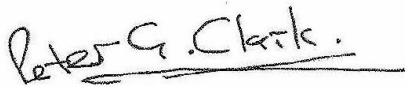


To: Members of the Planning & Regulation Committee

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

Monday, 7 March 2011 at 2.00 pm

County Hall, New Road, Oxford



Peter G. Clark
County Solicitor

February 2011

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

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.

Membership

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

Councillors

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

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

John Sanders
Don Seale
John Tanner

Notes:

- **Date of next meeting: 11 April 2011**

Declarations of Interest

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

The duty to declare ...

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

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

Whose interests are included ...

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

When and what to declare ...

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

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

Taking part if you have an interest ...

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

"Prejudicial" interests ...

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

What to do if your interest is prejudicial ...

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

Exceptions ...

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

Seeking Advice ...

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

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

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 10)

To approve the minutes of the meeting held on 6 December 2010 and to receive for information any matters arising therefrom.

4. **Petitions and Public Address**
5. **Construction and use of a digestate slurry lagoon, land at Worton Farm, Yarnton** (Pages 11 - 26)

Report by Deputy Director for Environment & Economy (Growth & Infrastructure) **(PN5)**

This is an application to construct a slurry lagoon to store the digestate produced from the Anaerobic Digestion (AD) plant at Worton Farm near Yarnton. The AD facility has been receiving waste since September 2010 and it is now fully operational. The plant is generating the digestate product which can be used as fertiliser in agricultural fields. Outlets for material are in the process of being secured but there is still a need to secure a lagoon to capture the quantities of digestate produced as a result of the AD process. The slurry lagoon measures approximately 170m in length and 60m in width at its widest edge. 2.4 metre high security fencing is proposed around the perimeter of the lagoon which has an approximate total volume of 26,800m³ with an anticipated digestate capacity of 22,000m³.

The report outlines the consultation responses received, comments from third parties, relevant Development Plan and other policies and key considerations for the Committee to take account in determining the application together with the views and recommendation of the Deputy Director for Environment & Economy (Growth & Infrastructure).

It is RECOMMENDED subject to a legal agreement to secure a contribution of £17,746 to the public access/pedestrian/cycle routes that planning permission be granted for the development proposed in Application 10/01852/CM subject to conditions to be determined by the Deputy Director for environment & Economy (Growth & Infrastructure) but to include the matters set out below.

Conditions to include:

1. **Compliance condition.**
2. **Commencement date.**
3. **Site used for digestate slurry from the AD plant only.**

4. ***Floodlighting details, only intruder lighting out of hours.***
5. ***Development to be carried out in accordance with submitted planting scheme.***
6. ***Bund and fencing to be erected in accordance with agreed plan***
7. ***Effective silencers.***
8. ***Site signage on A40 to be kept to a minimum.***
9. ***Sweeping on and adjacent to the site.***
10. ***Odour Control scheme to be submitted and agreed (to include temporary cessation of pumping if required).***
11. ***Sustainable surface water drainage scheme to be submitted.***

EIA Informative: for flood risk and water courses, environmental permit, contamination and hydrology.

6. **Continuation of the winning and working of sand and gravel with restoration using suitable imported materials without complying with the requirements of condition 2 in order to extend the time period for extraction until December 2015 and the time period for restoration until December 2017 to allow sufficient time for the working of material from beneath the plant site at Cassington Quarry, Worton, Witney (Pages 27 - 40)**

Report by Assistant Director of Environment & Economy (Growth & Infrastructure) (PN6)

This is an application to continue the existing sand and gravel operation at Cassington Quarry for another 5 years until December 2015 and restoration by 2017. This is to allow sufficient time for the working of material from beneath the plant site and to retain the processing plant for the same period. The proposed extraction area is approximately 12 hectares which would provide about 380,000 tonnes of mineral. Restoration of the site would be to a lake suitable for angling, in accordance with the previously approved scheme.

The report outlines the consultation responses received, comments from third parties, relevant Development Plan and other policies and key considerations for the Committee to take account in determining the application together with the views and recommendation of the Deputy Director for Environment & Economy (Growth & Infrastructure).

It is RECOMMENDED that planning permission be granted for Application 10/01929/CM subject to those heads of conditions set out in planning permission W2001/1729 and 02/00602/CM together with additional heads of conditions numbers 6 and 10 as set out in Annex 1 to the report except that condition 2 should now read 'Except with the express written consent of the Mineral Planning Authority: (a) No excavations shall be undertaken or continued after 31 December 2015; (b) all restoration shall be carried out and completed not later than 31 December 2017'.

7. Relevant Development Plan and other Policies (Pages 41 - 48)

This paper sets out policies referred to in Items 5 and 6 above and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 7 March 2011** at **12.30 pm** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 6 December 2010 commencing at 2.00 pm and finishing at 3.22 am

Present:

Voting Members:

Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)

Councillor Alan Armitage

Councillor Tony Crabbe

Councillor Jenny Hannaby

Councillor Peter Jones

Councillor Lorraine Lindsay-Gale

Councillor Charles Mathew (In place of Councillor Ray Jelf)

Councillor David Nimmo-Smith

Councillor Neil Owen

Councillor G.A. Reynolds

Councillor Rodney Rose (In place of Councillor Mrs Anda Fitzgerald-O'Connor)

Councillor John Sanders

Councillor Don Seale

Councillor John Tanner

Officers:

Whole of meeting

G. Warrington and R. Hanson (Law & Governance)

R. Dance and D. Groves (Environment & Economy)

Part of meeting

Agenda Item

Officer Attending

5

J. Hamilton (Environment & Economy)

6

M. Thompson (Environment & Economy)

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

46/10 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Councillor Ray Jelf

Councillor Charles Mathew

Councillor Anda Fitzgerald O'Connor

Councillor Rodney Rose

47/10 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor	Item	Interest
Councillor Mrs C Fulljames	3. Minutes (Minute 45/10 Energy from Waste Facility, Ardley)	Personal and prejudicial. Member of Cherwell District Council but had taken no part in any planning decision. However, she had accepted on the advice of legal officers that she had a personal and prejudicial interest by reason of proximity. She had declared this interest again in the event that there was any substantive discussion under matters arising on the minutes.
Councillor Jenny Hannaby	9. Supergas Industrial Estate Witney – Application 10/1451/P/CM	Personal. Member of the Oxfordshire Waste Partnership. She advised that she had not expressed an opinion on this application in that capacity and therefore intended to participate in any discussion and voting thereon.
Councillor Steve Hayward	9. Supergas Industrial Estate Witney – Application 10/1451/P/CM	Personal & Prejudicial. Chairman of West Oxfordshire District Council's Environmental Scrutiny Committee. He advised that he intended to vacate the Chair and leave the meeting for the duration of the item.

48/10 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 25 October 2010 were approved and signed.

Update on Revocation of Regional Spatial Strategies

Mr Dance advised the Committee on the latest position regarding the decision of the High Court to quash the revocation by the Secretary of State for Communities and Local Government of the Regional Spatial Strategies, and the challenge by Cala Homes regarding the Secretary of State’s letter describing the government’s intention to revoke the RSSs as a material consideration. Pending a decision on that challenge it was important that the Committee gave due weight to the South East Plan when considering applications before it.

Minute 43/10 – Ashgrove Farm, Ardley

Following advice from Councillor Mrs Fulljames regarding ongoing odour issues at this site officers advised that the operators Agrivert had confirmed that the Cassington operation was now up and running and would eventually take all food waste which was currently being processed at Ashgrove Farm. That transfer of operation was ongoing but they expected the situation at Ashgrove Farm to improve within a few weeks. Officers would continue to monitor the situation.

Minute 45/10 – Energy from Waste Facility, Ardley

Mr Dance advised that a decision was expected from the Secretary of State by 15 December 2010 on whether or not this application would be called in.

Dix Pit

Mr Dance advised that Controlled Reclamation Ltd had appealed a decision by the Planning & Regulation Committee taken in September 2009 to refuse an application at Dix Pit for installation and use of processing plant for making recycled aggregate from construction and demolition waste. The appeal had since been considered by an Inspector but no decision had yet been issued. It was conceivable that a judgment had been delayed due to the challenge to the government’s proposals to revoke the South East Plan. Officers also advised that they had that day written to the operator asking them to cease stockpiling material on the site.

49/10 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
5. Finmere Quarry Landfill) Mike Kerford-Byrnes) Guy Titman
6. Supergas Industrial Estate Witney	Carlo Criscuolo

50/10 FINMERE QUARRY LANDFILL

(Agenda No. 5)

In 2007 the Committee had granted permission for two applications at Finmere Quarry with conditions attached requiring a start date within three years. Neither

permission had yet been implemented. In November 2010 consent had been granted under delegated powers to extend the period for commencement and the Committee were now being asked to extend the end date of the existing permissions.

Mr Kerford-Byrnes referred to the long history of problems at this site. A further extension would mean residents having to endure yet further intrusive operations at this site with restoration put back many years. He considered the proposal contrary to Policy W7 and urged the Committee to refuse the applications.

Guy Titman stated that the extensions were required because of delays in implementation due to unexpected economic conditions and complications with land ownership. The only change being sought to the original permission was the end date for each. Many of the statutory consultees had not objected and Policy W7, referred to by Mr Kerford-Byrnes was not relevant. There was a need for sand and gravel in order to meet Oxfordshire's current landbank requirement and he urged the Committee to approve the application.

