, Scrap Yard, Charlton, Wantage.		W	Active	Nil	1	0
Redbridge CA, Old Abingdon Road, Oxford.		W	Active	Nil	1	1
Radley Sand and Gravel Plant, Thrupp Lane, Radley.	Curtis Yard	M & W	Active	Nil	3	3

**Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Harwell, UKAE, Harwell, Didcot, OX11 ORA.	Business Park		Active	Nil	1	0
	Catapult Pit		Active	Nil		
	Southern Storage		Active	Nil		
	Waste Management Complex (B462)	W	Active	Nil		
	Western Storage		Active	Nil		
Radley Ash Disposal Scheme	Lake E	W	Not Implemented	Full	2	2
	Phase I	W	Aftercare	Full		
	Phase II	W	Active	Full		
	ROMP area	M	ROMP	Full		
Sandhill Quarry, Sands Hill, Faringdon, Oxon, SN7 7PQ.		M	Dormant	Low	1	1
Shellingford Quarry, Shellingford Crossroads, Stanford In The Vale, Faringdon, Oxon, SN7 8HE.		W	Active	Full	4	3

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Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Stanford in the Vale Waste Disposal and Civic Amenity Site		W	Active	Nil	2	1
Sutton Courtnay (Hanson), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW.	Batching Plant	W	Active	Nil	4	2
	Bridge Farm	W	Not Implemented	Full		
	Rail Head	W	Active	Nil		
	Tarmac plant	W	Active	Nil		
Sutton Courtnay (WRG), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW.	Composting	W	Active	Nil	4	4
	Landfill	W	Active	Full		
Sutton Wick Landfill, Bassett Lane, Oday Hill, Abingdon.		W	In Restoration	Full	1	1
Sutton Wick Sand and Gravel, Peep-O-Day Lane, Abingdon, Oxon.	Sutton Wick Gravel	M	Active	Full	2	1
	Sutton Wick Plant	M	Active	Nil		
	Lake J	M	In Restoration	Full		

**Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

<b>Address</b>	<b>Sites</b>	<b>Type - Mineral or Waste.</b>	<b>Status</b>	<b>Charge</b>	<b>Target Visits for year 01/04/10 to 31/03/11.</b>	<b>Visits Carried Out for the year 01/04/10 to 31/03/11.</b>
Tubney Woods Sand Quarry and Landfill Site, Besselsleigh, Oxfordshire.		M	Active	Full	<b>3</b>	<b>3</b>
Whitecross Metals, Whitecross, Abingdon, Oxon.		W	Active	Nil	<b>1</b>	<b>1</b>
Wicklesham Quarry, Faringdon, Oxfordshire.		M	Active	Full	<b>3</b>	<b>2</b>

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**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
B & E Skips, 115 Brize Norton Road, Minster Lovell, Oxon, OX29 0SQ.	Minster Lovell	W	Active	Nil	2	2
Boddington Lane Wood Chipping, North East side of Boddington Lane, North Leigh, Witney, Oxfordshire.		W	Dormant	Nil	1	1
Burford Quarry, Burford Road, Brize Norton, Oxfordshire.	Quarrying	M	Active	Full	4	3
	Manufacturing					
Castle Barn Quarry, Sarsden		M	Active	Full	3	3
City Farm, Eynsham.	City Farm I	W	Aftercare	Full	4	3
	New Wintle Farm	W	Active	Nil		
	City Farm II	W	Active	Nil		
Controlled Reclamation, Dix Pit, Stanton Harcourt, Oxon.		W	In Restoration	Full	4	3
Cornbury Park, (Quarrying) Charlbury, Oxon.		M	Active	Full	1	1

**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Crawley Scrap Yard		W	Active	Nil	1	1
Deans Pit CA Site, Chadlington.		W	Active	Nil	1	1
Dix Pit, Stanton Harcourt, Oxon.	Conblock	W	Dormant	Nil	4	5
	Dix Pit CA	W	Active	Nil		
	Dix Pit Landfill Site	W	Active	Full		
	North Shore	M	Complete	Full		
	Premix - Hanson	M	Active	Nil		
Elmwood Farm, Burford Road, Black Bourton, Oxon, OX18 2PL		W	Active	Nil	2	1
Enstone Airport Waste Transfer. Unit 1, Enstone Airfield, Enstone, Oxon.		W	Active	Nil	2	3
Ethos Waste Transfer Lakeside Industrial Estate, Standlake, Oxon		W	Dormant	Nil	2	1
Fraser Evans & Sons, The Tyre Yard, Downs Road, Witney, Oxon., OX29 0SY.		W	Active	Nil	2	2

