



To: **Members of the Planning & Regulation Committee**

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

**Monday, 11 January 2016 at 2.00 pm**

**County Hall, New Road, Oxford**

A handwritten signature in black ink that reads "PG Clark".

Peter G. Clark  
Head of Paid Service

December 2015

**Contact Officer: *Graham Warrington***  
*Tel: (01865) 815321; E-Mail:*  
*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 Mrs Catherine Fulljames  
Deputy Chairman - Councillor Neil Owen

**Councillors**

David Bartholomew  
Mark Cherry  
Patrick Greene  
Bob Johnston

Stewart Lilly  
James Mills  
Glynis Phillips  
Anne Purse

G.A. Reynolds  
John Tanner

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**Notes:**

- **Date of next meeting: 22 February 2016**

## Declarations of Interest

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

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

### Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

### What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

### List of Disclosable Pecuniary Interests:

**Employment** (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on (01865) 815270 or [glenn.watson@oxfordshire.gov.uk](mailto:glenn.watson@oxfordshire.gov.uk) for a hard copy of the document.

**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. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 16)

To approve the minutes of the meeting held on 30 November 2015 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Section 73 application for planning permission to continue development without complying with Conditions 1, 7, 17 and 26 (to allow the storage of Refuse Derived Fuel (RDF) and Solid Recovered Fuel (SRF) outside the storage bay at the consented MRF (the subject of planning permission 10/00361/CM), to amend the operational hours of the MRF and to extend the acoustic barriers of planning permission reference 15/00245/OCC at Finmere Quarry, Banbury Road, Finmere - Application No. MW.0139/15** (Pages 17 - 34)

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN6**).

This application is for variations to conditions attached to planning permission no. 15/00245/OCC for the Materials Recycling Facility at Finmere Quarry to continue development without complying with Conditions 1, 7, 17 and 26 (to allow the storage of Refuse Derived Fuel (RDF) and Solid Recovered Fuel (SRF) outside the storage bay at the consented MRF (the subject of planning permission 10/00361/CM), to amend the operational hours of the MRF and to extend the acoustic barriers of the planning permission).

The application is being reported to this Committee because there have been previous concerns with regard to the existing permitted developments at the site. There have been no objections from consultees but comments are awaited from Finmere Parish Council and the Cherwell District Council Environmental Health Officer.

The report describes why the proposals have been put forward and outlines the relevant planning policies along with the comments and recommendation of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning).

*It is RECOMMENDED that subject to no over-riding objections being raised by outstanding consultees, Application MW.0031/15 be approved subject to conditions to be determined by the Deputy Director (Strategy and Infrastructure Planning) but in accordance with those set out in Annex 1 to the report PN6.*

## **7. Relevant Development Plan and Policies (Pages 35 - 42)**

Paper by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN7).

The paper sets out policies in relation to Item 6 and should be regarded as an Annex to that report.

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 11 January 2016** at **12.30 pm** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 30 November 2015 commencing at 2.00 pm and finishing at 4.32

**Present:**

**Voting Members:** Councillor Mrs Catherine Fulljames – in the Chair

Councillor Neil Owen (Deputy Chairman)  
Councillor David Bartholomew  
Councillor Mark Cherry  
Councillor Patrick Greene  
Councillor Bob Johnston  
Councillor Stewart Lilly  
Councillor James F. Mills  
Councillor Glynis Phillips  
Councillor Anne Purse  
Councillor G.A. Reynolds  
Councillor John Tanner

**Other Members in Attendance:** Councillor Charles Mathew (for Agenda Item 6)  
Councillor Richard Webber (for Agenda Item 7)  
Councillor Arash Fatemian (for Agenda Item 8)  
Councillor Judith Heathcoat (for Agenda Item 11)

**Officers:**

Whole of meeting G. Warrington & D. Mytton (Law & Governance); C. Kenneford & D. Periam (Environment & Economy)

Part of meeting

<b>Agenda Item</b>	<b>Officer Attending</b>
6, 7 & 8	M. Thompson (Environment & Economy)
9	K. Broughton (Environment & Economy)
10	M. Case (Environment & Economy)
11	R. Goodlad (Law & Governance)

*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.*

**61/15 MINUTES**

(Agenda No.3)

The minutes of the meeting held on 19 October 2015 were approved and signed.

*Minute 55/15 - Minutes*

Councillor Phillips advised that Hansons had now contributed towards improvements on Moreton lane, Northmoor.

**62/15 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Councillor Charles Mathew	6. Dix Pit, Stanton Harcourt – Application No. MW.0053/1
Councillor Richard Webber	7. Hanson Building Products, Sutton Courtenay – Application No. MW/0135/15
Bryn Williams Tony Castle-Miller District Councillor Mike Kerford-Byrnes Councillor Arash Fatemian	) )8. Duns Tew Quarry, Middle Barton – Application No. MW.0036/14 ) )
Councillor Judith Heathcoat	11. Commons Act 2006: Registration of Humpty Hill as a Town or Village Green

**63/15 CHAIRMAN'S UPDATES**

(Agenda No. 5)

The Chairman congratulated Smith & Sons of Bletchington who had received a national award for restoration work undertaken at Gill Mill, Ducklington. The Committee also recorded its thanks to Mary Thompson (Environment & Economy) for her work on the project.

**64/15 REQUEST FOR TEMPORARY RELAXATION OF REQUIREMENTS OF ROUTEING AGREEMENT ASSOCIATED WITH PLANNING PERMISSION FOR ERECTION OF A MOBILE CONCRETE BATCHING PLANT WITH ASSOCIATED INFRASTRUCTURE, CONCRETE HARDSTANDING AND PORTABLE TOILET LAND AT DIX PIT ADJACENT TO WORKSHOPS, LINCH HILL, STANTON HARCOURT - APPLICATION NO MW.0053/15**

(Agenda No. 6)

The Committee had before it a report (PN6) which considered a proposed modification to the approved route for vehicles associated with the concrete batching operation at Dix Pit to enable the developer to meet delivery times to the Westgate redevelopment in central Oxford, which were being adversely affected by roadworks on the Wolvercote and Cutteslowe roundabouts to the extent that some deliveries of concrete had been out of specification on arrival and had had to be returned. The proposed alternative route would use the B4449 and the B4044 to reach Oxford from the west and included the B4449 through the village of Sutton, which had been specifically protected from a significant increase in traffic intrusion by development plan policy. The proposal was to use the alternative route for the duration of the roadworks, only during off peak hours (9pm-3pm) and only by vehicles carrying concrete to the Westgate redevelopment in central Oxford.

Mary Thompson presented the report and confirmed that the alternative route would be a temporary variation during the redevelopment of Westgate and limited to off-peak hours and outward bound journeys only. She referred to 3 late submissions which had been published with the addenda but which had raised no new issues in addition to those covered in the report and therefore no change had been proposed to the printed recommendation.

She then responded to questions from:

Councillor Johnston – there would be on average 21 vehicles per day half of which would be returning vehicles.

Councillor Phillips – hours currently allowed were 7 am to 5 pm which were the standard hours of operation.

Councillor Mills – the variation was proposed only for those vehicles supplying the Westgate re-development.

Councillor Lilly – if the roadworks at the Wolvercote and Cutteslowe roundabouts were to finish earlier than planned then the temporary variation would end.

Councillor Mathew reminded the Committee that he had expressed grave concerns when this permission had been originally granted and subsequently when changes had been made to the terms of that permission and now the Committee were faced with more. Traffic continued to increase and was getting worse which called into the question the decision not to retain the Sutton Bypass, particularly as the project would have been partly funded by local gravel operators. He queried the statement that 2 hours was not long enough to get this material into Oxford as he understood that it was possible to add a retardant to the mix to lengthen its life. Hansons also had an operational unit at Horspath only 2.9 miles away which could supply this development yet in the meantime lorries continued to travel through Sutton. He had TV evidence that this had been going on for some time and therefore the issue before the Committee today constituted a retrospective application. He advised that he had followed a lorry only that morning and that the practice was severely interfering with

the lives of residents and in fact the Minerals and Waste Local Plan stated that if an application aggravated traffic then it should not proceed. He had received over 50 emails from people directly affected and 160 from Oxfordshire residents not directly affected all of which seemed to call into question the equity of the proposed recommendation.

In response to a question from Councillor Greene officers confirmed that on average 10 vehicles per day would leave the site averaging one vehicle every half hour and, as 4,500 vehicles travelled through Sutton per day it had been felt that the overall impact would be minimal, although officers had not stated that it was a desirable route.

Councillor Mathew then responded to questions from:

Councillor Bartholomew – the routeing agreement was clearly not being respected and since 16 November he had taken up to 6 calls daily with reports of lorries ignoring the agreed route.

Councillor Johnston – the lack of respect for the routeing agreement was indicative of the attitude adopted by the operator and he had raised this issue with enforcement officers on 16 November 2015.

Councillor Owen – neither he nor, as far as he understood, had other residents made direct contact with the operator but there was a liaison committee which had last met 3 weeks previously when Hansons had not raised these issues.

Councillor Cherry – the B4449 had a higher accident rate than normal and as such should have formed part of the highway consultation.