He responded to questions from:

Councillor Seale – restoration of the sand and gravel site would be to agriculture, wetlands and woodland and the clay extraction site to agriculture.

Councillor Sanders – refusal could jeopardise restoration. The applicant had wanted to complete the work within the originally agreed timescales but had not foreseen the economic downturn or problems of land ownership. He could not guarantee that there would be no further applications for extensions.

Councillor Mathew – the economic downturn could not have been foreseen and if the permission for sand and gravel extraction had lapsed a valuable mineral resource would have been lost. Land ownership complications had affected renegotiation of the contract.

Councillor Mrs Fulljames referred to the long history of non-compliance at this site and advised that she would not be supporting the applications.

Councillor Mathew considered the reasons given for the delay were ultimately commercial risks and did not in themselves justify changes to the original conditions.

Councillor Tanner considered that there were no planning reasons sufficient to warrant refusal of the applications and he moved and Councillor Hannaby seconded that the recommendations as set out in the officer report be approved.

The motion was put to the Committee and –

RESOLVED (by 11 votes to 3) that:

- (a) that planning permission for Application 10/01516/CM be granted subject to the same conditions attached to the earlier consents and covering the following matters:

- (1) Detailed compliance condition;
- (2) Commencement date – 3 years (October 2012);
- (3) Extraction to cease by 2016 and deposit of waste by 2018;
- (4) Extraction limited to sand and gravel and no clay extraction;
- (5) Removal of buildings, plants and machinery within 1 year of cessation of mineral working;
- (6) No commencement of mineral extraction until approved pre-development works including diversion of Bridleway 4 had been carried out;
- (7) No construction of silt pond except in accordance with the approved plan;
- (8) Display of copy of the permission and approved plans in the operator's office;
- (9) No importation of aggregate to the site except from the adjacent permitted land;
- (10) Restriction of permitted development rights;
- (11) Carrying out of operation according to agreed operating hours;
- (12) Use of access according to approved plans;
- (13) No mud on the public highway;
- (14) Carrying out of development in accordance with approved wheelwash system;
- (15) No development should take place except in accordance with approved dust suppression measures;
- (16) Limitation on noise level (to agreed level);
- (17) Effective silencers to be provided on plant, machinery and vehicles;
- (18) Noise emitted from the site should not contain any discrete continuous noise;
- (19) Reversing vehicles should not emit warning noise that might have adverse impacts on neighbours or properties;
- (20) Chemical or fuel storage containers to be sited on impervious surface with bund walls;
- (21) Repair, maintenance and refuelling of plant and machinery to take place on an impervious surface drained to an interceptor;
- (22) No permanent dewatering of the Great Oolite Series aquifer. Temporary dewatering should not take place except in accordance with an approved scheme;
- (23) No external lighting to be installed at the site except in accordance with an approved scheme;
- (24) No development to take place until the developer had secured implementation of a programme of archaeological investigation;
- (25) No removal of trees or hedgerows to take place between 1 March and 31 August inclusive in any year;
- (26) Mitigation measures for protected species according to approved scheme;
- (27) No removal of trees containing bat roosts;
- (28) Straw bales to be erected according to approved restoration plan;
- (29) All disturbed areas of the site and all topsoil, soil making material and overburden mounds to be kept free from agricultural weeds;
- (30) Temporary soil storage bunds to be grass seeded;

- (31)** All topsoil and subsoil to be permanently retained on site and used in restoration;
 - (32)** Topsoil, subsoil and soil making material to be stripped in a dry and friable condition;
 - (33)** Soil handling, storage and placement to be carried out in accordance with the approved scheme;
 - (34)** Temporary soil storage bunds should not exceed 5 metres in height;
 - (35)** Restoration to be completed only in accordance with the approved restoration scheme;
 - (36)** Detail of planting for grassland restoration area to be agreed;
 - (37)** An aftercare scheme to be submitted within 5 years of the permission;
 - (38)** Operator to provide a detailed annual aftercare programme before 31 March of every year during the aftercare period;
 - (39)** Operator to arrange a site meeting before 31 March of every year during the aftercare period;
 - (40)** No deposit of waste other than inert waste.
- (b) that planning permission for Application 10/01515/CM be granted subject to the same conditions attached to the earlier consents and covering the following matters:
- (1)** Detailed compliance condition;
 - (2)** Commencement date – 3 years (October 2012);
 - (3)** Extraction to cease by 2017, deposit of waste to cease by 2018 and restoration to be completed by 2019;
 - (4)** Display of copy of the permission and approved plans in the operator's office;
 - (5)** Mineral excavated from the site not to be transported on to the public highway;
 - (6)** No quarry rejects materials to be imported to the site except from the permitted area;
 - (7)** No stockpiling of clay on site;
 - (8)** No soil stripping until Bridleway 7 had been temporarily diverted;
 - (9)** Restriction of permitted development rights;
 - (10)** Carrying out of operation according to agreed operating hours;
 - (11)** No extraction of mineral below the approved level;
 - (12)** Use of access according to approved plans;
 - (13)** Provision of a site access road before commencement of soil stripping;
 - (14)** Water bowser to be used to eliminate visible dust;
 - (15)** Limitation on noise level (to agreed level);
 - (16)** Effective silencers to be provided on plant, machinery and vehicles;
 - (17)** Noise emitted from the site should not contain any discrete continuous noise;
 - (18)** Reversing vehicles should not emit warning noise that might have adverse impacts on neighbours or properties;
 - (19)** Chemical or fuel storage containers to be sited on impervious surface with bund walls;
 - (20)** Repair, maintenance and refuelling of plant and machinery to take place on an impervious surface drained to an interceptor;

- (21) Clay to be retained at the base of any extraction of at least 1 metre thickness;
- (22) No permanent dewatering of the Great Oolite Series aquifer. Temporary dewatering should not take place except in accordance with an approved scheme;
- (23) No external lighting to be installed at the site except in accordance with an approved scheme;
- (24) No development to take place in phase 2 until the developer had secured the implementation of a programme of archaeological investigation;
- (25) No removal of trees or hedgerows to take place between 1 March and 31 August inclusive in any year;
- (26) No removal of trees containing bat roosts;
- (27) All disturbed areas of the site and all topsoil, soil making material and overburden mounds to be kept free from agricultural weeds;
- (28) Temporary soil storage bunds to be grass seeded;
- (29) Straw bales to be erected according to approved restoration plan;
- (30) All topsoil and subsoil to be permanently retained on site and used in restoration;
- (31) Topsoil, subsoil and soil making material to be stripped in a dry and friable condition;
- (32) Soil handling, storage and placement to be carried out in accordance with the approved scheme;
- (33) Temporary soil storage bunds should not exceed 5 metres in height;
- (34) Restoration to be completed only in accordance with the approved restoration scheme;
- (35) Detail of planting restoration area to be agreed;
- (36) An aftercare scheme to be submitted within 5 years of the permission;
- (37) Operator to provide a detailed annual aftercare programme before 31 March of every year during the aftercare period.
- (38) Operator to arrange a site meeting before 31 March of every year during the aftercare period.

51/10 SUPERGAS INDUSTRIAL ESTATE WITNEY - APPLICATION 10/1451/P/CM
(Agenda No. 6)

The Committee considered an application for a recycling depot on the Downs Road industrial site in Witney.

The Chairman vacated the Chair and left the meeting for the duration of the item. Councillor Mrs Fulljames took the Chair.

Mr Criscuolo commended the proposal to the Committee. The site had been selected on grounds of proximity to markets, suitability of the adjacent road network and the surrounding industrial site. The applicants had undertaken extensive noise, odour and vermin control measures. This proposal would also afford some control over vehicle movements as the site currently had permission for parked vehicles with no control limits. The applicant currently operated 13 other sites and had extensive expertise in this field of operations which would enable more waste to be diverted from landfill and offer local employment opportunities.

He responded to questions from:

Councillor Armitage – food waste would not be collected and taken to processing sites separately but would be delivered to the Downs Road site, transferred to one large vehicle and taken from there to a processing site on a generally daily basis.

Councillor Seale – the development would allow waste collected within West Oxfordshire to be dealt with within the district and the contract was solely for West Oxfordshire.

Councillor Mrs Fulljames – food waste containers would be sealed and collected daily. This would help eliminate odour problems. The applicant would if necessary spray the containers with industrial deodorizers.

Councillor Owen then moved and Councillor Armitage seconded that the recommendation as set out in the addenda sheet be approved.

Following discussion regarding vehicle reversing systems officers undertook to explore the scope to achieve low noise lorry reversing warnings whilst meeting health and safety standards, and to include if possible appropriate control through a condition.

Councillor Crabbe then moved an amendment to add the following condition: subject to a reasonable weekly limit of vehicle movements to be agreed with the developer.

The amendment, seconded by Councillor Mathew was put to the Committee and lost by 8 votes to 5.