**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Gill Mill, Tar Farm, Gill Mill Complex, Ducklington, Oxfordshire.	Rushey Common	M	Aftercare	Full	3	2
	Gill Mill Quarry	M	Active	Full		
Great Tew Quarry, Butchers Hill, Great Tew, Oxon.		M	Active	Full	3	4
Hardwick Batching Plant, Adj. B4449, Hardwick, Oxon.	CEMEX	M	Active	Full	1	1
Hardwick Recycling, Adj. B4449, Hardwick, Oxon.	Fergal Yard	W	Active	Nil	1	1
M2 Solutions, Plot J, Lakeside Industrial Estate, Standlake		W	Dormant	Nil	1	0
M & M Skips (Whitney), Station Road, Witney.		W	Active	Nil	1	1

**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Manor Farm - Waste Transfer, Kelmscott, Nr. Lechlade, Gloucestershire, GL7 3HJ.		W	Active	Nil	1	1
Mick's Skips (Hackett's Yard), Lakeside Industrial Estate, Standlake, Oxon.		W	Active	Nil	2	1
Sandfields Farm, Over Norton, Oxfordshire.		W	Active	Nil	2	2
Peashell Farm, Downs Road, Curbridge, Oxon OX29 7NZ.		W	Active	Nil	2	2
Rollright Quarry, Chipping Norton.	Phase 1	M	Active	Full	2	2
	Phase 2	M	Not Implemented	Full		
Showell Farm, Chipping Norton, Oxon OX7 5TH.		W	Active	Nil	2	2
Slape Hill Quarry, Glympton, Near Woodstock.		W	Active	Nil	2	4

**Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.****Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Direct Dial Tel: 01865 815872****Mobile Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/10 to 31/03/11.	Visits Carried Out for the year 01/04/10 to 31/03/11.
Smiths Concrete, Eynsham Road, Cassington	Oxford	M	Active	Nil	1	1
Springhill Farm, Cross Hands Hill, Salford, Oxon, OX7 5FQ.		M	Active	Full	2	3
Hardwick IDO		M	ROMP	Low	1	0
Sturt Farm, Units 2A, 4 Sturt Farm Ind, Burford.		W	Active	Nil	1	1
Watkins Farm, Linch Hill, Stanton Harcourt, OXON. OX29 5BJ.	ROMP area	M	Aftercare	Full	1	1
	Stonehenge Farm	M	Not Issued	Full		
	Ireland Land	M	Active	Full		
Whitehill Quarry, Adj. A40, Burford, OXON.		M	Dormant	Low	1	1
Whitehill Quarry, Tackley, OXON.		M	Dormant	Low	1	1
Worsham Quarry, Burford Road, Asthall, OXON.		W	Active	Full	3	2
Worton Rectory Farm, Cassington, OXON. OX29 4SU.	Cassington Quarry	M	Active	Full	4	6
	Worton Composting	W	Active	Nil		
	M&M WTS	W	Active	Nil		

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**Progress of Enforcement Cases**