Councillor Tanner appreciated the inconvenience clearly being suffered by local people but as this was a relatively short term variation the Committee needed to get some sense of proportion between that and the need to complete this major re-development. He moved and Councillor Reynolds seconded that the officer recommendation be approved as published.

The Chairman then invited Mr Tony Zigler to the table to take questions from members regarding the technical specification of the material being delivered. He responded to:

Councillor Bartholomew – he explained that it was not simply a question of life span for the material but one of compliance with an exact and very explicit specification insofar as any material older than 2 hours was non-compliant and could not, therefore, be used. That 2 hour period included the production time from first placing water into the cement (10 minutes) to placement on site (15 minutes) which allowed a journey time of only 1 hour 35 minutes, which could on occasion be very tight.

Councillor Johnston – it was not possible to mix material on site as the process needed a high specification forced action mixer in order to get the right dispersal of material and there was no room for that on the Westgate site.

Councillor Phillips – he understood that to date 12 loads had been rejected.

Councillor Cherry – there were between 18-20 tonnes of material per load.

Councillor Mills – the primary source of material did come from Horspath but it was not possible to supply enough material for this contract from that site alone.



Councillor Mills then referred to the issue of road safety and why local residents were so concerned. He could not accept the argument that the amount of traffic was insignificant as these were very large lorries travelling on roads with serious bends. Policy SH2 stated that there should be no intensification of or increased traffic unless mitigation measures had been introduced. That needed to be a material consideration in this case. There was an alternative option to route traffic over Swinford Toll bridge, which he felt had not been adequately considered in the officer report and for those reasons he could not support the proposal.

Mrs White confirmed there had been 4 reported serious accidents over the past 5 years.

Councillor Lilly respected the feelings of local residents and had also been surprised that the alternative route as previously mentioned had not been considered. He moved an amendment that the application be deferred to enable consideration of that alternative route via Swinford Toll bridge. Councillor Phillips seconded.

Councillor Tanner felt a deferral would not be helpful as it represented another period of delay.

Councillor Lilly's amendment was put to the Committee and lost by 6 votes to 4.

Councillor Tanner's motion which had been amended with his and his seconder's approval at the suggestion of Councillor Mills and Councillor Cherry was then put to the Committee and carried by 6 votes to 4 (Councillor Johnston recorded as having abstained).

**RESOLVED:** that

- (a) the County Council enter into a deed of variation to the existing routeing agreement for application MW.0053/15 to allow off-peak HGV movements on the alternative route to Oxford for concrete mixer trucks travelling to the Westgate redevelopment in central Oxford only, until the completion of roadworks on the Cutteslowe and Wolvercote roundabouts subject to that variation terminating on completion of the roundabout works or the Westgate development whichever was earlier.
- (b) officers seek a contribution from the operators for temporary signing on approaches to the 'S' bend at Bell Bridge.

**65/15 SECTION 73 APPLICATION TO CONTINUE THE DEVELOPMENT OF 'TO CRUSH, SCREEN, BLEND AND STOCK REJECT BUILDING BLOCKS, FURNACE BOTTOM ASH AND REJECT MATERIALS FROM CONCRETE MAKING TO MAKE MATERIAL FOR BLOCK MAKING' WITHOUT COMPLYING WITH CONDITION 5 TO ALLOW OPERATIONS TO TAKE PLACE 52 WEEKS A YEAR AT HANSON BUILDING PRODUCTS, SUTTON COURTENAY - APPLICATION NO. MW.0135/15**

(Agenda No. 7)

The Committee had before it (PN7) an application which considered removal of a condition to an existing consent for the crushing of reject blocks at Sutton Courtenay which limited crushing activity to 6 weeks in any year. The removal of the condition

would allow crushing to take place up to 52 weeks per year with no increase in the amount of material permitted to be imported to the site, or to vehicle movements. The limitation to 6 weeks had been the result of an error in the original application which made it impossible to crush the material which they were permitted to import in only 6 weeks per year.

Having presented the report Mary Thompson confirmed in response to a question from Councillor Tanner that the nearest properties were some distance away. No representations had been received on that issue which implied that noise had not been a major factor.

Councillor Webber advised that some of the new housing planned for Appleford and Sutton Courtenay would be within 300m of this activity and he questioned whether that had been taken into account when arriving at the recommendation. He was concerned that the original application had been an error and questioned how many other errors there were, how this one had come to light and why had it taken 2 years for it to do so. He questioned whether the intention had in fact been to crush for 12 days rather than 6 which would explain the apparent error once crushing operations had been started and the need for more time discovered. He did not recall this issue ever being raised at a meeting of the liaison committee so what confidence could local residents draw that further errors would not lead to further increased activity. It was important to ensure that new limits would not be breached and that the liaison committee was involved fully.

Endorsing the comments made by Councillor Webber Councillor Lilly agreed that Hansons did not seem fully engaged with local issues which emphasised the importance of liaison committee involvement.

**RESOLVED:** (on a motion by Councillor Greene, seconded by Councillor Tanner and carried by 11 votes to 0, Councillor Johnston recorded as having abstained) that subject to the same conditions as permission MW.0129/11 (the original planning permission) amended as set out in Annex 1 to the report PN7 and as might be otherwise necessary to reflect the approval of schemes previously required pursuant to conditions, that planning permission for application MW.0135/15 be granted.

**66/15 PROPOSED NORTHERN AND EASTERN EXTENSION TO DUNS TEW QUARRY (EAST) TO EXTRACT APPROXIMATELY 415,000 TONNES OF SALEABLE SAND AND THE CONTINUATION OF IMPORTATION OF AGGREGATE FOR BLENDING AND MERCHANTING/ONWARD SALE FOR 16/17 YEARS WITH RESTORATION TO A MIX OF WOODLAND, GEO-DIVERSITY BENEFITS AND NATURE CONSERVATION AT DUNS TEW QUARRY (EAST), HORSEHAY FARM, DUNS TEW ROAD, MIDDLE BARTON - APPLICATION NO. MW.0036/14**  
(Agenda No. 8)

The Committee considered (PN8) an application for the extraction of approximately 415,000 tonnes of sand from an area adjacent to the existing Duns Tew Quarry. The land would be restored to a mixture of woodland and nature conservation, with geodiversity benefits. Extraction would take place on a campaign basis for up to two

months in each calendar year for a period of up to 17 years. It was also proposed to import aggregate to the site for blending and merchandising.

Bryn Williams addressed the Committee. As the resident of Blue Barn Farm the site presented major problems from dust, safety and ecology. Dust pollution was particularly bad as a strong south west wind prevailed throughout the year and to bring this operation closer would be overwhelming and in order to address these issues he suggested a number of measures to ameliorate their effect. He was not objecting specifically but wanted the operator to be more aware of the problems facing local people.

Tony Castle-Miller a resident of Duns Tew for 24 years endorsed the comments made by Mr Williams. Residents had learnt to live with the site but a bit more give from the operator would help everyone. Increased operations meant increased numbers of larger lorries and whilst he appreciated the need for them to carry on their business there should be some consideration for local residents. He suggested a restriction on vehicles to 32 tonnes and a contribution to measures to reinforce the side of roads and provision of passing bays. There had been no accidents to date but larger vehicles would present a greater danger on narrow roads.

District Councillor Mike Kerford-Byrnes referred to concerns regarding dust and traffic. With regard to dust he welcomed the proposal to straighten out the eastern end of the boundary which would take working further away from Blue Barn Farm and suggested further restrictions to limit working if wind speed on the eastern boundary was above acceptable levels. On traffic it was imperative to route vehicles on the most suitable routes to the A4260 and clearly the route now used was the least suitable. The size, weight and frequency of vehicles had increased and the operator should therefore contribute to road repairs as a condition on the permission along with the change to the eastern boundary.

Mary Thompson confirmed that:

- implementation of proposed highway improvement works (condition 39)
- vehicle size and type (condition 10)
- limits to exported material (condition 9)
- dust management (condition 38)

were all covered by conditions as marked above.

The speakers then responded to questions from:

Councillor Greene – Councillor Kerford-Byrnes confirmed that straightening the eastern boundary to remove the dog-leg would be welcome.

Mary Thompson added that a condition to amend the extraction boundary had not been recommended because the environmental work had shown that it was not necessary to do so in order to make the development acceptable. However, the Committee could if it wished add such a condition and the applicant had confirmed that they would not appeal such a condition if imposed.

Councillor Phillips – Mr Williams would have preferred 24 hour monitoring to be put in place with Councillor Kerford-Byrnes adding that anemometer measurements should be taken. Mr Castle-Miller highlighted that there were many other hauliers who were not part of the routeing agreement for Duns Tew.