The original motion was then put to the Committee and –

RESOLVED (by 12 votes to 1, with one abstention) that subject to a routeing agreement to ensure that vehicles collecting material from the site must not use the B4477 to access the A40 and should turn left out of the site and left on the B4047 and onto the A40 and waste collection vehicles delivering to the site must not use the B4477 for any other purpose other than to collect from properties in and immediately adjacent to Minster Lovell village and not as a through route or short cut the development described in application 10/1451/P/CM be approved subject to conditions to be determined by the Deputy Director (Growth & Infrastructure) to cover matters to include the following:

1. Development in complete accordance with plans and details
2. Development to commence within 3 years
3. Submission, approval and implementation of surface water drainage scheme
4. Submission, approval and implementation of a scheme including:
identification of potential contaminants, site investigation, detailed risk assessment, remediation strategy and verification plan including monitoring, maintenance and contingency

- 5. Operating hours (Mon-Fri waste operations 07.00-18.00 and vehicle movements 05.00-19.00, no Saturdays, Sundays or Bank Holidays except Saturdays immediately following bank holidays, hours as for Mon-Fri)
- 6. Noise rating level from all site operations should not exceed the background noise level
- 7. Noise monitoring to be undertaken
- 8. Odour management plan to be submitted and agreed
- 9. Pest management plan to control insects and vermin to be submitted and agreed
- 10. Site lighting in accordance with an agreed plan
- 11. Layout as approved
- 12. Glass tipping operations only in area indicated
- 13. Detailed elevations to be submitted and approved including details of materials

..... in the Chair

Date of signing

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PN5

Division: Kidlington and Yarnton

Contact Officer: Taufiq Islam (mohammad.islam@oxfordshire.gov.uk)

Tel: 01865 815884

PLANNING & REGULATION COMMITTEE – 7 MARCH 2011

CONSTRUCTION AND USE OF A DIGESTATE SLURRY LAGOON

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

Location: Worton Farms, Yarnton

Applicant: Agrivert Ltd.

Application No: 10/01852/CM

District Council Area: Cherwell

Introduction

1. This application from Agrivert Limited proposes to construct a slurry lagoon to store the digestate produced from the Anaerobic Digestion (AD) plant at Worton Farm near Yarnton. The AD facility has been receiving waste since September 2010 and it is now fully operational. The plant is generating the digestate product which can be used as fertiliser in agricultural fields. Outlets for material are in the process of being secured but there is in any event a need to secure a lagoon to capture the quantities of digestate produced as a result of the AD process. The applicant has already commenced work on the construction of the lagoon although it is not yet being used for slurry storage.

Location

2. The application site is located 500 metres (0.3 miles) north of the A40, approximately 3 kilometres (1.9 miles) west of Oxford, 1 kilometre (0.6 miles) east of Cassington and 600 metres (0.4 miles) south west of Yarnton.

The Site and its Setting (See plan 1)

3. The application site is located in the Oxford Green Belt and comprises an area of former quarry land which is to the north of the AD plant. The proposed site is 1.44 hectares in size.

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4. The site is located just over 100 metres south of the mainline railway from Oxford to Banbury. The existing facility forms part of a larger waste management complex which includes construction and demolition waste recycling, skip waste recycling (M&M Skip Hire Company). Much of the surrounding area to the south has been worked for sand and gravel and now comprises lakes. There is a sand and gravel processing plant abutting the site to the south-east (also subject of proposal to this Committee). The waste management complex is accessed by a metalled haul road which provides a left on left off access onto the A40.
5. The nearest dwellings are Rectory Cottages on the eastern side of Worton village, approximately 400 metres to the west of the site and Yarnton Manor House, approximately 400 metres to the north east.
6. Pixey and Yarnton Meads and Cassington Meadows lie 550 metres south of the application site. These sites are designated as Special Areas of Conservation.
7. Yarnton Footpath No. 5 passes immediately to the north of the site.

Details of the Development

8. The applicant is seeking permanent planning permission. The site for the slurry lagoon is located on land that was previously used for the extraction of sand and gravel by Hanson Aggregates Ltd. That permission requires the land to be restored by the end of 2012.
9. The slurry lagoon has already been substantially built. Construction involved the excavation of silty sand materials to a depth of 0.45m below existing ground levels which has produced approximately 4,000m³ of material. This excavated material has been stored in bunds around the lagoon. A further 1500m³ of material has been imported to complete construction of the lagoon banks.
10. The slurry lagoon measures approximately 170m in length and 60m in width at its widest edge and stands 4 metres above ground. 2.4 metre high security fencing is proposed around the perimeter of the lagoon. There would be an access gate alongside the inlet and outlet pipes.
11. It is proposed that digestate be pumped from the existing AD facility some 200m to the south-east of the lagoon site via a sealed pipe. During the spreading season the digestate would be collected in tankers and taken to neighbouring farms to be spread as a fertiliser. The lagoon would be lined with a 2.5mm high-density polyethylene (HDPE) liner which would prevent leakage into the ground.

12. The slurry lagoon has an approximate total volume of 26,800m³ with an anticipated digestate capacity of 22,000m³.
13. The applicant originally intended to take the digestate slurry out of the AD plant site to nearby farm lagoons from which it would be spread over farm land at intervals. However, Agrivert have failed to secure the necessary lagoons from the local farmers.
14. Agrivert have since acquired farmland of their own just to the north of the Yarnton/Cassington Road which has off road access from the lagoon site and their intention now is that this land should take a substantial proportion of the slurry which would be transported direct from the lagoon.

Traffic and Access

15. A third of the digestate produced by the AD plant would be taken directly from the lagoon to fields north of the Yarnton Road via an existing farm track. The remaining two-thirds of the material would be transported from the lagoon to neighbouring farms via the existing haul road. The proposal would not lead to any increases in HGV traffic. The applicant states that the vehicles would not pass through Yarnton Village.
16. Access to the digestate is expected to take place at irregular intervals and therefore no working hours are proposed. Agricultural access would take place during the early mornings or late evenings during the spreading season.

Assessment of Environmental Impacts

17. The applicant has identified the main potential environmental impacts as visual, odour, noise, dust and has proposed mitigation measures for each impact.
18. Odour
 - The application explains that the product to be stored in the lagoon is material that would first be digested for some 70 days and then stored in sealed containers for a further 60 days as part of the digestion process. During this period it is consistently heated and then agitated and macerated. The purpose of this process is to ensure that digestate breaks down volatile fatty acids and all of the gas potential is released from the digestate before it is taken to the lagoon. The applicant asserts that because of this extended process the digestate at the end of the process would be largely inert and low in odour.
 - Prior to being pumped to the lagoon the digestate would be held in a storage tank where it cools. The cooling of the digestate reduces the

propensity for any remaining odours to become airborne and thus emit odour.

- Prior to the product being sent to the lagoon the digestate would be periodically tested to ensure it meets the requirements of PAS110 (a publicly available standard that regulates the output specification for digestate). Part of the PAS110 criteria is to ensure that the product has a low respiration potential and is therefore classified as a stabilised and, by definition, low odour product.
- The design of the lagoon would mean that the reservoir would sit a minimum of 750mm below the top of the bund. This design is intended to reduce wind strip and odour emissions from the reservoir.
- The applicant states that he would ensure that the digestate always received the maximum digestion time in the AD plant.

19. Noise and dust

- The applicant states that the potential for noise and dust impacts relating to this development were negligible.
- There are already mitigation measures which have been in use for the other site operations, such as the M&M site and AD plant site, near to the lagoon site. The same measures would be applied to this component of the facility.

20. Landscape and Visual Impact

- The applicant has undertaken a landscape appraisal.
- The landscape appraisal argues that the site is well screened from the wider landscape and that the proposal would give rise to very little and localised visual impact. The appraisal indicates that the only views of the site would be from Yarnton Footpath No. 5 which borders the site to the north. The appraisal recommends planting of a hedgerow with occasional tree planting along the western, northern and eastern boundaries of the lagoon. These recommendations have been included with the proposal.

21. Flood Risk Assessment

- A flood risk assessment (FRA) has been undertaken because part of the lagoon boundary is in Zone 2 of the designated flood plain.
- The FRA recommends that the lagoon should be made capable of accommodating 0.4 metres of rainfall storage. In addition, to compensate for the minor reduction in flood plain storage, a swale feature has been incorporated into the design adjacent to the southern

boundary of the lagoon. The assessment concludes that the development would not adversely impact on flooding.

Consultation Responses and Representations

Cassington Parish Council

22. No response has been received.

Yarnton Parish Council

23. Raise no objection to the proposal. They consider that should any noxious smells be reported, this should lead to cessation of pumping of slurry into the lagoon and a further meeting with the Council and applicant would be required to decide how to rectify the problem.

Cherwell District Council

24. The District Council have raised an objection on the grounds that the development constitutes inappropriate development in the Green Belt affecting its openness and therefore contrary to PPG2, South East Plan policy CO4 and Cherwell Local Plan policy GB1. They also raise concern about odour generation; impact on the adjacent water bodies given their wildlife value and suggest planting to mitigate any loss of habitat. They identify that there may be protected species on site, so precautions should be taken to ensure that they are not harmed.
25. They say that consideration will need to be given to whether the very special circumstances outlined in the application outweigh the harm to the Green Belt.

Natural England

26. No objection to the proposal subject to conditions to ensure that – a) the lagoon will not seep into the ground and contaminate groundwater and b) the lagoon will not flood.
27. The site is in close proximity to a local wildlife site. Recommend that the county ecologist and/or local Wildlife Trust be contacted.

Environment Agency

28. No objection subject to a condition requiring submission of a surface water drainage scheme for the site.

Oxford Green Belt Network

29. Object on the following grounds:

- The proposal would reduce the openness of the Green Belt and therefore seems inappropriate in the Green Belt.
- Restoration of this land to agriculture is required to be carried out according to the scheme agreed as a part of the sand and gravel extraction permission.
- There is potential for environmental problems from this development such as flooding and pollution.
- It is unnecessary to create this large lagoon just to store digestate for a few fields.