**(Covers period from 1 August 2010 to 31 March 2011)**

**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.**

**Direct Dial Tel: 01865 815872**

**Mobile Tel: 07899 065518**

Location	Date Received	Alleged Breach of Planning Control	Progress
<b>South Oxfordshire District Council</b>			
Waterstock Golf Course	1996	Unauthorised Change of Use – deposit of Waste.	Injunctive action to secure removal on-going. High Court extended date for removal of waste. Committal hearing on the 5 <sup>th</sup> May 2010. Mr R Wyatt and Mr M Wyatt received suspended prison sentences of six months and four months respectively on the condition that a 2006 Court Order be complied with by 11 <sup>th</sup> May 2011. No realistic efforts have been made to comply with the 2006 Order and OCC intend to return the matter to the High Court.
Waterstock Golf Course	1999	Breach of Planning Condition – Failure to restore land following Clay Extraction.	Enforcement Notice served in November 08 to secure proper restoration of the lake area. Notice has been appealed. The appeal was heard by the Planning Inspector at Public Inquiry at two hearings in September and November 09. Planning Inspectorate have upheld the enforcement notices with revised compliance dates to remove waste and re-profile the land by the end of August 10 and to restore by end of September 10. Works not completed however enforcement is linked to the profiling of the wider site.
Hundridge Farm, Ipsden	Feb 01	Unauthorised Change of Use – from Agriculture to Waste Transfer	CLEUD has been issued for part of the operation. The EA took contempt of court proceedings against the owner of the land, Mr Parker, in March for continuing to keep controlled waste on the land without a permit. Mr Parker received a 28 day suspended prison sentence and costs of £18,000. Land cleared in September 2010. Case closed.

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## Progress of Enforcement Cases

(Covers period from 1 August 2010 to 31 March 2011)

Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.

Direct Dial Tel: 01865 815872

Mobile Tel: 07899 065518

Location	Date Received	Alleged Breach of Planning Control	Progress
<b>South Oxfordshire District Council - Continued</b>			
Manor Farm, Peppard Common, Oxon	Nov 08	Unauthorised Change of Use – from Agriculture to Waste Transfer	Waste Transfer operations have ceased, machinery removed and retrospective planning application for waste transfer refused by OCC. Appeal against refusal was dismissed in February 2011. Bunds located around the site still contain unauthorised deposited waste. A joint action with SODC for various mixed use of the land has culminated in Enforcement Notice being served in November 2010. Officers have prepared proofs of evidence and are supporting SODC in Planning Inquiry scheduled to take place in July 2011
Well Barn House Estate, Moulsoford	Jan 09	Unauthorised Change of Use – from Agriculture to land raising deposit of waste.	Chalk Waste being deposited on land following permitted Residential Development. LBA sent. A retrospective planning application was approved in September 2010. Case Closed.
Stockwell Lane, Waterstock	March 10	Unauthorised Change of Use – from Agriculture to Waste Transfer	Unauthorised storage (possible transfer) of waste. Owner traced and letter sent. Small amount of builders rubble being stored for foundation to agricultural building which would be permitted development. Further tipping has been reported and a PCN was served in April 2011.
New House Farm, Goring Heath.	April 10	Unauthorised Change of Use from Agriculture to Waste Transfer and Deposits of Construction/Demolition Waste.	Unauthorised Metal recycling activity on site - breaking electrical transformers. Construction and demolition (C&D) waste has been deposited on part of the site and evidence of burning farm waste. Visit in July 10 - Metal now removed and recycling activity ceased. No evidence of burning. C&D waste remains on site. Investigations are continuing.



## Progress of Enforcement Cases

(Covers period from 1 August 2010 to 31 March 2011)

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Location	Date Received	Alleged Breach of Planning Control	Progress
<b>South Oxfordshire District Council - Continued</b>			
Bernard Copse, Little Haseley	Nov 2010	Unauthorised Scrap Yard	Allegation of metal recycling taking place in woodland. Visited site twice – agricultural vehicles being stored. No obvious waste transfer – No breach. Case Closed.
Mill Lane, Marston	Feb 2011	Unauthorised Waste Transfer	Allegation of waste being returned to the site in skips; sorted and burnt. Joint investigation with EA continuing. Insufficient evidence to date to secure formal enforcement action. Investigations are continuing.
Mill Lane, Marston	Feb 2011	Unauthorised deposit of waste.	Noted that land has been raised without planning permission. Investigations are continuing.
Holloway Farm, Wheatley	March 2011	Unauthorised deposit of waste.	Soils and subsoils deposited on metalled road beyond access to industrial area. Investigations are continuing.
Connect Scaffolding, Towsery Road, Thame.	March 2011	Unauthorised waste processing	Crusher / screener in operation. Initial enquiries inconclusive. Awaiting ownership details. Investigations are continuing.