Mr Layer referred to the special geology at Duns Tew which was underlain by a seam of soft sand. Quarrying had been carried out by Smiths since the 1950s with no readily alternative source in north Oxfordshire other than one some 25 miles away at Upwood Quarry. It was used extensively throughout the area in building conservation works, extensions and new builds. The quarry had a strong north Oxfordshire customer base with a consistent demand meeting the local needs of local businesses. Smiths had its own liveried fleet of trucks but there was also a high proportion of customers collecting their own materials in trailers, tippers and vans reflecting the small local nature of the quarry operation. Quarrying at Duns Tew was not complicated with no complex processing, washing and silt settlement but simply dry screening of the excavated sand to sieve out any coarse material. The screened sand was then sold as was or blended with washed fine sands imported for the purpose to meet more exacting construction specifications. The quarry had one full time quarry foreman but supported 4 lorries and drivers who were local and based at the quarry. The existing routeing agreement prohibited lorries travelling through Duns Tew unless delivering locally and all company vehicles had GPS tracking. Restoration of the area west of Duns Tew road would be completed in 2016, restored to promote biodiversity, opened to the public and managed by Smiths for the next 25 years as a nature reserve. The proposed extension would enhance that geodiversity and biodiversity as well as establishing 23 acres of new deciduous native woodland with further public access and again long term management. The proposal before the Committee would maintain the status quo of the last 20-30 years of operation without problem or complaint, a supply of material to north Oxfordshire to meet local demand and jobs. He commended the application to the Committee.

Mr Layer then responded to questions from:

Councillor Fulljames – about 50% of trucks were not obliged to abide by the routeing agreement but for those vehicles that were then Smiths were quick to act on any breaches. That message was conveyed to all users and in support of that he quoted a recent case where a contract had been terminated.

Councillor Bartholomew – moving the boundary would in the Company's view unnecessarily sterilise an area which would need to be found elsewhere. However, the Company would stand by its offer to rationalise the boundary line.

Councillor Greene – the Company would submit a dust management plan as a standard rule and also look at precedent in other quarries for limiting work in strong wind.

Councillor Cherry – Smiths were not the only users of roads in the area with farm vehicles, school buses and other haulage operators and as such demands for anything over and above the offer made to help with highway improvements would be considered unfair. The Company had offered to stop articulated lorries using the quarry.

Councillor Fatemian speaking as local member highlighted the positive approach taken with regard to this application, particularly with regard to proposed mitigation measures but called for more specific discussions with regard to highway issues; a specific limit to be set on imported material and a maximum size for vehicles. He believed that the Company would make every effort to respect the routeing agreement but as some vehicles to the site were not theirs he supported moves that that all vehicles to the site should be fitted with tracking devices and records of vehicles circulated to the County Council and Parish Council annually. He also asked the Committee to impose the change to the eastern boundary of the site as a condition on any permission.

Appreciating comments that other vehicles used the site and bearing in mind earlier comments that “if sand wasn’t there then the roads would not be in the state they were in” Councillor Lilly felt the Company could do more.

Officers advised that it was not reasonable to impose a condition that all vehicles to the site should be fitted with GPS tracking.

Councillor Bartholomew felt that most of the concerns had been dealt within the proposed conditions and whilst welcoming the amendment proposed to the line of the felt that that needed to be incorporated as a condition to any permission and proposed the officer recommendation with that amendment. His motion was seconded by Councillor Johnston and on being put to the Committee it was:

**RESOLVED:** (unanimously) that subject to:

- (i) a Section 106 legal agreement to cover the matters outlined in Annex 2 to the report PN8;
- (ii) a routeing agreement to ensure that vehicle movements from the new development were covered by the existing routeing arrangements;

that planning permission for application no. MW.0036/14 be granted subject to:

- (iii) conditions to be determined by the Deputy Director for Environment and Economy (Strategy & Infrastructure Planning) to include the matters set out in Annex 3 to the report; and
- (iv) an additional condition preventing extraction in an area to the east of a straight line up from the south eastern corner of the site.
- (v) the Deputy Director for Environment and Economy (Strategy & Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (i) above had not been completed within 10 weeks of the date of this meeting on the grounds that it would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF (in that there would not be satisfactory provisions for the long term management of the restored site).

**67/15 SECTION 73 APPLICATION TO VARY CONDITIONS 3, 6 AND 14 OF PLANNING PERMISSION NO. MW.0097/14 TO EXTEND THE TIME PERIOD FOR THE REMOVAL OF ALL BUILDINGS, PLANT, MACHINERY OR STRUCTURES AND THEIR FOUNDATIONS AND BASES, TOGETHER WITH ANY HARD STANDINGS, BUNDS OF OVERBURDEN, QUARRY WASTE OR SOIL AND COMPLETE RESTORATION BY 30TH SEPTEMBER 2016 AT WICKLESHAM QUARRY, SANDSHILL, FARINGDON - APPLICATION NO. MW.0134/15**

(Agenda No. 9)

The Committee had before it (PN9) applications which sought an extension of time for the restoration of the quarry and an extension of time for the soil blending operation on the site.

Mr Broughton presented the report and drew the Committee's attention to an amended restoration scheme as set out in the addenda.

**RESOLVED:** (on a motion by Councillor Owen seconded by Councillor Johnston and carried by 10 votes to 0, Councillor Purse recorded as having abstained) that:

- a) planning permission for application no. MW.0134/15 be approved subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:
- 1) The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
  - 2) No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, should be carried out at the site except between the following times:
    - 0700 and 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays;No operations should take place at any time on Sundays or recognised public holidays.
  - 3) No winning and working of mineral or sale of processed mineral should take place. The site should be completely restored by 30 September 2016 in accordance with the approved restoration scheme.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order amending, replacing or re-enacting that Order), the access to the development hereby permitted should not be other than as shown as 'new access' on approved plan 010/4.
  - 5) All internal haul roads should be maintained in a condition free from potholes.

- 6)** All buildings, plant, machinery or structures and their foundations and bases, together with any hard standing should be removed from the site by 30 September 2016.
- 7)** The operators should insulate plant or machinery, silence vehicles and provide acoustic screening as might be necessary to ensure that noise levels or frequencies should not exceed 55 dB(LAeq) (1hour) freefield during the hours of operation permitted under condition 2, at the facades of the nearest residential properties.
- 8)** Dust control measures should be utilised as set out in paragraph 3.11.5 of the approved Planning Statement dated July 2014.
- 9)** No commercial vehicles should enter the public highway unless their wheels and chassis were clean such that mud and dust were not deposited on the highway.
- 10)** All turf, topsoil, subsoil and overburden stripped prior to mineral extraction, or quarry waste or such similar materials presently stored on site should be used for site restoration only.
- 11)** No storage or respreading of topsoil and subsoil should take place unless the percentage moisture in the subsoil and topsoil to be moved was less than the percentage moisture at the plastic limit of each of the topsoil and subsoil respectively.
- 12)** The full depth of the restored topsoil and the top 0.15 metres of subsoil should be ripped with an agricultural wing tine implement at a spacing not exceeding 1.5 times the working depth. All stones and rocks exceeding 100mm in any dimension and other deleterious material should be removed.
- 13)** No bunds of overburden, quarry waste or soil should be left on the site after 30 September 2016.
- 14)** No mineral should be exported from the site with the exception of the stones to be removed under condition 12, and the hardstanding to be removed under condition 6.
- 15)** No building, plant or machinery or structure of fixed or mobile design should be located or operated other than on the quarry floor at the base of the deposit known as the sponge gravels except machinery engaged in storage and respreading of soil and overburden.
- 16)** Oil and fuel storage bunds should only be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas should be capable of containing 110% of the tank's volume and should enclose all fill and draw pipes.
- 17)** There should be no discharge of water containing sand, gravel, soil or grease.

- 18) No reversing beepers should be fixed to, or used on, any mobile plant.
- 19) The field access directly from the A420 into the western part of the site should not be used for the development the subject of this planning permission or for any purpose connected with it.
- 20) No works should be carried out other than in accordance with the approved mitigation and enhancement scheme section 6 (Mitigation Measures) of the Extended Phase 1 Habitat Survey Report dated September 2012, the Reptile Method Statement submitted 28 February 2013, the Tree Planting & Grassland Mix dated 28 February 2013 and section 1.8 of the 2013 Great Crested Newt Refresher Surveys (enzygo 2013) report dated 5 July 2013.
- 21) Warning signs to users of footpath no. 17 of vehicles crossing the access road and to drivers of vehicles of pedestrians should be erected and maintained for the duration of the development hereby permitted.

#### Informatives

All bird nests, eggs and young were protected under the Wildlife & Countryside Act 1981 (as amended) which made it illegal to intentionally take, damage or destroy the nest of any wild bird while it was being used or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1 March and 31 August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] were found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work took place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey had been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

It is recommended that the native trees and seeds to be used in the restoration scheme should be of UK (or ideally more local) provenance. For example, the Flora Locale website gave contact details for suppliers of UK provenance seed and plants:

<http://www.floralocale.org/HomePage>

A Habitat Regulations licence from Natural England for great crested newts might be required to make this permission lawful.

- b) planning permission for application no. MW.0133/15 be approved subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:



- 1) The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
- 2) No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, should be carried out at the site except between the following times:
  - 0700 and 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays;No operations should take place at any time on Sundays or recognised public holidays.
- 3) Imported material should be used only in connection with the restoration of the quarry in accordance with the approved restoration scheme.
- 4) All internal haul roads should be maintained in a condition free from potholes.
- 5) There should be no import of waste on site except soils.
- 6) All buildings, plant, machinery or structures and their foundations and bases, together with any hard standing should be removed from the site by 30 September 2016.
- 7) The operators should insulate plant or machinery, silence vehicles and provide acoustic screening as might be necessary to ensure that noise levels or frequencies did not exceed 55 dB(LAeq) (1hour) freefield during the hours of operation permitted under condition 2, at the facades of the nearest residential properties.
- 8) Dust control measures should be utilised as set out in paragraph 3.11.5 of the approved Planning Statement dated July 2014.
- 9) No commercial vehicles should enter the public highway unless their wheels and chassis were clean such that mud and dust were not deposited on the highway.
- 10) Oil and fuel storage bunds should only be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas should be capable of containing 110% of the tank's volume and should enclose all fill and draw pipes.
- 11) There should be no discharge of water containing sand, gravel, soil or grease.
- 12) No reversing beepers should be fixed to, or used on, any mobile plant.
- 13) Warning signs to users of footpath no. 17 of vehicles crossing the access road and to drivers of vehicles of pedestrians should be erected and maintained for the duration of the development hereby permitted.