CPRE

30. Object on the following grounds:

- The proposal would reduce the openness of the Green Belt and is contrary to planning policy.
- Restoration of this land to agriculture is required to be carried out according to the agreed scheme as a part of the sand and gravel extraction permission.
- There is potential for environmental problems from this development.
- Do not feel that the applicant has made a cogent case for 'very special circumstances' to justify this proposal in the Green Belt.

Transport Development Control

31. No objection to the proposal.

County Ecologist

32. No objection to this from a biodiversity or landscape point of view, provided that conditions are attached to improve the appearance of the site in the interests of visual amenity.

Third Party Representations (copies of the letters are available in the Members' Resource Centre)

33. We have received two letters of objection.

34. Ten local residents have signed a letter objecting to this planning application for the following reasons:

- Risk of noxious odours escaping from the slurry lagoon

- The proposed lagoon was not part of the original planning proposal for the AD plant and waste liquid should be stored away from Worton Farm.
- Residents received little support from the County Council to control the odour when the green waste composting at Worton Farm was operating.

The residents would like the County Council to impose the following conditions if any planning permission is resolved to be granted:

- The lagoon is constructed as an enclosed vessel in order that there is no risk of any odour escaping to the atmosphere.
- A clause be included to address any change of ownership or use.
- That the lagoon only be used for its intended purpose and no liquids be discharged into the lagoon.

35. A second letter (with 3 signatories) raised objection to this application for the following reasons:

- Risk of environmental factors such as noxious odours and flooding and the resultant impact on the local amenity.
- The proposal will reduce the openness of the Green Belt as Hanson had agreed to return this land to agriculture following extraction of gravel by the end of 2012.
- Understand that Oxfordshire County Council is a client of the applicant and request that this conflict of interest is managed and recognised when the planning request is considered.

Suggest the County Council consider the following conditions if any planning permission is resolved to be granted:

- To ensure the slurry lagoon is constructed as in-vessel in the same manner as Agrivert's current food waste receiving building facilities at Worton Farm.
- That a temporary permission be granted or provisional planning permission to fully install the slurry lagoon as requested. This temporary planning would be for a one-year period by which time a full evaluation of the lagoon process would be tested and evaluated under all seasonal weather conditions.
- Should no adverse objections be received during this period, then full permanent planning permission could be granted.
- Wish to be included in any evaluation process for measurement of odour.
- The environmental impact of spreading the digestate on the fields north of Yarnton Road needs to be included in the evaluation process.

36. A letter has also been received from the local MP reiterating comments made by local residents.

Relevant Planning Policies – (See policy annex attached to this Agenda)

37. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for this area comprises the South East Plan, saved policies of the Oxfordshire Structure Plan, Oxfordshire Mineral and Waste Local Plan (OMWLP) and adopted Cherwell Local Plan 1996 & Non-Statutory Cherwell Local Plan 2011.

Planning Policy Guidance 2: Green Belts and Planning Policy Statement 10: Sustainable Waste Management are also relevant.

38. Whilst the South East Plan (SEP) forms part of the Development Plan the Government has made it clear that it intends to abolish regional strategies. This intention has been upheld as being a material consideration in determining planning applications.
39. All relevant policies are listed in the policy Annex. Key policies are those dealing with Green Belt, open countryside, environment and amenity and landscape and visual impacts.

Comments of the Deputy Director (Growth & Infrastructure)

40. The principle matters that should be considered in deciding this development are:
- Whether there are very special circumstances that justify allowing this development in the Oxford Green Belt,
 - Whether or not any odour from the lagoon can be limited to levels that are acceptable for people living nearby

There are other matters raised by the proposal and by objectors which include the visual impacts, lorry and tanker movements/impacts, ecology, possibility of flooding. These are also addressed below.

Green Belt

41. The lagoon structure constitutes inappropriate development in the Green Belt (PPG2, SEP policy CO4). It should not be allowed unless the applicant can demonstrate very special circumstances that justify allowing it contrary

to normal policy. This point is raised by a number of objectors and consultees.

42. In response the applicant explains:

- that the slurry cannot be spread continuously and particularly through the winter so needs storage capacity;
- that the most sustainable locations for the slurry lagoon are either at the AD plant or at the spreading locations. This minimises traffic movements and energy consumption;
- the applicant has considered transporting slurry from the AD plant to redundant on-farm lagoons, where spreading on agricultural land would then take place locally; but local farmers have not been persuaded to accept the material and therefore this option is not now available;
- the applicant's search for alternative sites has not presented any viable alternatives for a slurry lagoon site outside the Green Belt.

43. In my view the applicant has put forward a strong case to demonstrate there are very special circumstances to allow this proposal in the Green Belt.

Odour

44. It is most important that local residents do not suffer unreasonably from unpleasant smells which might emanate from the slurry whilst it is stored in the lagoon.

45. The applicant has explained that the technology of the AD plant they operate provides a most rigorous process which lasts substantially longer than other applications of the AD technology. The plant is designed to fully degrade the food waste so that it is both a most suitable material to spread on farmland and be less likely to generate unacceptable smell at any substantive distance.

46. Local people are understandably concerned that the development will generate unacceptable odour. Some have suggested that a cover over the lagoon and/or a temporary consent could address their concern regarding odour. Some have argued that the impact of the spreading of the slurry should also be assessed. The EHO has commented that there may be odour generation from the lagoon.

47. The applicant has indicated that he is prepared to implement additional odour mitigation measures if they prove to be required. Such measures

could include the installation of a temporary cover and/or temporary cessation of works (i.e. stop pumping to the lagoon) until the odour problem has been resolved.

48. The lagoon is located some 400 metres from the nearest properties in Worton and Yarnton. The long digestion and process period should reduce the propensity for the slurry to smell unacceptably. Conditions can also be imposed to require that if odour did reach unacceptable levels, pumping to the lagoon be stopped until measures such as provision of a floating cover be implemented. Some spreading on local fields has taken place and a County Council officer was present. The indications are that whilst the slurry could be smelt at the point of spreading, the smell was not apparent from a few metres distant.
49. I do not think it is necessary to require a permanent cover which would in itself be an intrusive structure. I am satisfied that the technology is sound and that we can properly control through conditions any smell that may arise. I do not think it necessary to restrict the lagoon to a temporary period.

Other Amenity and Environmental Issues

50. *Impact on Landscape:* In the context of the other permanent uses at this complex (i.e. M&M site and AD plant) and taken with the extra landscaping proposed, the lagoon should not harm the local landscape.
51. *Noise and Dust:* The digestate would be piped to the lagoon. Tractors removing the material would use internal haul roads and then take the material either to the local farm or out onto the A40. Noise and dust should not be different to any other agricultural activity.
52. *Traffic Generation:* The proposed site has a direct access via a metalled haul route from the A40 and off road access to the nearby farm to which 30% of the slurry will be spread. Transport Development Control raise no objection to the application.
53. *Contribution to public access:* There are some public footpaths within this area and policy CY4 of OMWLP seeks to strengthen the network and requires the provision of a pedestrian/cycle route between Eynsham, Cassington and Yarnton. The applicant has agreed to provide an amount of £17,746 by way of a unilateral agreement to support public access initiatives. This is consistent with policy and can provide access benefits for local people.
54. *Ecology:* Respondents have identified the importance of protecting Pixey and Yarnton Meads, and Cassington Meadows and nearby water bodies generally. The District Council has questioned whether there might be

protected species on site. They have indicated that there should be planting to mitigate any local ecological loss.

55. The Meads and Meadows are some 500 metres away beyond the adjacent gravel extraction area to the south of the A40. The Environment Agency recommend conditions to protect against the possibility of seepage or overspill into groundwater and these can be imposed. I do not believe therefore that this development would harm these scientific/ecological areas.
56. Agrivert have already created the lagoon and disturbance to the land has been caused. In its current state (empty of water), protected species (e.g. great crested newts) are unlikely to be present in the lagoon. The nearest records for great crested newts are 4 km away at Water Eaton. If Agrivert have committed an offence under the Habitats Regulations prior to applying for planning permission, then this would be a criminal offence and a police matter. We can add an informative to avoid any doubt as to the responsibilities of the operator in this regard.
57. Tree and hedge planting is proposed and this can contribute to wildlife interest. The restored lakes for the former gravel pits are beginning to develop ecological interest. There is no reason why this lagoon should jeopardise that development.

Other Matters

58. *Commencement of development without planning permission:* Concern has been raised that the development has been started in advance of any planning permission being given. It is poor practice for any developer to start a development without first getting consent. Our disquiet has been made clear to the developer in this case.
59. *Independence of the planning authority:* Some people have pointed to the fact that the Council is both the planning authority and a customer of this company. The proposal (like all) must be decided in accordance with the Development Plan unless material considerations indicate otherwise. It is the responsibility of County Planning officers and the Planning & Regulation Committee to act independently in this respect and determine the application on its planning merits.
60. *Clause controlling change of ownership:* This control has been suggested but planning permissions run with the land and cannot be restricted to individual companies. I understand that Agrivert have had some discussions with Yarnton Parish Council during the planning application process. I suggest dialogue should be encouraged to continue and recommend an informative to promote continued liaison.

Conclusions

61. The proposal is contrary to green belt policy and should only be allowed if there are very special circumstances justifying it in this Green Belt location.
62. The lagoon is adjacent to the AD which is the source of the digestate; a substantial amount of the slurry can be spread on land close by and there are no other closer sites available.
63. The potential odour from the lagoon is limited and I am satisfied that the possibility of unacceptable smell can be controlled through the conditions proposed.
64. The visual impact and other impacts of the proposal are limited or can be managed again through conditions. I believe therefore that there are very special circumstances which justify overriding green belt policy and that permission should be granted.