## Progress of Enforcement Cases

(Covers period from 1 August 2010 to 31 March 2011)

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Location	Date Received	Alleged Breach of Planning Control	Progress
<b>Vale of White Horse District Council</b>			
Land adj. A338, East Hanney, Wantage, OXON.	May 09	Unauthorised deposit of Waste to create bunds for Marcham Shooting Grounds.	Investigated and established breach. PCN served July 09. Negotiated solution. Waste removed from the land. No further action required. Case Closed.
Tuckwells Sand and Gravel Plant, Thrupp Lane, Radley.	Sept. 09	Gravel washing and grading plant operating without planning permission.	Investigations continuing. Negotiations stalled. PCN served in May 2010. Awaiting outcome of CLEUD Application prior to deciding on appropriate enforcement action.
Shellingford Quarry.	Feb 10	Non-compliance with planning permission extraction of limestone below permitted levels.	Development accords with current planning policy and within EA tolerances – currently not expedient to serve EN. A resolution to grant retrospective planning application following April Planning & Regulation Committee. Conditions are being drawn up at time of writing. Site continues to be regularly inspected in accordance with the compliance monitoring schedule.
Spring Hill Chicken Farm, Longworth.	April 10	Unauthorised waste transfer processing of construction and demolition waste, sub-soils and soils.	Initial investigation found that VWHDC had granted planning permission for the restoration of the land to equestrian use. The planning permission allowed for the mechanical screening of waste bunds on the land and spreading of soils. Negotiated solution. Screener removed from the land so waste can not be processed. Case Closed.
Blandys Farm, Bassett Road, Letcombe Regis	July 10	Unauthorised deposit of waste	Initial site visit - operator asserts that land drain being installed. Confirmed engineering operation not waste related. No further action required. Case closed.
Land at Bow Road, Stanford in the Vale.	Sept 10	Unauthorised deposit of waste	Construction and demolition wastes being deposited in field. Visited Site stopped tipping. PCN served. Established works meet agricultural permitted development being hard-standing for vehicles. No breach. Case Closed.

## Progress of Enforcement Cases

(Covers period from 1 August 2010 to 31 March 2011)

Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.

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Location	Date Received	Alleged Breach of Planning Control	Progress
<b>West Oxfordshire District Council</b>			
Stone Farm, Lidstone,	June 09	Winning and working of building stone without planning permission.	Investigated. Established breach of planning control. Retrospective planning application submitted and subsequently withdrawn. Quarrying has ceased and owner is working on satisfactory restoration and aftercare scheme. Negotiations continuing.
Land at Cotswold Dene, Lakeside Industrial Park, Sandlake.	July 08	Unauthorised change of use – land raising	Waste being tipped without planning permission. EA lead authority and taking prosecution proceedings. OCC officers have provided evidence for proceedings. Activity stopped. Continue with watching brief until Ea actions complete.
Controlled Reclamation, Dix Pit, Stanton Harcourt.	August 10	Unauthorised deposit of Waste Concrete	Concrete is being stored and to be used in construction of sub-base for waste processing plant. Owners asserts that waste will be removed if appeal fails. Appeal allowed and planning permission granted in March 2011. Continue with watching brief.
Crossways Farm, Priory Road, Lynham	December 10	Unauthorised wood recycling	Small scale logging for own use and occasional chipping for animal bedding. No material change of use predominantly agricultural – No breach. Case Closed.
Cuckoo Wood Farm, Freeland Road, Freeland, Eynsham.	Feb 2011	Unauthorised waste transfer	Allegation that waste is being brought on to the site, recycled and removed. Large engineering operation to create hard-standing for mobile homes and new roadway permitted by WODC. No breach. Case Closed.

## Progress of Enforcement Cases

(Covers period from 1 August 2010 to 31 March 2011)

Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.