- 14) No works should be carried out other than in accordance with the approved mitigation and enhancement scheme section 6 (Mitigation Measures) of the Extended Phase 1 Habitat Survey Report dated September 2012, the Reptile Method Statement submitted 28 February 2013, the Tree Planting & Grassland Mix dated 28 February 2013 and section 1.8 of the 2013 Great Crested Newt Refresher Surveys (enzygo 2013) report dated 5 July 2013.

#### Informatives

All bird nests, eggs and young were protected under the Wildlife & Countryside Act 1981 (as amended) which made it illegal to intentionally take, damage or destroy the nest of any wild bird while it was being used or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1 March and 31 August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] were found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work took place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey had been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

It is recommended that the native trees and seeds to be used in the restoration scheme should be of UK (or ideally more local) provenance. For example, the Flora Locale website gave contact details for suppliers of UK provenance seed and plants:

<http://www.floralocale.org/HomePage>

A Habitat Regulations licence from Natural England for great crested newts might be required to make this permission lawful.

### **68/15 THE ERECTION OF A FLAT ROOFED MOBILE UNIT TO PROVIDE CATERING FACILITIES AT CLANFIELD C OF E PRIMARY SCHOOL, MAIN STREET, CLANFIELD - APPLICATION NO. R3.0096/15**

(Agenda No. 10)

The Committee considered (PN10) a planning application for the erection of a flat roofed mobile unit to provide catering facilities for the school pupils of Clanfield Church of England Primary School in line with a recent central government directive requiring the provision of school meals to primary schools.

Mr Case presented the report and responded to questions from:

Councillor Johnston – the building would be delivered in sections over 2 days after which smaller vehicles would be accessing the site.

Councillor Cherry – concrete would be laid to a depth of 150 millimeters equivalent to the depth of the existing playground.

Councillor Mills – only lunchtime meals would be served so there would be no intensification of use.

Officers advised the school were happy with the area of playground which remained and that the building complied with heating requirements.

Councillor Mills felt all concerns had been addressed including traffic movements and he moved that the officer recommendation be approved. The motion seconded by Councillor Greene was put to the Committee and -

**RESOLVED:**(by 10 votes to 0) that planning permission for application R3.0096/15 be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:

- i. The development to be commenced within a period of three years from the date of the permission.
- ii. Development to be carried out in accordance with the submitted documents and plans.
- iii. Translucent film being attached to the southern elevation windows and door to obscure views to the neighbouring boundaries.
- iv. Access to the development during the construction phase to be solely via the northern access onto and from the access road to the east.
- v. During the construction phase of the development the applicant should provide adequate protection to the large Corsican Pine on the southern boundary.
- vi. Soakage tests being carried out and the soakaway design submitted for approval prior to the operational phase of the development.

**69/15 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER HUMPTY HILL, HIGHWORTH ROAD, FARINGDON AS A TOWN OR VILLAGE GREEN**

(Agenda No. 11)

The Committee considered (PN11) an application made by Mr Robert Stewart for registration of land at Humpty Hill, Highworth Road, Faringdon in Oxfordshire as a new town or village green under the Commons Act 2006. An objection had been received from the landowner and a public inquiry had been held. The Council was the Commons Registration Authority and the Planning & Regulation Committee had delegated authority to determine such applications.

The matter had been deferred at the October meeting of the Planning & Regulation Committee to enable the Inspector to consider a last minute submission received from the objectors.

Mr Goodlad presented the report and referred to further submissions from the objectors received after publication of the latest report. Responding to questions from members he confirmed that the latest submissions did not challenge the Inspector's decision and that if the case went to the High Court then there was the risk that costs could be awarded against the Council if the case was lost.

Councillor Heathcoat speaking as local member advised that she had resided in the area for 37 years and represented Faringdon town as a Town Councillor, District Councillor and since 1997 as County Councillor. She therefore knew the area well and had walked her dog twice daily in the field that had become known locally as Humpty Hill. She also advised that she knew not only the people who had been named in the report with regard to the application to register this land as a town or village green and additionally the users of the field but also the land owner's daughter. She confirmed that the land had most definitely been used on two separate occasions for cattle, hay baling when local children would play. No arable crops had been planted in the area. She referred to the "speculative" planning application by Gladman Development Ltd which had been rejected by the Faringdon Town Council Planning and Highways Committee and also by the Vale White Horse Planning and Development Committee following which a subsequent appeal against that refusal had been dismissed by the Secretary of State. She confirmed that recreational activities had taken place in this field from the locals who lived on this side of Faringdon town.

Councillor Johnston considered the case had been made and he duly moved, Councillor Tanner seconding, that the officer recommendation be approved. The motion was then put to the Committee and -

**RESOLVED:** (by 10 votes to 0) that having received the Opinion of the Inspector set out in Annexes 2 and 5 to this report, the Committee is RECOMMENDED to APPROVE the application for registration as a new Town or Village Green that plot of land known as Humpty Hill, Highworth Road, Faringdon in Oxfordshire that site being indicated clearly on the map included in the application submitted by Mr Robert Stewart on 19 April 2013.

..... in the Chair

Date of signing .....

**For: PLANNING AND REGULATION COMMITTEE – 11 January 2016**  
**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (STRATEGY & INFRASTRUCTURE PLANNING)**

**Development proposed:**

**Section 73 application for planning permission to continue development without complying with Conditions 1, 7, 17 and 26 (to allow the storage of Refuse Derived Fuel (RDF) and Solid Recovered Fuel (SRF) outside the storage bay at the consented MRF (the subject of planning permission 10/00361/CM), to amend the operational hours of the MRF and to extend the acoustic barriers) of planning permission reference 15/00245/OCC.**

**Division Affected:** Ploughley  
**Contact Officer:** David Periam **Tel:** 01865 895151  
**Location:** Finmere Quarry, Banbury Road, Finmere, Oxfordshire MK18 4AJ  
**Application No:** MW.0139/15 District ref No. 15/02059/OCC  
**Applicant:** OPES MRF 2013 Ltd  
**District Council Area:** Cherwell  
**Date Received:** 22 October 2015  
**Consultation Period:** 12 November – 3 December 2015

## **Contents**

- Part 1 -Facts and Background
- Part 2 -Other Viewpoints
- Part 3 -Relevant Planning Documents
- Part 4 –Analysis and Conclusions

## **Recommendation Summary:**

The report recommends that application MW.0139/15 be approved.

## **Part 1 –Facts and Background**

### **Location (See Plan 1)**

1. Finmere Quarry is located in the north-east of Oxfordshire adjacent to the boundaries with Northamptonshire and Buckinghamshire. It is accessed off the A421 which runs north of the quarry site. Finmere village lies 450 metres to the north east from the edge of the landfill site and 7.4 miles (12km) north east of Bicester.

### **The Site and its Setting (See Plan 2)**

2. Finmere Quarry comprises a non-hazardous landfill site within an area that has been worked for sand and gravel. The surrounding area is

predominantly agricultural rural countryside and the site is located within the North Ploughley Area of High Landscape Value as designated in the Cherwell Local Plan 1996 (CLP, Policy C13). There is a landfill gas utilisation plant on the southern flank of the landfill generating electricity. The site of the Materials Recycling Facility (MRF) which is the subject of this planning application is 200 metres south of the landfilled area.

3. Land immediately west of the landfill has permission for sand and gravel working and inert landfill and land to the south east has permission for clay extraction and filling back with inert material from the existing quarry area..
4. The nearest properties to the site are; Widmore Farm, approximately 700 metres to the north-west of the proposed MRF, Foxley Field Farm Bungalow (currently owned by the applicants) that lies just within the landfill site boundary on its eastern edge and approximately 300 metres north-east of the proposed MRF and Boundary Farm that lies approximately 400 metres south east of the MRF site.
5. The landfill is flanked by two rights of way. Immediately to the east is bridleway 6 running from Finmere village southwards passing approximately 190 metres from the proposed MRF at its closest point. Bridleway 7 is a southerly continuation of Bridleway 6 which was diverted away from the MRF site in 2008. Bridleway 4 runs from Widmore Farm to Finmere village and was diverted in 2009 away from the quarry to run on the north west edge of the Landfill site. Part of the former railway line proposed for the High Speed 2 (HS2) passes along the western boundary of the non-hazardous landfill site and is approximately 200 metres from the proposed MRF at its closest point.