RECOMMENDATIONS

65. It is **RECOMMENDED** subject to a legal agreement to secure a contribution of £17,746 to the public access/pedestrian/cycle routes that planning permission be granted for the development proposed in Application 10/01852/CM subject to conditions to be determined by the Deputy Director for environment & Economy (Growth & Infrastructure) but to include the matters set out below.

Conditions to include:

1. **Compliance condition.**
2. **Commencement date.**
3. **Site used for digestate slurry from the AD plant only.**
4. **Floodlighting details, only intruder lighting out of hours.**
5. **Development to be carried out in accordance with submitted planting scheme.**
6. **Bund and fencing to be erected in accordance with agreed plan**
7. **Effective silencers.**
8. **Site signage on A40 to be kept to a minimum.**
9. **Sweeping on and adjacent to the site.**
10. **Odour Control scheme to be submitted and agreed (to include temporary cessation of pumping if required).**
11. **Sustainable surface water drainage scheme to be submitted.**

PN5

EIA Informative: for flood risk and water courses, environmental permit, contamination and hydrology.

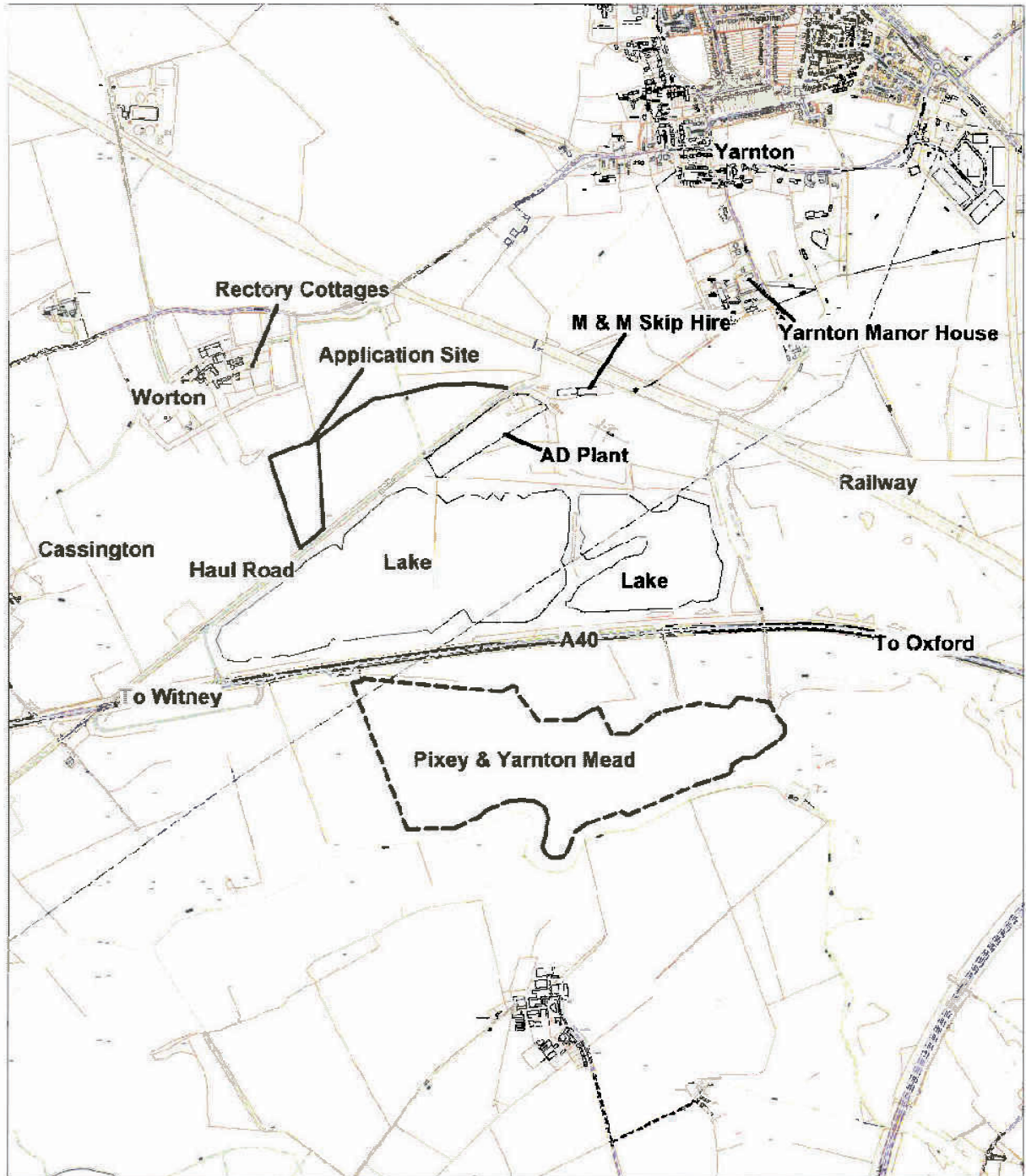
MARTIN TUGWELL

Deputy Director for Environment & Economy (Growth & Infrastructure)

February 2011

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Plan 1



17/02/2011

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Division: Yarnton & Otmoor

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PLANNING & REGULATION COMMITTEE – 7 MARCH 2011

THE CONTINUATION OF THE WINNING AND WORKING OF SAND AND GRAVEL WITH RESTORATION USING SUITABLE IMPORTED MATERIALS WITHOUT COMPLYING WITH THE REQUIREMENTS OF CONDITION 2 OF AN EXISTING PLANNING PERMISSION IN ORDER TO EXTEND THE TIME PERIOD FOR EXTRACTION UNTIL DECEMBER 2015 AND THE TIME PERIOD FOR RESTORATION UNTIL DECEMBER 2017 TO ALLOW SUFFICIENT TIME FOR THE WORKING OF MATERIAL FROM BENEATH THE PLANT SITE

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

Location: Cassington Quarry

Applicant: Hanson Aggregates

Application No: 10/01929/CM

District Council Area: Cherwell and West Oxfordshire

Introduction

1. This planning application has been made by Hanson Aggregates, under Section 73 of the Town and County Planning Act 1990, to vary condition 2 of the existing planning permission for the extraction of sand and gravel at Cassington Quarry. Condition 2 of the permission requires sand and gravel extraction to be completed by December 2010 and restoration by 2012. This application seeks to extend the period of the permission for extraction for a further 5 years up to the end of 2015 and restoration by 2017. This is to allow sufficient time for the working of material from beneath the plant site. This will also in effect allow for the retention of the processing plant for the same period.

Location (See Plan 1)

2. The permitted sand and gravel site is located off the A40 approximately 3km west of Oxford. The area the subject of this proposal (which includes the processing plant) is located at the eastern end of the site. Immediately to the north of the plant area is the M&M waste recycling

centre and to the west is the recently built Anaerobic Digestion (AD) facility.

3. The site is within Oxford's designated Green Belt. Two Sites of Special Scientific Interest (SSSI) are located approximately 500 metres to the south of the plant and area remaining to be worked. They are – Pixey & Yarnton Mead and Cassington Meadow. No sites of archaeological interest are affected by the proposal.
4. Cassington Village is about 800 metres to the west and the nearest dwellings of Yarnton lie about 400 metres north east from the plant area. The closest property at Worton lies about 800 metres to the west. There are belts of trees screening the plant area from Worton, Cassington and also from the A40.
5. The plant area is located just over 100 metres south of the mainline railway from Oxford to Banbury. Much of the surrounding area to the south and east has been worked for sand and gravel and has been restored to lakes.
6. The area the subject of this application is located south-east of the haul road. The haul road leads to the A40.

Background and History of the Site

7. Planning permission was granted in 1986 for sand and gravel extraction at Cassington Quarry. Since then sand and gravel has been extracted in line with this consent and various modifications to the original permission. Permission was granted in 2002 to complete the restoration of the site with inert waste materials. This consent allowed the applicant to undertake mineral working up to December 2010 and restoration to be completed by 2012. About 75% of the site has now been restored.
8. A further planning permission was secured on appeal in August 2004 to allow an extension (see plan) to the west (until December 2011). This time limit does not extend to the plant area.
9. Hansons have also submitted a proposal (which has been the subject of prolonged negotiations) to dig sand and gravel from land between Eynsham and Cassington. This proposes conveying the dug material along the route of the old railway line up to the processing plant (the subject of this report) and retaining the plant for the duration of that development.

Details of the Development

12. In order to excavate the remaining mineral and restore the site in an orderly manner, the applicant requests that condition 2 be amended to read: "Except with the express written consent of the Mineral Planning Authority: (a) No excavations shall be undertaken or continued after 31

December 2015; (b) all restoration shall be carried out and completed not later than 31 December 2017.

13. The remaining extraction area beneath and around the plant is approximately 12 hectares which would provide about 380,000 tonnes of mineral. The mineral would be processed through the existing plant on site in a phased manner. Eventually all that would remain would be material directly below the processing plant and associated equipment. In order to gain this material, the processing plant would be dismantled, removed and mobile plant brought in to process the remaining mineral reserve.
14. Restoration of the site would be to a lake suitable for angling, in accordance with the previously approved scheme.

Traffic and Access

15. The applicant intends to use the existing access to the site from the A40 and not to travel through Cassington and Yarnton. The application states that there would be on average approximately 20 lorry loads removed per day.