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Location	Date Received	Alleged Breach of Planning Control	Progress
<b>Cherwell District Council</b>			
Stratton Audley Quarry	Jul 05	Unauthorised change of use – over-tipped landfill.	Site is closed. Negotiations between owners and planning officers on an acceptable land form are continuing with a view to submission of planning application to remedy breach. Site is subject to regular inspection as a dormant landfill site. No further enforcement action proposed.
Head Hill Farm, Ridderbury	April 10	Unauthorised deposit of waste / waste transfer and burning of waste.	Joint investigation with the EA evidence of tipping in woodland and burning in the open. Some hazardous wastes have been cleared and the burning has stopped and area cleared. Tipping ceased but deposited C&D material remains in woodland. As per protocol EA lead authority. EA
Land at Old Sewage Works, Launton Road,	May 10	Unauthorised waste transfer	Small scale skips business operating from the land without planning permission. Investigations on-going – not been able to 'catch' persons on site. LBA sent. Negotiated solution land cleared. No further action required. Case Closed.
Banbury Mini Skips, Station Approach, Banbury.	June 10	Unauthorised waste transfer	Skips business operating from the land without planning permission. Investigations on-going. Operating from B2 General Industrial Premises and accords with current planning policy. Investigations continuing. Retrospective application invited.
Ferris Hill Farm Hook Norton	Jan 11	Unauthorised waste transfer	Site monitoring indicates that Waste Transfer operations have extended beyond the boundary of the approved planning permission. Negotiations are continuing to return the development within the permitted boundary. Enforcement action is pending PCN.

**Progress of Enforcement Cases**

**(Covers period from 1 August 2010 to 31 March 2011)**

**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.**

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Location	Date Received	Alleged Breach of Planning Control	Progress
<b>Cherwell District Council – Continued</b>			
Smiths of Bloxham - WTS. Milton Road, Bloxham, Banbury	Jan 11	Unauthorised waste transfer	Site monitoring indicates that Waste Transfer operations have extended beyond the boundary of the approved planning permission. Negotiations are continuing to return the development within the permitted boundary. Enforcement action is pending PCN.

**Progress of Enforcement Cases**

**(Covers period from 1 August 2010 to 31 March 2011)**

**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.**

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Location	Date Received	Alleged Breach of Planning Control	Progress
<b>Oxford City Council</b>			
43 Bartholomew Road, Oxford	Sept 10	Unauthorised deposit of waste.	Allegation of a builder depositing waste in garden. Small scale but couldn't track owner, so PCN served. Garden being landscaped with clean material purchased as top soils. Engineering operation referred to City Council. No further action. Case closed.

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## Planning Enforcement - Glossary of Terms

BCN	-	Breach of Condition Notice - A summary procedure for the enforcement of planning conditions. Where there has been a failure to comply with a condition attached to a current planning permission the Local Planning Authority may serve such a notice.
CDC	-	Cherwell District Council
CLEUD	-	Certificate of lawful use / development. A procedure to allow a person to ascertain whether; (a) the existing use of land or buildings is lawful; (b) any operations carried out in, on, over or under land are lawful; or (c) any other matter constituting a failure to comply with a condition of a planning permission is lawful.
COU	-	Change of Use
EA	-	Environment Agency
EN	-	Enforcement Notice
Expediency	-	A judgment of the merits of an activity against planning policy.
LBA	-	Letter before action - a formal letter which sets out the alleged breach in planning control and suggested remedy.
OCC	-	Oxfordshire County Council
PCN	-	Planning Contravention Notice - A formal notice requiring a recipient to provide information about development on land so far as they are able.
Pd	-	permitted development
Pp	-	planning permission
SODC	-	South Oxfordshire District Council
VoWH	-	Vale of White Horse District Council
WODC	-	West Oxfordshire District Council

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## **PLANNING & REGULATION COMMITTEE – 23 MAY 2011**

### **Policy Annex (Relevant Development Plan and other Policies)**

*This paper is the Annex referred to in Items 7 and 8*

#### The South East Plan - Regional Spatial Strategy for the South East of England, May 2009

##### **POLICY C4: LANDSCAPE AND COUNTRYSIDE MANAGEMENT**

Outside nationally designated landscapes, positive and high quality management of the region's open countryside will be encouraged and supported by local authorities and other organisations, agencies, land managers, the private sector and local communities, through a combination of planning policies, grant aid and other measures.

In particular, planning authorities and other agencies in their plans and programmes should recognise, and aim to protect and enhance, the diversity and local distinctiveness of the region's landscape, informed by landscape character assessment.

Positive land management is particularly needed around the edge of London and in other areas subject to most growth and change. In such areas long-term goals for landscape conservation and renewal and habitat improvement should be set, and full advantage taken of agri-environmental funding and other management tools.