### **Background and History**

6. Permission was originally granted for sand and gravel working and inert waste infilling on appeal in 1993. Permission for commercial and industrial landfill was granted in 1998. In 2005 permission was given to increase the height of the landfill based on advice from the Environment Agency that it was necessary to ensure run off from the landfill. The operator tipped to levels higher than those permitted in 2005 and an enforcement notice was served and upheld on appeal to remove the over-tipped waste.
7. In May 2008, in line with the enforcement notice, an application was made to remove the over-tipped waste to other waste cells within the site. The Environment Agency objected as levels of hydrogen sulphide detected from the landfill were above those regarded as acceptable to the health of people on and off the site. As a result the application was refused. Permission was then given for retaining the over-tipped waste in 2009 (on advice from the Environment Agency).
8. Permissions for a MRF and for extraction of sand and gravel and clay and inert filling on adjacent land were granted on appeal in 2007. Permission was granted in 2009 to extend the life of the landfill and the MRF to 2020.

Permission no. 10/00361/CM was granted in May 2010 for a variation to the MRF to include the provision of a ventilation stack. This permission includes condition C24 requiring that the MRF cannot be operated until landscape planting has been carried out and condition C29 requiring that the MRF cannot be operated until engineering works have been carried out to alleviate odour mitigation measures and that the permanent capping to cells 3,4,5 & 6 of the landfill site is in place.

9. In January 2012 permission 11/00015/CM was granted for the change of use of the MRF to add biodrying and gasification waste treatment technologies and associated power generation together with an extension to the operational life of the building until 2035. Condition 27 of this permission provided for similar landscape planting in line with condition C24 of permission no. 10/00361/CM but does not have a condition containing the requirements set out in condition C29.
10. In January 2012, permission 11/00026/CM was also granted for an extension of time for the life of the landfill site until 2035, to account for the slowdown in landfilling rates that would arise as a result of the improvements in the recycling process and gasification.
11. In December 2013, permission 13/00973/CM was granted to vary the order of landfilling, and to extend the timescale for capping Cells 4, 5 and 8 at the non-hazardous waste landfill to no later than 15<sup>th</sup> October 2014.
12. A Breach of Condition notice was served in June 2015 requiring compliance with conditions of permission 13/000973/CM with regard to securing the completion of capping, soiling and seeding of cells 4, 5 & 8. These works have now been completed.
13. In August 2015, permission 15/00245/OCC was granted for the MRF building as now constructed along with changes to the surface water management system, the provision of boundary fencing and non-material amendments to the consented MRF building including the addition of doors, roof lights, signage, generators and air management equipment, external stairs, amendments to the offices and internal layout of the building and the variation of planning permission reference 10/00361/CM to remove Condition C24 (relating to landscaping mitigation measures) and Condition C29 (relating to landfill engineering works).
14. All existing permissions at the wider quarry and landfill site are subject to Section 106 legal agreements which include amongst other items a restricted hinterland for the importation of waste. The effect of the legal agreements is that no more than 25% of the waste received can be imported from outside the defined hinterland.

### **The Proposed Development**

15. The proposed development is to vary the development as permitted under planning permission no. 15/00245/OCC with respect to the following

- i) Condition 1 of the permission lists the approved plans and documentation so any variations to these as set out below mean that there will be changes to these.
- ii) Condition 7 of the permission specifies that waste that has been processed in the MRF shall only be stored in the MRF building or in the storage bay at the southern end of the MRF site. It has been identified and it is proposed that it will also be necessary to store SRF and RDF in the main yard area and therefore it is proposed that condition 7 be varied to this effect with reference to a drawing showing the extended storage area. Other recyclates would continue to be stored in the storage bay. The reasons for this are as part of the development of the process and the markets for the output it is necessary for the applicant to demonstrate to potential users of the SRF and RDF that they are capable of supplying sufficient quantities of SRF and RDF at a sufficient and consistent quality. To do so necessitates the storage of additional SRF and RDF that can be accommodated in the waste storage bay together with the recyclates. As the market for them is fluid, to provide the requisite flexibility with respect to market conditions particularly regarding fluctuating prices necessitates the storage of additional SRF and RDF. If gasification EFW treatment were to be introduced, for which planning permission was granted previously, then this would also necessitate additional SRF and RDF storage. This is also necessary to secure the substantial finance required to purchase and install the gasification plant; potential funders will require demonstrable proof of a successful track record of production and storage of SRF and RDF in order to have the confidence to invest at that very substantial level.
- iii) Condition 26 of the permission requires the operational hours to be between 07.00 and 18.00 hours Mondays to Fridays and 07.00 and 13.00 hours on Saturdays. Condition 17 requires that during the operational hours, noise levels shall not exceed 55 dB (LAeq) (1 hour) freefield at Warren Farm House, Hill Leys, Foxley, Widmore Farm, Boundary Farm or Gravel Farm. It is proposed that the operational hours would remain the same for the delivery of waste to and the export of SRF, RDF and recyclates from the MRF. It is proposed that the hours for on site operations would be varied to 06.00 to 23.00 hours Mondays to Fridays and 07.00 to 13.00 hours on Saturdays without acoustic barriers being in place and from 05.00 to 01.00 hours Mondays to Fridays and 07.00 to 13.00 hours on Saturdays with acoustic barriers in place (NB this includes Friday night working until 01.00 hours on Saturdays). The reason for this is that it has been identified that in order to process the consented MRF throughput of 150,000 tonnes of waste per annum, the operational hours need to be amended to provide for additional waste processing. As a result it would be necessary for an additional six staff to be employed at the MRF but the applicant considers that this would not result in a significant increase in vehicle movements including at shift changes. The last shift change would



occur before 18.00 hours with the six staff leaving via the main access onto the A421 just after either 23.00 or 01.00 hours as the case may be..

- iv) A noise assessment accompanying the application has identified that the additional noise mitigation will only be required for operations between 05.00 and 06.00 and 23.00 and 01.00 hours when potential noise levels would otherwise exceed the relevant standards for night-time noise. With the exception of the eastern-most door of the MRF, all the MRF doors would be closed between 05.00 and 07.00 hours and 18.00 and 01.00 hours. It is anticipated that up to 30 RDF and SRF bales per hour would be generated which would be moved to the external storage area by a telehandler which would not use an audible warning system between 05.00 and 07.00 and 18.00 and 01.00 hours. The acoustic barriers would be 5 metres high on the eastern boundary as a continuation of the existing storage bay wall from the north-eastern corner of the storage bay to the south-eastern corner of the MRF building and a 3 metres high one with a noise absorptive surface facing the MRF building to the north of the air management system and generators adjacent to land to the north of the MRF building. It is therefore proposed that condition 26 be varied to reference the above proposed hours of operation and that condition 17 be varied to reference that noise should not exceed three decibels above the background sound level.
16. It is also noted that as the capping of cells 4, 5 & 8 has now been completed, conditions similar to conditions 2 and 4 of the existing permission are no longer required.
17. No changes are proposed to the approved external lighting details or their hours of use. No changes are proposed to the surface water drainage system. The application is accompanied by a landscape and visual impact assessment which concludes that the proposed variations would have negligible additional adverse effects; due to the existing peripheral vegetation the additional proposed acoustic barriers would be well screened. It is also not considered that there would be any adverse impacts on amenity or the water environment. The SRF and RDF bales are all wrapped in plastic to keep the material dry during storage and the storage is the subject of the detailed conditions of the Environmental Permit issued by the Environment Agency which contains approved schemes with respect to site drainage, fires and firewater management and accidents. It is not considered that the operation of the site to date has led to any problems with pests, odour or significant quantities of dust or litter.
18. The applicant considers that the development as varied is sustainable development which is in accordance with relevant national and local planning policies.

• **Part 2 – Other Viewpoints**

**Third Party Representations**

19. No Third Party Representations have been received.

**Consultation Responses**

20. Cherwell District Council - No objection as local planning authority, environmental health comments awaited.
21. Finmere Parish Council - Comments awaited.
22. Environment Agency - No comments to make.
23. County Council as Lead Local Flood Authority – No objection.
24. Transport Development Control – No objection.
25. HS2: High Speed 2 Rail –No comments received.
26. Natural England - No comments to make..
27. Thames Water - No objection.
28. Oxfordshire Fire and Rescue Service – No adverse comments to this planning application subject to the assumption that as the SRF and RDF packages exist of non-hazardous materials by virtue of them being destined for the Energy From Waste centres. The storage of such materials in an external location will need to be risk assessed and managed appropriately to ensure that the Responsible Person continues to comply with the duties placed upon them by the Regulatory Reform (Fire Safety) Order 2005, as there has been at least one significant fire nationally whereby such baled materials were set alight from an external influence causing a large fire and the associated air pollution that results from such.
29. Ecologist Planner -No objection.
30. County Council Arboricultural officer – No objection.

• **Part 3 - Relevant Planning Documents**

**Relevant Development Plan and other policies (see Policy Annex attached)**

31. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
32. The Development Plan for this area comprises:
- Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP).