Consultation Responses and Representations

16. **Cassington Parish Council** - Objects on number of grounds which are – applicant's failure to meet the existing conditions; extension of time for 5 years is unreasonable and unjustified; significant natural features under the processing plant; not informed about the nature of mobile plant and where the extracted materials would be stored prior to sale; diminished commercial need; increase in number of HGVs and non submission of Environmental Impact Assessment (EIA).
17. **Yarnton Parish Council** - No response has been received.

West Oxfordshire District Council:

18. Support the principle of extending the life of existing mineral workings where it can be demonstrated that it would reduce the need for exploitation of virgin sites elsewhere in the locality; particularly in the absence of an approved County wide strategy for mineral extraction.
19. Raise major concerns about the traffic impacts of the development and excessive time period for extraction of such a small area.
20. If consent is granted then a substantial "localism" levy should be negotiated (e.g. 50p per tonne) for the benefit of the affected Parish Councils to mitigate for the extended nuisance that allowing this further period of extraction would cause them and local residents.

Cherwell District Council:

21. No objection subject to relevant conditions attached to the original permission to be re-imposed.
22. **Natural England** - No objection.
23. **Environment Agency** - No objection.
24. **Thames Water** - No response has been received.
25. **Transport Development Control** - No objection.
26. **Ecologist Planner** - No objection to the proposal from a biodiversity or landscape point of view. Would like to see the restoration of stage 10 to be sown with an appropriate species-rich grassland mix when it is restored, as this area would include a pond complex and be surrounded by species-rich native hedgerow.
27. **County Archaeologist** - No objection. The proposal would not affect any archaeological features or sites.
28. **Rights of Way** – No Objection.

Third Party Representations (copies of the letters are available in the Members' Resource Centre)

29. One letter of objection has been received to this planning application which makes the following points:
 - The proposal will not only affect Cassington and Yarnton but also Eynsham.
 - Breaching of the existing planning conditions such as continuation of keeping the plant on site after cessation of extraction in March 2009.
 - The proposed extraction area has not been excavated by the applicant due to their inefficiency.
 - Since the original permission was granted the scientific importance of the undug area under the processing plant has apparently increased.
 - The proposed extension of time is excessive and unjustified.
 - Not informed about the nature of mobile plant and where the extracted materials will be stored prior to sale.
 - No commercial need.
 - Lorry driver might be tempted to use Cassington Village.
 - The area has suffered too much from gravel extraction already.

Relevant Planning Policies – (See policy annex attached to this Agenda)

30. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for this area comprises the South East Plan, the saved policies of the Oxfordshire Structure Plan and Oxfordshire Mineral and Waste Local Plan (OMWLP); the West Oxfordshire Local Plan (WOLP) 2011 and adopted Cherwell Local Plan 1996 & Non-Statutory Cherwell Local Plan 2011.

Planning Policy Guidance 2: Green belts and Minerals Policy Statement 1: Planning and Minerals are also relevant .

31. Whilst the South East Plan (SEP) forms part of the Development Plan the Government has made it clear that it intends to abolish regional strategies. This intention has been upheld as being a material consideration in determining planning applications.
32. All relevant policies are listed in the policy annex. The key policy consideration relates to the need for the development and whether it is reasonable to allow extra time to work out the sand and gravel and retain the processing plant in situ. Other issues relate to the impact of the proposed development on Green Belt and open countryside, environmental and amenity impacts and transport and traffic implications.
33. In terms of need for the development and allowing extra time to work out the sand and gravel and retain the processing plant in situ, relevant policies are South East Plan (SEP) policy M3 and OMWLP policy SD1, CY1 and PB1. For the impact of the development in Green Belt, policies to be considered include PPG2, CO4 of the SEP, adopted CLP policy GB1 and NE5 of the WOLP. For the environmental and amenity impacts policy PE3, PE13 of OMWLP, policies C7, ENV1 of CLP, policies NE1, BE18 of WOLP are applicable. Transport issues are covered by policies T1 of the SEP, T1 of the WOLP and TR10 of CLP.

Comments of the Deputy Director for Growth & Infrastructure

34. The main issues to be addressed in deciding this application are the need for sand and gravel and potential loss of permitted reserves if this proposal is refused and whether it is reasonable to allow extra time to work out the sand and gravel and retain the processing plant in situ.
35. Other matters to be considered relate to the acceptability of the development in this location of the Oxford Green Belt and whether any local environmental and amenity impacts can be satisfactorily dealt with.

Need for the sand and gravel

35. The sand and gravel remaining within the Cassington Quarry site forms part of Oxfordshire's permitted reserves and thus part of the sand and gravel landbank.
36. Based on the South East Plan (Development Plan) apportionment figure of 1.82 million tonnes the current landbank of sand and gravel is about 5.5 years, which is below the government policy aim of *at least 7* years.
37. On 16 February 2011, Cabinet agreed a locally derived apportionment figure of 1.26 million tonnes a year (based on a report by consultants Atkins) for use as a basis for the County Council's preferred minerals strategy for consultation this summer. The Cabinet also endorsed this figure as a basis for considering planning applications from now on (this fact is a material consideration). Based on this apportionment figure, the landbank stands at about 8.4 years, slightly above the 7 year minimum.
38. Loss of the remaining reserve within this site would reduce the landbank. The stated quantity of sand and gravel remaining (380,000 tonnes) is equivalent to about 3 months under the South East Plan policy figure, and about 4.5 months under the new locally set figure. If lost, this reserve would need to be made up from elsewhere either now or within the next 2 years, in order to maintain a minimum 7 year landbank.
39. This proposal helps to maintain Oxfordshire's landbank to supply minerals for local markets. The proposal is consistent with MPS1, SEP policy M3 and OMWLP policies SD1 and CY1. It is sensible to enable, where possible, reserves that have been permitted to continue to be worked.

Processing Plant

40. The application includes the retention of the existing processing plant. The plant is well located amongst other mineral and waste activity (some permanent some temporary) and not close to where people live. Its location is consistent with the aims of policy PB1 of OMWLP which requires processing plant associated with mineral working to be sited, designed, landscaped and maintained so as to minimise environmental disturbance.
41. The processing plant is located within an area which forms part of the County Council's emerging location strategy for sand and gravel working. This strategy proposes concentration of working at existing mineral producing areas including the Eynsham/Cassington/Yarnton (ECY) area (together with a new area for the future between Cholsey

and Wallingford). This approach was agreed by Cabinet on the 16 February 2011.

42. Hanson's current application for gravel extraction between Eynsham and Cassington (referred to at paragraph 9) also lies within the ECY strategic area.
43. The County Council's emerging strategy and its detail are yet to be tested through the full development plan process. However, should the ECY area be finally identified, it is possible that the present processing plant site could be a focus of future sand and gravel processing. It would not be sensible to require removal of this significant infrastructure at this point, when there is some prospect that processing plant on this site would be needed again within the foreseeable future.

Green Belt

44. The Cassington plant area is located in the Oxford Green Belt. Mineral working need not conflict with the aims of green belt provided that high environmental standards are maintained and the site is well restored (Government Guidance - PPG2 and MPS1).
45. The plant is in a good location as described in paragraph 40 above and there are plans in place to restore the site once the mineral is worked. The proposal is consistent with green belt policy.

Impacts on the Amenity and Environment

46. *Impacts on nearest dwellings:* The remaining gravel to be worked lies some 400 metres away from the nearest dwellings in Yarnton (beyond the railway embankment) and 800 metres from dwellings at Worton (which are screened by a thick belt of trees). This distance is consistent with OMWLP policy PE3 buffer zone policy which seeks to protect residents from undue harm. The processing plant lies within this area and is obscured by other waste activities (M&M Skips and AD waste plant).
47. Existing planning conditions to control noise and dust would be applied to any new consent. The District Environmental Health Officer has no objection to the extension of time proposed.
48. OMWLP policy PE13 requires restoration of mineral workings within a reasonable timescale. This proposal extends the life of the site by 5 years. Some respondents to the proposal consider that the area has suffered from mineral extraction for too long.
49. Most of the wider mineral working site has been dug and restored to lakes within the timeframe planned. A five year period to manage the processing of the final reserve seems reasonable to me since

management of the removal of the gravel from plant areas is more complex than working open land.

50. The extended life of the plant area would not unduly harm the wider environment or jeopardise the opportunity to achieve good quality restoration in line with present requirements.
51. *Lorry traffic:* Cassington Parish Council, the District Council and the one objector raise concern about the impact of lorry traffic and the potential for HGVs to travel from the site through Cassington.
52. The site has good access via a metalled haul route directly onto the A40. There have been times in the past when the processing plant has operated at or close to its maximum throughput of 450,000 tonnes a year. This proposal envisages working the remaining 380,000 tonne reserve over 5 years. This would generate much lower traffic levels and Hansons anticipate typical daily HGV movements of around 20 in and 20 out.
53. The applicant currently adheres to a voluntary agreement to use the A40 as a preferred route (which avoids Cassington village) and has agreed to continue to apply this agreement. Transport Development Control considers this approach to be appropriate. The proposal accords with the SEP policy T1, WOLP policy T1 and CLP policy TR10.
54. *Additional scientific interest:* Both Cassington Parish Council and the individual objector suggest that the scientific importance of the undug area under the processing plant may have increased. I have no evidence to substantiate this.
55. The plant area lies some 500 metres from the Pixey and Yarnton Meads and Cassington Meadows SSSIs. The Meads are south of the A40 and the gravels have been excavated between the Meads and the plant area. We have received no objection from the specialist consultees in relation to archaeology or ecology.