Local authorities should develop criteria-based policies to ensure that all development respects and enhances local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

##### **POLICY CC7: INFRASTRUCTURE AND IMPLEMENTATION**

The scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development. Where this cannot be demonstrated the scale and pace of development will be dependent on additional capacity being released through demand management measures or better management of existing infrastructure, or through the provision of new infrastructure. Where new development creates a need for additional infrastructure a programme of delivery should be agreed before development begins.

Funding will be provided by a combination of local government and private sector partners, and substantial contributions from central government.

To help achieve this:

- i. infrastructure agencies and providers will aim to align their investment programmes to help deliver the proposals in this Plan
- ii. local development documents (LDDs) will identify the necessary additional infrastructure and services required to serve the area and the development they propose together with the means, broad cost and timing of their provision related to the timing of development
- iii. contributions from development will also be required to help deliver necessary infrastructure. To provide clarity for landowners and prospective developers, local authorities should include policies and prepare clear guidance in their LDDs, in conjunction with other key agencies, on the role and scope of development contributions towards infrastructure.

The phasing of development will be closely related to the provision of infrastructure. In order to create confidence and assurance in the timely delivery of infrastructure in relation to new housing a more proactive approach to funding will be adopted. This will involve a joint approach by regional bodies, local authorities, infrastructure providers and developers. Consideration will be given to the pooling of contributions towards the cost of facilities, development tariffs and local delivery vehicles. Mechanisms to enable forward funding of strategic infrastructure will be agreed between regional bodies and Government. One of these, a Regional Infrastructure Fund is currently being developed for the South East Region.

In order to further secure effective delivery of the Plan, and particularly the timely delivery of the necessary supporting infrastructure, an Implementation Plan will be prepared, monitored and reviewed by the regional planning body, which will set out the requirements and obligations for public and private sector bodies at the national, regional and local levels. The Implementation Plan will include a regional and sub-regional investment framework identifying the strategic infrastructure schemes needed to deliver the Plan.

#### POLICY T1: MANAGE AND INVEST

Relevant regional strategies, local development documents and local transport plans should ensure that their management policies and proposals:

- i. are consistent with, and supported by, appropriate mobility management measures
- ii. achieve a re-balancing of the transport system in favour of sustainable modes as a means of access to services and facilities
- iii. foster and promote an improved and integrated network of public transport services in and between both urban and rural areas
- iv. encourage development that is located and designed to reduce average journey lengths
- v. improve the maintenance of the existing transport system

- vi. include measures that reduce the overall number of road casualties
- vii. include measures to minimise negative environmental impacts of transport and, where possible, to enhance the environment and communities through such interventions
- viii. investment in upgrading the transport system should be prioritised to support delivery of the spatial strategy by:
  - a. supporting the function of the region's international gateways and inter-regional movement corridors (see Diagram T1 at the end of the chapter)
  - b. developing the network of regional hubs and spokes (see Diagram T2 at the end of the chapter)
  - c. facilitating urban renewal and urban renaissance as a means of achieving a more sustainable pattern of development
  - d. improving overall levels of accessibility.

#### POLICY T2: MOBILITY MANAGEMENT

The policies and proposals set out in local development documents and local transport plans should include policies to achieve a rebalancing of the transport system in favour of sustainable modes based on an integrated package of measures drawn from the following:

- i. the allocation and management of highway space used by individual modes of travel
- ii. the scale of provision and management (including pricing) of car parking both off and on-street
- iii. the scope and management of public transport services
- iv. an integrated and comprehensive travel planning advice service
- v. improvements in the extent and quality of pedestrian and cycle routes
- vi. charging initiatives
- vii. intelligent transport systems including the use of systems to convey information to transport users
- viii. incentives for car sharing and the encouragement of car clubs
- ix. local services and e-services to reduce the need to travel
- x. changes in ways of working that alter the extent and balance of future demand for movement
- xi. demand responsive transport and other innovative solutions that increase accessibility
- xii. measures that increase accessibility to rail stations.

Plans will need to reflect the fact that low delivery from any one of these elements will require a compensatory increase in delivery from one or more of the others.

## **Cherwell Local Plan 2011 - adopted in June 2006**

### **POLICY C2 – NATURE CONSERVATION**

Development which would adversely affect any species protected by Schedule 1, Schedule 5 and Schedule 8 of the 1981 Wildlife and Countryside Act, and by the E.C. Habitats Directive 1992 will not normally be permitted.