- Cherwell Local Plan 1996 (retained policies set out in Appendix 7 to the
  - Cherwell Local Plan 2011-2031 Part 1)(CLP 1996)
  - Cherwell Local Plan 2011-2031 Part 1 (CLP 2031)
33. The Government's National Planning Policy Framework (NPPF) and the National Policy for Waste (NPPW) are material considerations in taking planning decisions.
34. The Draft Oxfordshire Minerals and Waste Local Plan: Core Strategy (OMWCS) was out to consultation until April 2014. It is currently envisaged that the plan will be submitted in late 2015 and independent examination will take place in early 2016. Only after this has taken place could the plan be adopted and form part of the development plan. At a meeting of the full County Council on 24<sup>th</sup> March 2015, the OMWCS was approved for publication and submission to the Secretary of State for independent examination following consideration of any representations received. Therefore, it is appropriate to consider draft policies which are relevant to the development.

### **Relevant Policies**

35. The relevant policies are:  
Cherwell Local Plan 2011-2031 (CLP 2031)
- Policy SLE1 – Employment development
  - Policy ESD13 – Local landscape protection and enhancement
  - Policy ESD15 – Character of the built environment

#### The Cherwell Local Plan retained policies (CLP 1996)

- Policy C28 – Layout, design and external appearance of new development
- Policy ENV1 – Development likely to cause detrimental levels of pollution

#### Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996

- Policy W3 -Recycling facilities
- Policy W4 - Recycling facilities in the open countryside
- Policy W5 - Screening of waste treatment facilities
- Policy PE3 - Buffer zones
- Policy PE18 - Regulation of development through imposition of conditions. Code of Practice

36. Other material considerations:

#### Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document (OMWCS):

- Policy C5 – Local Environment, Amenity and Economy
- Policy C8 – Landscape

- **Part 4 –Analysis and Conclusions**

**Comments of the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning)**

37. The development proposed is essentially to facilitate longer operational hours for the MRF itself and the use of a larger part of the existing concrete yard for the storage of processed SRF and RDF bales prior to their removal from the site. This would facilitate ensuring that the waste delivered on any one day can be processed prior to the commencement of the next day's deliveries and greater on site capacity for storage. There is no proposal to change the overall limitation on the annual throughput of waste from 150,000 tonnes of waste per annum. I consider that the key planning issues are whether the variations proposed would have any unacceptable impacts on the open countryside and landscape and the amenity of the local population.

**Open countryside and Landscape**

38. Policy W4 of the OMWLP states that waste re-use/recycling and ancillary proposals will not normally be permitted in the open countryside unless the development is to form part of a mineral extraction/landfill site which is to be removed on completion of extraction/landfill. Policy W5 of the OMWCS states that amongst other locations, priority will be given to siting waste management facilities on land that is already in a waste management use but that those at land in a temporary use as a mineral or landfill site should be removed before that other use is required to cease. Paragraph 7 of the NPPW states that waste planning authorities should ensure that waste management facilities in themselves are well-designed so that they contribute positively to the character and quality of the area in which they are located.
39. Policy W5 of the OMWLP seeks to see that waste facilities are appropriately screened. Policy C8 of the OMWCS states that proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character and that they shall include measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Policy ESD13 of the CLP 2031 states that development will not normally be permitted if it would cause undue visual intrusion into the open countryside, undue harm to important natural landscape features and topography, be inconsistent with local character and impact on areas judged to have a high level of tranquillity. Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that the layout, design & external appearance are sympathetic to the rural context. Policy ESD15 of the CLP 2031 states that all development will need to meet high design standards and contribute positively to an area's character and identity by creating or reinforcing local distinctiveness .

40. Policy PE18 of the OMWLP and its associated Code of Practice requires applications where appropriate to include a landscaping scheme to screen the proposed development from dwellings, roads, footpaths, recreation areas and important viewpoints. Paragraph 7 of the NPPW states that in determining waste planning applications consideration should be given to the impact on the local environment and on amenity. Appendix B of the NPPW states that locational criteria for waste management facilities should include consideration of design-led solutions to produce acceptable development which respects landscape character.
41. There would be no physical changes to the built development already permitted other than the two acoustic barriers. A larger area of the concreted yard would be used for storage of the SRF and RDF bales. I consider that the site is already well screened by existing vegetation and that these changes would have little or no additional adverse impact on the local landscape character and topography and also that there would be no significant additional and unacceptable impact in the open countryside. I therefore see no conflict with these policies.

### **Amenity**

42. OMWLP policy PE18 states that in determining applications the County Council will have regard to the appropriate provisions in the Code of Practice. This sets out details of measures to protect amenity to dwellings and other noise sensitive buildings and uses, including buffer zones, landscaping, standard hours, noise, dust and odour. Policy C5 of the OMWCS makes similar provision. Policy PE3 states that appropriate buffer zones will be safeguarded around waste disposal sites for protection against unacceptable losses of residential or natural amenity. The related text in paragraph 4.8 of the OMWLP suggests a minimum buffer zone of 100 metres to individual dwellings. OMWLP policy W3 c) of the OMWLP states that proposals for re-use/recycling will normally be permitted provided that it will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic. Policy ENV1 of the CLP 1996 makes similar provision.
43. As set out above, the MRF building and its associated infrastructure is well screened from view by both the existing landfill site and the surrounding vegetation. The nearest residential property lies approximately 300 metres from the proposed development. The handling of waste is carried out within the building other than the storage of the processed materials in the yard. There are external vehicle movements associated with the development and the storage of baled treated waste and recyclates in the external storage area to the south of the MRF building. There are also electrical generators and associated fuel tanks and air management equipment located on the northern side of the proposed MRF. Given the distances involved from the nearest residential properties and the existing screening, I do not consider that there is likely to be any significant adverse visual impact arising from the variations proposed.

44. The applicant has provided a noise assessment which concludes that noise levels would remain at acceptable levels, provided that the proposed acoustic barriers are provided before any operations are carried out between 23.00 and 01.00 hours and between 05.00 and 06.00 hours. Whilst the extended work hours proposed are considerably longer than the standard hours set out in the Code of Practice referenced in OMWLP policy PE18, these hours are a guide only and appropriate hours depend on the circumstances of the individual site. Subject to the comments of the District Environmental Health Officer, I do not consider that there would be an adverse impact from the extended hours of operation and so identified harm which would justify reason for refusal to the application.
45. I also see no reason to conclude that the use of the additional storage area would lead to any odour or dust issues and am not aware that there have been any to date. The control of odour would remain a matter for the Environmental Permitting regime as it is for the landfill site. There is no proposal to use the external lighting beyond the existing permitted operational hours. I also do not consider that the proposed external lighting, which would largely only be required during limited hours in the winter, would have any significant amenity impacts given the screening around the building and distance from the nearest properties.
46. There would be no increase in the maximum amount of waste proposed to be imported to the facility and no use of the access to the public highway by HGVs onto the A421 outside the existing permitted hours. I do not therefore consider that there would be any additional impact on amenity from vehicle movements over and above that which has been previously found to be acceptable.
47. I therefore see no significant conflict with these policies.

### **Other issues**

48. Policy SLE1 supports new employment in rural areas where it is justified and will not cause undue detriment to the locality including through traffic impacts. The extended operational hours would require an additional shift to be worked and so additional employment would be created for six additional staff. I consider that this additional employment should in principle be welcomed. I do not consider that any associated vehicle movements would have any adverse impacts. I therefore consider that the development does not conflict with this policy.
49. The existing permission contains two conditions (2 and 4) which seek to limit the commissioning works for the MRF and it becoming operational until the capping of cells 4, 5 and 8 has been completed. As these works have now been completed, there would no longer be any need for these two conditions to be attached to any new planning permission which may be granted.

**Conclusion**

50. As set out above, I consider that the development is generally in accordance with relevant policies and other material considerations. Subject to no over-riding objections being raised by outstanding consultees and to the conditions being amended as set out in Annex 1, I consider that the application should be approved.

**RECOMMENDATION**

51. **It is RECOMMENDED that subject to no over-riding objections being raised by outstanding consultees, Application MW.0031/15 be approved subject to conditions to be determined by the Deputy Director (Strategy and Infrastructure Planning) but in accordance with those set out in Annex 1.**

BEV HINDLE

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

December 2015

**Proposed Conditions:**

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of the permission.
2. The operators shall notify the County Council as Waste Planning Authority within 3 working days of the date of issue of the commissioning certificate (Taking-Over certificate under the plant supply contract).
3. The acceptance of waste shall cease by 31 December 2020. All buildings, plant and machinery to which this permission relates shall be removed and restoration shall be completed by 31 December 2021.
4. The storage bays shall not be constructed other than in the location shown on drawing no. OP/FI/09-14/18137revB and in accordance with the details set out in the letter dated 06 June 2014 and drawing nos. OP/FI/06-14/17850, 3216-BUNKER WALL Rev P1 and B1.
5. Recyclates (i.e. waste that has been processed in the building other than SRF and RDF and other residues that are going to be landfilled) shall not be stored on site except in the building or in the storage bay unless otherwise approved in writing by the Waste Planning Authority. SRF and RDF shall not be stored at the site except in the building or in the SRF/RDF storage area shown on drawing no. OP/FI/10-15/18921 Figure 3 unless otherwise approved in writing by the Waste Planning Authority. The height of the stockpiles or stacks of RDF, SRF, reclaimed or salvaged materials shall not exceed the height of the walls of the bays.
6. No waste transfer/recycling operations or unloading or deposit of waste shall take place on site outside the confines of the building approved for this purpose. No loose waste materials shall be deposited or stored outside the storage bays or the building.
7. Waste imported to the site that cannot be recycled at the site shall not be taken off-site other than to the land the subject of planning permission 13/00973/CM or any superseding planning permissions provided that it is suitable for deposition on that land.
8. The colour of the external walls of the building shall be Van Dyke Brown and the colour for the roof of the building (excluding the roof lights) and the ventilation stack shall be Olive Green.
9. The maximum height of the ventilation stack shall not exceed 16 metres above ground level as shown on approved drawing no OP/FI/09-



14/18139revB.