Other issues

56. Cassington Parish Council suggests that the applicant should have submitted an Environmental Impact Assessment (EIA) with the application. An extension of time for an existing permitted quarry does not generally justify an EIA and that is the conclusion officers have reached in this case.
57. Both Cassington Parish Council and the individual objector would like information about the nature of mobile plant and where the extracted materials would be stored prior to sale.
58. Most of the remaining gravel would be worked through the existing plant. Only that beneath the permanent plant would be processed

through a mobile plant. We can impose a condition to secure these final details.

59. West Oxfordshire District Council have commented that a 50 pence levy should be applied to the gravel that is dug to secure a fund that would go towards mitigation measures to lessen impact of the development on local residents. This application does not involve any new working and so I do not think it is reasonable to seek such a levy in this particular case.

Conclusions

60. There is a need to maintain a landbank of permitted sand and gravel reserves supply materials for the construction industry. It is sensible if possible to enable reserves that have already been permitted to continue to be worked.
61. The processing plant is well located away from residents in Yarnton and Worton and does not cause undue environmental harm. Access for lorry traffic is good for the A40.
62. Conditions and agreements from the existing planning permission can be applied to a new consent to protect people and the environment, and ensure that the remaining parts of the site are properly restored in due course.

RECOMMENDATION

63. **It is RECOMMENDED that planning permission be granted for Application 10/01929/CM subject to those heads of conditions set out in planning permission W2001/1729 and 02/00602/CM together with additional heads of conditions numbers 6 and 10 as set out in Annex 1 to this report except that condition 2 should now read 'Except with the express written consent of the Mineral Planning Authority: (a) No excavations shall be undertaken or continued after 31 December 2015; (b) all restoration shall be carried out and completed not later than 31 December 2017'**

Martin Tugwell
Deputy Director (Growth & Infrastructure)

February 2011

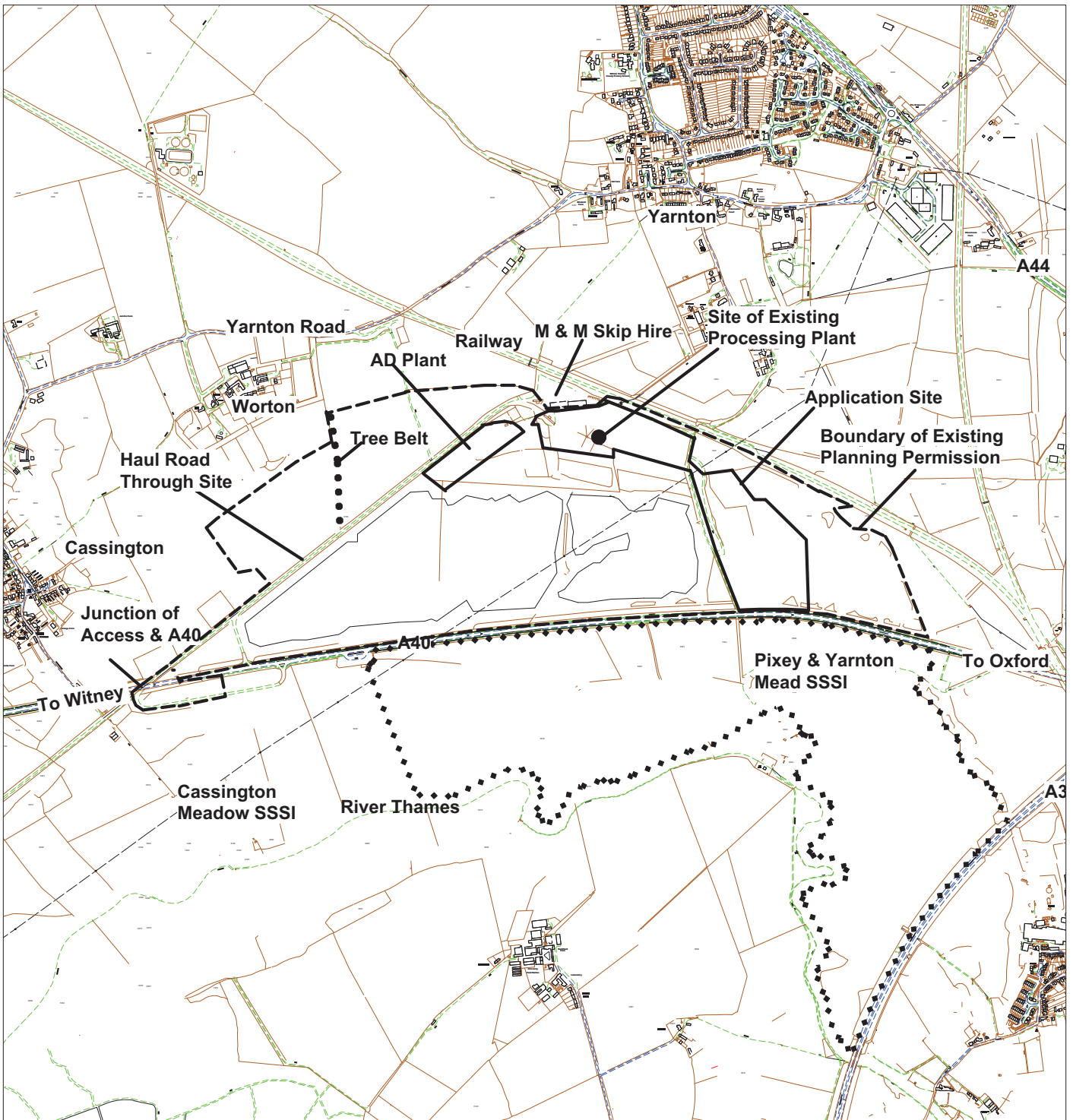
Annex 1Heads of Conditions:

1. Detailed compliance condition.
2. Except with the express written consent of the Mineral Planning Authority: (a) No excavations shall be undertaken or continued after 31 December 2015; (b) all restoration shall be carried out and completed not later than 31 December 2017.
3. No operation on Sundays and Bank Holidays.
4. Operating hours – Mon – Fri 0700 – 1800 and Saturdays 0700 – 1300.
5. No development to take place except in accordance with approved scheme for working, landscaping and restoration.
6. Details of mobile plant to be submitted and agreed.
7. All excavations to commence and continue as per approved plan.
8. Restoration scheme for each stage of the site to be agreed and implemented.
9. No extraction to take place within certain length of important features.
10. Stage 10 of the restoration scheme to be sown with an appropriate species-rich grassland mix when it is restored.
11. No direct connection to be made between any excavation and any water course.
12. Steps to be taken to prevent any solid matter, sand or gravel, or excess amounts of suspended matter from passing into any water course.
13. No discharge of polluted water into any water course.
14. Oil storage tanks to be sited on impervious bases surrounded by oil tight bund walls.
15. All stock piles of overburden, top soil and excavated materials in the flood plain to be sited so as not to impede the flow of flood.
16. No dewatering to be undertaken while nearby watercourses are running bank full under flood conditions.
17. Limitation on noise level (to agreed level).
18. Effective silencers to be provided on plant, machineries and vehicles.
19. Reversing vehicles shall not emit warning noise that may have adverse impacts on neighbours or properties.
20. No buildings, plant and machineries to be erected without consent.
21. No imported material to be deposited on the land except inert materials approved by plan W92m/44.
22. Existing hedges to be retained and maintained.
23. All trees on the site to be preserved and maintained.
24. Written notice to be given to MPA of the completion of this development.
25. The old railway turntable to be protected.
26. The approved aftercare scheme to be implemented.
27. Facilities to be given to the Oxfordshire Archaeological Unit to make historical records.
28. Three months notice to be given to Archaeological Unit of the intention to excavate.
29. No access to be used by HGVs other than the approved access shown in plan W92m/44.

30. No vehicles to enter public highway unless its wheels have been sufficiently clean.
31. Haul roads to be sprayed with water to suppress dust.

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Plan 1



17/02/2011

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PLANNING & REGULATION COMMITTEE – 7 MARCH 2011

Policy Annex (Relevant Development Plan and other Policies)

This paper is the Annex referred to in Items 5 and 6

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

POLICY M3: PRIMARY AGGREGATES

The supply of construction aggregates in the South East should be met from a significant increase in supplies of secondary and recycled materials, a reduced contribution from primary land-won resources and an increase in imports of marine-dredged aggregates. Mineral planning authorities should plan to maintain a landbank of at least seven years of planning permissions for land-won sand and gravel which is sufficient, throughout the Plan period, to deliver 13.25 million tonnes (mt) of sand and gravel per annum across the region, based on the following sub-regional apportionment:

Berkshire Unitaries	1.57 mtpa
Buckinghamshire	0.99 mtpa
East Sussex/Brighton and Hove	0.01 mtpa
Hampshire/Portsmouth/Southampton/New Forest	2.63 mtpa
Isle of Wight	0.05 mtpa
Kent /Medway	2053 mtpa
Milton Keynes	0.12 mtpa
Oxfordshire	1.82 mtpa
Surrey	2.62 mtpa
West Sussex	0.91 mtpa

and 2.2 million tonnes of crushed rock per annum across the region, based on the following sub-regional apportionment:

Kent	1.2mtpa
Oxfordshire	1.0mtpa

POLICY CO4: GREEN BELT

A Green Belt will be maintained around Oxford to:

- i. preserve the special character and landscape setting of Oxford
- ii. check the growth of Oxford and prevent ribbon development and urban sprawl
- iii. prevent the coalescence of settlements
- iv. assist in safeguarding the countryside from encroachment
- v. assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

A selective review of Green Belt boundaries will take place on the southern edge of Oxford through one or more co-ordinated development plan documents. It will identify land to be removed from the Green Belt to facilitate a sustainable urban extension to Oxford with minimal impact on village identity and the landscape setting of the city.