### **POLICY C31 – CONSERVATION AREAS**

In existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.

### **POLICY R5 – RIGHTS OF WAY AND ACCESS TO THE COUNTRYSIDE**

The council will support proposals for use of redundant railway lines which it is no longer feasible to reopen for passenger or freight use and disused quarries for recreation purposes. Alternative proposals which would preclude such use will be resisted.

## **The Non-Statutory Cherwell Local Plan 2011 – December 2004**

### **POLICY D1 – URBAN DESIGN OBJECTIVES**

Proposals for development will be permitted, subject to compatibility with other policies in the plan, provided that they demonstrate:

- (i) local distinctiveness in built development and landscape
- (ii) continuity and enclosure, where consistent with local character, through building lines that front onto and clearly define the public realm
- (iii) public spaces and routes that are attractive, safe and uncluttered
- (iv) permeability through ease of movement for pedestrians, particularly disabled people, and cyclists in preference to vehicles
- (v) legibility through recognisable routes, junctions and landmarks to help people find their way around
- (vi) adaptability through building types that enables their use for different purposes over time
- (vii) diversity through inclusion of a mix of compatible land uses.

### **POLICY D3 – LOCAL DISTINCTIVENESS**

Proposals for development that reflects or interprets the locally distinctive character of the site and its context, will be permitted provided that they:

- (i) respect the site's landform and natural features

- (ii) are well integrated into the landscape setting
- (iii) reflect the traditional pattern of the arrangement of street blocks, plots and their buildings and spaces
- (iv) include the retention and enhancement of existing open spaces and undeveloped gaps of local importance that contribute positively in visual terms to the public realm although in private ownership
- (v) relate well to the local palette of building and surfacing materials
- (vi) relate well to the local architectural styles and the local palette of elements of construction, elevational detailing, windows and doors
- (vii) respect the scale, proportion, massing and height of adjoining buildings and the street scene
- (viii) do not interfere with valued views, vistas and landmarks.

#### POLICY D5 – THE DESIGN OF THE PUBLIC REALM

Development proposals that impact on or extend the public realm should:

- (i) retain and enhance existing features of landscape, ecological and archaeological value in accordance with policies EN22-EN29 on nature conservation, policies EN30-EN37 on landscape and EN27 on the creation of new habitats and also English Nature's research report 153
- (ii) be planned as an integral part of the design process, and relate well to other open spaces in the vicinity
- (iii) provide a hard and soft landscape scheme that is appropriate for the use and location
- (iv) include a co-ordinated range of street furniture that is robust and high quality
- (v) provide for contemporary public art and craftwork as an integral part of the design where opportunities to do so exist
- (vi) provide ground floor uses that contribute to creating activity, interest and natural surveillance
- (vii) be accessible to all, putting the needs of pedestrians above those of car drivers
- (viii) avoid vehicle parking and servicing intruding into the public realm
- (ix) avoid waste recycling and storage facilities intruding into the public realm
- (x) maximise the reuse of materials through sorting of demolition materials and the use of recycled materials in new and extended buildings
- (xi) utilise opportunities to improve existing and create new pedestrian links
- (xii) incorporate measures to minimise the potential for crime and anti-social behaviour including; maximising natural surveillance, allowing for social contact and providing adequate lighting.

#### POLICY EN6 – LIGHT POLLUTION

In determining planning applications the council will seek to avoid unnecessary light pollution. Proposals for any external lighting scheme that requires planning permission will need to demonstrate that:

- (i) the lighting scheme is the minimum required for its intended use

- (ii) light pollution is minimised
- (iii) there is no detrimental impact on residential amenity, the character and appearance of the landscape, nature conservation or highway safety.

#### POLICY EN24 – PROTECTION OF SITES AND SPECIES

The council will seek to promote the interests of nature conservation through the control of development. Proposals which would result in damage to or loss of a site of ecological or geological value will not be permitted unless:

- (i) in the case of an internationally important site, there is no alternative solution and there are imperative reasons of over-riding public interest for the development; or
- (ii) in the case of a nationally important site, the reasons for the development clearly outweigh the ecological or geological value of the site and the national policy to safeguard the national network of such sites; or
- (iii) in the case of a site of regional or local importance for its ecological or geological value, the reasons for the development clearly outweigh the ecological or geological value of the site.