10. The storage of any skips on the land shall only be incidental to the recycling use of the site and shall not take place except in accordance with details that have been submitted to and approved in writing by the Waste Planning Authority.
11. Access and egress shall not be taken other than via the existing access to the permitted quarry and landfill site onto and from the A421 and thence via the haul road as shown on drawing no. OP/FI/09-14/18134revB.
12. No loaded vehicles shall leave the site unsheeted except those only carrying recyclates which do not have the potential to give rise to dust.
13. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
14. No development shall take place except in accordance with the approved dust suppression measures specified in document PR/FI/AV/1347/01 unless otherwise approved in writing by the Waste Planning Authority.
15. Between the hours of 07:00 and 18:00 the noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour) freefield at Warren Farm House, Hill Leys, Foxley, Widmore Farm, Boundary Farm or Gravel Farm. Between the hours of 05:00 and 07:00 and 18:00 and 01:00 the rating level (Lar,Tr) arising from the development shall not exceed 3 dB above the background sound level (LA90,1h) when determined in accordance with BS 4142:2014 at Widmore Farm, Warren Farm, Hill Leys, Foxley, Glanwin Meadows, Foxley Fields Farm or Boundary Farm
16. All vehicles, plant and machinery operated within the site shall be fitted with and use effective silencers.
17. The noise emitted at any time from the site shall not contain any discrete continuous note, i.e. whine, hiss, screech, hum etc or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) distinguishable at the locations identified in condition 15.
18. No development shall take place except in accordance with arrangements for ensuring that reversing vehicles do not emit warning noise that would have an adverse impact on residential or rural amenity, as specified in the approved document PR/FI/AV/1347/01 unless otherwise approved in writing by the Waste Planning Authority.
19. Any chemical or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the largest container's total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses.

There must be no drain through the bund floor or walls.

20. Repair, maintenance and refuelling of plant and machinery shall only take place on an impervious surface drained to an interceptor.
21. The operation of the MRF shall not take place other than in accordance with the approved external lighting details set out in the letter dated 15 January 2015 and Drawing no. 3201-002 Rev P1 (Appendix A to the letter dated 20 October 2015) and no other external lighting shall be installed except in accordance with the approved details unless otherwise approved in writing by the Waste Planning Authority. The approved details shall be implemented for the life of the site
22. Any external lights shall not be illuminated between the hours of 18.00 to 7.00 Monday to Friday and 13.00 to 7.00 Saturday and at no time on Sunday or National Holidays (save for security lighting activated by unauthorised entry by persons or vehicles).
23. The existing trees, bushes and hedgerows in Finmere Plantation to the north of the MRF site and the green lane feature to the east of the MRF site, as shown on approved plan M04.134.14 Revision A, shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Waste Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased shall be replaced with trees or bushes of such size and species as may be specified by the Waste Planning Authority in the planting season immediately following any such occurrences. The new hedgerow and woodland planting shown on on approved plan M04.134.14 Revision A is not required to be carried out.
24. Except for plant maintenance and emergencies no operations authorised by this permission, including vehicles entering or leaving the site, shall take place except between the following times:

Deliveries of waste to the MRF and the export of SRF, RDF and recyclates from the MRF:

07:00 to 18:00 Mondays to Fridays

07:00 to 13:00 Saturdays;

Operation of the MRF solely for the commercial and industrial waste processing operations to be carried out and storage of processed materials (without acoustic barriers shown on drawing no. OP/FI/10-15/18921):

06:00 to 23:00 Mondays to Fridays

07:00 to 13:00 Saturdays;

Operation of the MRF solely for the commercial and industrial waste processing operations to be carried out and storage of processed materials (with acoustic barriers shown on drawing no. OP/FI/10-15/18921):

05:00 to 01:00 Mondays to Fridays and from 00:00 to 01:00 on Saturdays  
07:00 to 13:00 Saturdays;

Except for plant maintenance and emergencies no operations shall take place on Sundays or Bank or Public Holidays unless otherwise approved in writing by the Waste Planning Authority.

25. The site shall be restored in accordance with approved drawing PR/FI/09-10/15770 and aftercare shall take place in accordance with conditions 24, 25, 26 and 27 of planning permission 13/00973/CM or equivalent conditions in any superseding planning permissions.
26. The annual throughput of waste shall not exceed 150,000 tonnes per annum. Records shall be maintained of all inputs of waste. The records shall be held on site for inspection. Records of inputs of waste to the development shall be forwarded to the Waste Planning Authority quarterly.
27. No further steps shall be taken to implement or operate the recycling facility for inert wastes permitted under planning permission 00/01480/CM.

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service. Any issues which occurred during the processing of the application were discussed with and clarified with the applicant.

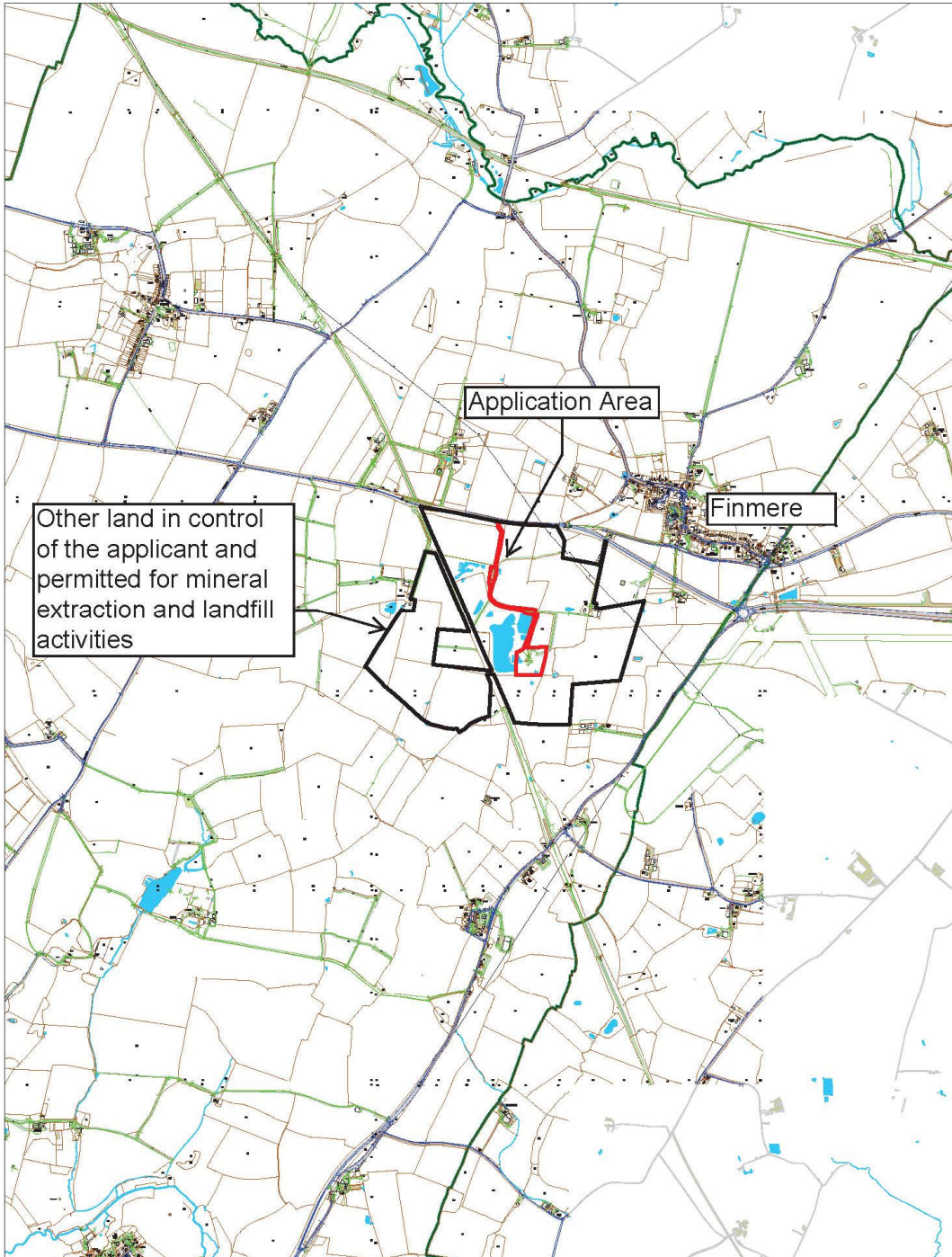
**European Protected Species**

The Waste Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & 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 a 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.