Development in the Green Belt will only be permitted if it maintains its openness and does not conflict with the purpose of the Green Belt or harm its visual amenities.

POLICY T1: MANAGE AND INVEST

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

- i. are consistent with, and supported by, appropriate mobility management measures
- ii. achieve a re-balancing of the transport system in favour of sustainable modes as a means of access to services and facilities
- iii. foster and promote an improved and integrated network of public transport services in and between both urban and rural areas
- iv. encourage development that is located and designed to reduce average journey lengths
- v. improve the maintenance of the existing transport system
- vi. include measures that reduce the overall number of road casualties
- vii. include measures to minimise negative environmental impacts of transport and, where possible, to enhance the environment and communities through such interventions
- viii. investment in upgrading the transport system should be prioritised to support delivery of the spatial strategy by:

- a. supporting the function of the region's international gateways and inter-regional movement corridors (see Diagram T1 at the end of the chapter)
- b. developing the network of regional hubs and spokes (see Diagram T2 at the end of the chapter)
- c. facilitating urban renewal and urban renaissance as a means of achieving a more sustainable pattern of development
- d. improving overall levels of accessibility.

POLICY C4: LANDSCAPE AND COUNTRYSIDE MANAGEMENT

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

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

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

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

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996 adopted July 1996

Policy SD1

Separate landbanks will be maintained for sharp sand and gravel and for soft sand at levels which accord with current Government advice and with the current regional apportionment.

Policy PE3

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

Since the late 1970s the County Council has operated a buffer zone policy based on a requirement for a distance of 350 metres between mineral

workings and towns, villages and hamlets, and 100 metres between mineral workings and an individual dwelling or a small group of dwellings. When determining planning applications for mineral or waste development, the County Council will have regard to these established standards, together with the individual circumstances of the site and the other measures which may be used to mitigate the effects of the development proposed.

Policy CY1

Land for sharp sand and gravel working will be released in accordance with the other policies in this Plan in a small area at the eastern end of the existing permission south of Worton Rectory Farm. Applications for clay extraction will be considered under policy SD5.

Policy PE13

Mineral workings and landfill sites should be restored within a reasonable timescale to an after-use appropriate to the location and surroundings. Proposals for restoration, aftercare and after-use should be submitted at the same time as any application for mineral working. Planning permission will not be granted for mineral working or landfill sites unless satisfactory proposals have been made for the restoration and after-use, and means of securing them in the long-term.

Policy PB1

The County Council will require processing plants, other necessary buildings and industries associated with a mineral working to be sited, designed, landscaped and maintained so as to minimise environmental disturbance. Any permission will be limited to the life of the mineral working or in the case of a waste disposal site, be subject to conditions requiring that the building or equipment is removed when no longer required in association with waste disposal.

Cherwell Local Plan 2011 - adopted in June 2006

Policy GB1

THERE WILL BE A GREEN BELT AROUND THE BUILT UP AREA OF OXFORD, APPROXIMATELY 6.4-9.6 Km (4-6 miles) WIDE, WHERE DEVELOPMENT WILL BE SEVERELY RESTRICTED. THE PURPOSES OF THE GREEN BELT ARE TO:

- (i) PROTECT THE SPECIAL CHARACTER OF OXFORD AND ITS LANDSCAPE SETTING,
- (ii) CHECK THE GROWTH OF OXFORD AND PREVENT RIBBON DEVELOPMENT AND URBAN SPRAWL, AND

(iii) PREVENT THE COALESCENCE OF SETTLEMENTS.

INSIDE THE GREEN BELT, APPROVAL WILL NOT BE GIVEN, EXCEPT IN VERY SPECIAL CIRCUMSTANCES, FOR DEVELOPMENT OTHER THAN FOR AGRICULTURE, FORESTRY, RECREATION, CEMETERIES, OR FOR OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN IT. RESIDENTIAL INFILLING OR OTHER APPROPRIATE DEVELOPMENT IN SETTLEMENTS IN THE GREEN BELT MAY BE PERMITTED PROVIDED IT DOES NOT CONFLICT WITH THE PURPOSES OF THE GREEN BELT OR ITS OPEN AND RURAL CHARACTER. SOME SETTLEMENTS WITHIN THE GREEN BELT WILL NOT BE COVERED BY GREEN BELT POLICIES IN ORDER TO ALLOW LIMITED EXPANSION.

CARE WILL BE TAKEN TO ENSURE THAT THE VISUAL AMENITIES OF THE GREEN BELT ARE NOT INJURED BY DEVELOPMENT WITHIN, OR CONSPICUOUS FROM, THE GREEN BELT WHICH, ALTHOUGH NOT PREJUDICIAL TO ITS MAIN PURPOSE, MIGHT BE INAPPROPRIATE BY REASON OF SITING, MATERIALS OR DESIGN.

Policy ENV1

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.

Policy EN34

THE COUNCIL WILL SEEK TO CONSERVE AND ENHANCE THE CHARACTER AND APPEARANCE OF THE LANDSCAPE THROUGH THE CONTROL OF DEVELOPMENT. PROPOSALS WILL NOT BE PERMITTED IF THEY WOULD:

- (i) CAUSE UNDUE VISUAL INTRUSION INTO THE OPEN COUNTRYSIDE;
- (ii) CAUSE UNDUE HARM TO IMPORTANT NATURAL LANDSCAPE FEATURES AND TOPOGRAPHY;
- (iii) BE INCONSISTENT WITH LOCAL CHARACTER;
- (iv) HARM THE SETTING OF SETTLEMENTS, BUILDINGS, STRUCTURES OR OTHER LANDMARK FEATURES;
- (v) HARM THE HISTORIC VALUE OF THE LANDSCAPE

Policy C7

DEVELOPMENT WILL NOT NORMALLY BE PERMITTED IF IT WOULD CAUSE DEMONSTRABLE HARM TO THE TOPOGRAPHY AND CHARACTER OF THE LANDSCAPE.

Policy TR10

DEVELOPMENT THAT WOULD GENERATE FREQUENT HEAVY-GOODSVEHICLE MOVEMENTS THROUGH RESIDENTIAL AREAS OR ON UNSUITABLE URBAN OR RURAL ROADS WILL NOT BE PERMITTED. THE COUNCIL WILL RESIST PROPOSALS FOR THE ESTABLISHMENT OF HEAVY-GOODS-VEHICLE OPERATING CENTRES WHERE THEY WOULD CREATE TRAFFIC PROBLEMS OR ADVERSELY AFFECT THE AMENITY OF RESIDENTIAL AREAS OR VILLAGES.

West Oxfordshire Local Plan 2011 - adopted in June 2006

Policy NE1 Safeguarding the Countryside

Proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake: its beauty, its local character and distinctiveness, the diversity of its natural resources, and its ecological, agricultural, cultural and outdoor recreational values.

Policy NE3 Local Landscape Character

Development will not be permitted if it would harm the local landscape character of the District. Proposals should respect and, where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types.

Policy NE18 Pollution

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

Policy NE5 - Oxford Green Belt

Within the Oxford Green Belt planning permission will not be granted for development, particularly new buildings, other than:

- a. for purposes of agriculture and forestry;
- b. essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of

- the Green Belt and which do not conflict with the purposes of including land within the Green Belt;
- c. the re-use of existing buildings (provided it does not have a materially greater impact than the present use, including any associated uses of land surrounding the building, on the openness of the Green Belt and the purposes of including land on it);
 - d. limited infilling within the built-up areas of Bladon and Cassington and limited affordable housing for local community needs, in accordance with Policy H12;
 - e. limited extension, alteration or replacement of existing dwellings (provided the proposals do not result in a dwelling that is materially larger than the original dwelling).

Where new development is permitted in accordance with this policy, either within or where it would be visible from the Green Belt, it should be designed and sited to preserve the openness, rural character and visual amenity of the Green Belt.

Policy T1 – Traffic Generation

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

Planning Policy Guidance 2: Green Belts – published in 24 January 1995

Planning Policy Guidance 2 (PPG 2) states that when any large-scale development or redevelopment of land occurs in the Green Belt (including mineral extraction, the tipping of waste, and road and other infrastructure developments or improvements), it should, so far as possible contribute to the achievement of the objectives for the use of land in Green Belts.

PPG2 states that there are 5 purposes to the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling the following objectives:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses.

The guidance further sets out that there is a general presumption against inappropriate development within Green Belts. The guidance states that minerals can be worked only where they are found. Their extraction is a temporary activity. Mineral extraction need not be inappropriate development: it needs not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. Mineral planning authorities should ensure that planning conditions for mineral working sites within Green Belts achieve suitable environmental standards and restoration.

Minerals Policy Statement 1: Planning and Minerals – published in 13 November 2006

Minerals Policy Statement 1: Planning and Minerals (MPS1) also provides for the maintenance of mineral landbanks. It expects Mineral Planning Authorities to plan for the maintenance of an adequate and steady supply of minerals to meet the needs of the economy and society. MPS1 continues to state that should a landbank fall below 7 years for sand and gravel then additional reserves will need to be permitted.