In all cases where development is permitted, damage must be kept to a minimum. The council will use conditions or planning obligations to protect and enhance the site's ecological or geological interest and to provide mitigation and compensatory measures where appropriate.

#### POLICY EN35 – LANDSCAPE CHARACTER

The council will seek to retain woodlands, trees, hedges, ponds, walls and any other features which are important to the character or appearance of the local landscape as a result of their ecological, historic or amenity value. Proposals which would result in the loss of such features will not be permitted unless their loss can be justified by appropriate mitigation and/or compensatory measures to the satisfaction of the council.

#### POLICY EN36 – LANDSCAPE ENHANCEMENT

The council will seek opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features of habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

#### POLICY TR5 – ROAD SAFETY

Before proposals for development are permitted the council will need to be satisfied that:

- (i) conflict between vehicles and pedestrians, cyclists and people with sensory and mobility impairments is minimised by securing segregated provision, controlled crossings or other measures as appropriate, and;

- (ii) the development does not compromise the safe movement and free flow of traffic or the safe use of roads by others.

Proposals that do not comply with relevant standards of road safety will not be permitted.

#### POLICY TR8 – CYCLING AND WALKING

Development that would prejudice pedestrian and cycle circulation or route provision will not be permitted.

#### POLICY TR25 – CYCLING AND WALKING

Development that would prejudice the provision of a cycle and pedestrian network for the town particularly between residential areas, schools and employment areas will not be permitted.

### **West Oxfordshire District Council – adopted June 2006**

#### POLICY BE1 – ENVIRONMENTAL AND COMMUNITY INFRASTRUCTURE

Development will not be permitted unless appropriate supporting transport, service and community infrastructure is available or will be provided and appropriate provision has been made to safeguard the local environment. Contributions will be sought from developers and/or landowners in accordance with Government advice.

#### POLICY BE3 – PROVISION FOR MOVEMENT AND PARKING

Development should make provision for the safe movement of people and vehicles, whilst minimising impact upon the environment. Within built-up areas priority should be given to pedestrians, cyclists and public transport.

Proposals will only be permitted if all the following criteria are met:

- a) safe and convenient circulation of pedestrians and cyclists, both within the development and externally to nearby facilities, with provision to meet the needs of people with impaired mobility as appropriate;
- b) safe movement of all vehicular traffic both within the site and on the surrounding highway network;
- c) provision for the increased use of public transport as appropriate to the scale of development;
- d) provision for the parking of vehicles, including bicycles and motorcycles, in accordance with the standards in Appendix 2.

Development which would have a significant impact on the highway network will not be permitted without the prior submission of a Transport Assessment.

#### POLICY BE18 – POLLUTION

Planning permission will not be permitted for development which could give rise to unacceptable levels of pollution, unless adequate mitigation measures are provided to ensure that any discharge or emissions will not cause harm to users of land, including the effects on health and the natural environment.

#### POLICY NE6 – RETENTION OF TREES, WOODLANDS AND HEDGEROWS

Planning permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic or biodiversity value. Removal will only be allowed where it can be demonstrated that the proposed development would enhance the landscape quality and nature conservation value of the area.

#### POLICY T1 – TRAFFIC GENERATION

Proposals which would generate significant levels of traffic will not be permitted in locations where travel by means other than the private car is not a realistic alternative.

#### POLICY T4 – MAJOR HIGHWAY SCHEMES

Land will be safeguarded for the following highway schemes as shown on the Proposals Map and Inset Maps:

- Witney – Cogges Link
- Witney – West End Link (northern section)
- Witney – A40 Downs Road Junction
- Carterton A40 Access Road Junction (section between Minster Road and Curbridge Road, Brize Norton)
- Sutton Bypass (B4449)

#### POLICY T6 – TRAFFIC MANAGEMENT

Traffic management schemes will be sought which:

- a) promote and give priority to the safe and convenient movement of pedestrians and cyclists, particularly on roads with significant or potentially significant pedestrian and cycle flows;
- b) promote safe and convenient movement of buses, particularly on routes into town centres, within town centres and on radial routes;
- c) reduce traffic conflicts, the potential for accidents and alleviate congestion;
- d) reduce environmental damage caused by traffic.