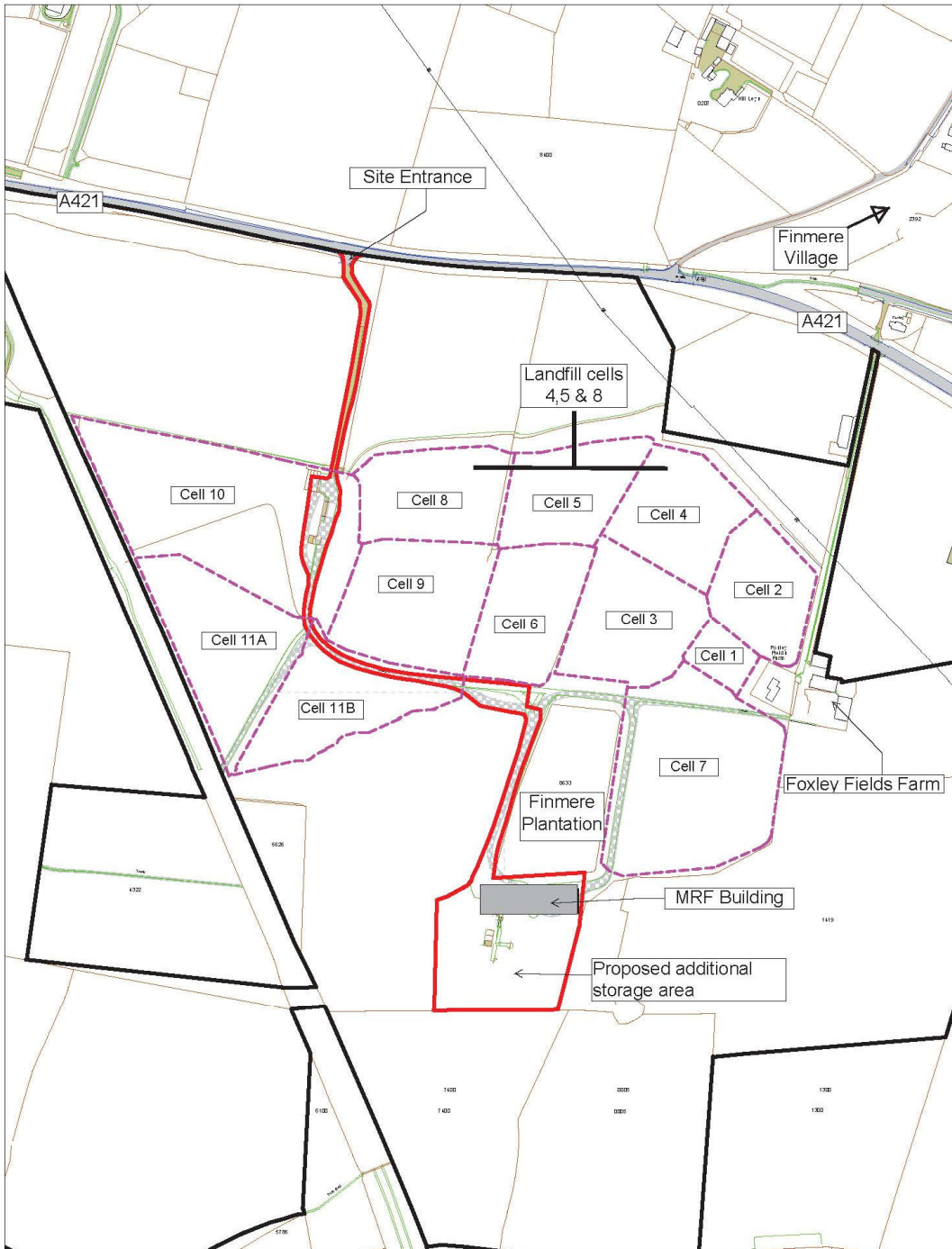
Our records and the habitat on the proposed development site indicate that European Protected Species are unlikely to be present on site or affected by the proposals. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Plan 1 -  
MW.0139/15



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found on the e-planning website using reference MW.0139/15

Plan 2 -  
MW.0139/15



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## PLANNING & REGULATION COMMITTEE 11 JANUARY 2016

### POLICY ANNEX (RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES)

#### Oxfordshire Minerals and Waste Local Plan 1996 – Saved Policies (OMWLP):

##### POLICY W3: RECYCLING FACILITIES

Proposals for re-use/recycling will normally be permitted provided that:

- (a) the site is close to the source of the waste and/or the market for the re-used/recycled material;
- (b) the site is well related to appropriate parts of the transport network, and located where the number and length of motorised journeys is likely to be minimised;
- (c) the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic;
- (d) the proposal will not pose an unacceptable risk to the water environment;
- (e) the proposal does not conflict with Structure and Local Plan policies.

##### POLICY W4: RECYCLING FACILITIES IN THE OPEN COUNTRYSIDE

Proposals for re-use/recycling and ancillary processes will not normally be permitted in the open countryside unless:

- (a) there is an established overriding need and there is no other suitable site available and/or;
- (b) the development is to form part of a mineral extraction/landfill site and will be removed on completion of extraction/landfill.

##### POLICY W5: SCREENING OF WASTE TREATMENT FACILITIES

In all cases waste treatment plant, buildings, machinery and stockpiles must be properly screened from the surrounding landscape. Such screening – by landscaping or other means – should be in place before any waste stockpiling or treatment begins.

##### POLICY PE3: BUFFER ZONES

Appropriate buffer zones will be safeguarded around mineral working or waste disposal sites for protection against unacceptable losses of residential or natural amenity.

##### POLICY PE18: REGULATION OF DEVELOPMENT THROUGH IMPOSITION OF CONDITIONS. CODE OF PRACTICE

In determining applications covered by this Plan the County Council will:

- (a) have regard to the appropriate provisions of the Code of Practice in Annex 1, which is part of this Plan; and
- (b) regulate and control development by the imposition of conditions on the grant of permission. Where this cannot satisfactorily be done, appropriate planning obligations will be sought.

**Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document (OMWCS):**

**POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY**

Proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on:

- the local environment;
- human health and safety;
- residential amenity and other sensitive receptors; and
- the local economy;

including from:

- noise;
- dust;
- visual intrusion;
- light pollution;
- traffic;
- air quality;
- odour;
- vermin;
- birds;
- litter;
- mud on the road;
- vibration;
- surface or ground contamination;
- tip and quarry-slope stability;
- differential settlement of quarry backfill;
- subsidence; and
- the cumulative impact of development.

Where necessary, appropriate separation distances or buffer zones between minerals and waste developments and occupied residential property or other sensitive receptors and/or other mitigation measures will be required, as determined on a site-specific, case-by-case basis.

**POLICY C8: LANDSCAPE**

Proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping.



Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and high priority will be given to the enhancement of their natural beauty. Proposals for minerals and waste development within an AONB or that would significantly affect an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. Major developments within AONBs will not be permitted except where it can be demonstrated they are in the public interest. Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

Where adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts.

### **Cherwell Local Plan 2011-2031**

#### **POLICY SLE 1: EMPLOYMENT DEVELOPMENT**

Employment development on new sites allocated in this Plan will be the type of employment development specified within each site policy in Section C 'Policies for Cherwell's Places'. Other types of employment development (B Use class) will be considered in conjunction with the use(s) set out if it makes the site viable.

In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:

- the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term
- the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable
- the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.

Regard will be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.

Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.

Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations. New dwellings will not be permitted within employment sites except where this is in accordance with specific site proposals set out in this Local Plan.

Employment proposals at Banbury, Bicester and Kidlington will be supported if they meet the following criteria:

- Are within the built up limits of the settlement unless on an allocated site.
- They will be outside of the Green Belt, unless very special circumstances can be demonstrated.
- Make efficient use of previously-developed land wherever possible.
- Make efficient use of existing and underused sites and premises increasing the intensity of use on sites.
- Have good access, or can be made to have good access, by public transport and other sustainable modes.
- Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of sites surroundings.
- Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment.

Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1).

New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:

- They will be outside of the Green Belt, unless very special circumstances can be demonstrated.
- Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.
- They will be designed to very high standards using sustainable construction, and be of an appropriate scale and respect the character of villages and the surroundings.
- They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.
- The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).
- The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.
- There are no suitable available plots or premises within existing nearby employment sites in the rural areas.

The Local Plan has an urban focus. With the potential for increased travel by private car by workers and other environmental impacts, justification for employment development on new sites in the rural areas will need to be provided. This should include an applicant demonstrating a need for and benefits of employment in the particular location proposed and explaining why the proposed development should not be located at the towns, close to the proposed labour supply.

Monitoring and review will be undertaken regularly.

Extensions to existing employment sites will be considered in the Local Plan Part 2.

#### POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT

Opportunities will be sought 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 or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

#### POLICY ESD 15: THE CHARACTER OF THE BUILT AND HISTORIC ENVIRONMENT

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions.
- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity.

- Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting.
- Conserve, sustain and enhance designated and non designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage’s At Risk Register, into appropriate use will be encouraged.
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.
- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette.
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features.
- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed.
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation.
- Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout.
- Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1-5 on climate change and renewable energy).
- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17

Green Infrastructure). Well designed landscape scheme should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality.

- Use locally sourced sustainable materials where possible.

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site.

### **The Cherwell Local Plan retained policies (CLP 1996)**

#### **POLICY C28: LAYOUT, DESIGN AND EXTERNAL APPEARANCE OF NEW DEVELOPMENT**

Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

#### **POLICY ENV1: AMENITY**

Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

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