

PLANNING AND REGULATION COMMITTEE – 27TH NOVEMBER 2017
ADDENDA

Land at Fullamoor Plantation, Clifton Hampden

1. At the time of drafting the report further responses were awaited from Oxfordshire County Council's drainage consultants and the Environmental Health Officer (EHO). This addendum provides details of those responses.
2. Since the report was drafted, Historic England has provided notification of the designation of Fullamoor Farmhouse, which is one of the closest properties to the site, as a Grade II listed building. This addendum also addresses that designation.
3. Following the publication of the report, the applicant has sought to address the concerns raised in the objection from Transport Development Control. This has led to updated comments from Transport Development Control which leads to a change to the recommendation.
4. This addendum also provides some clarifications to the report and details of further representations received after the report was published.

Further response on ground water concerns

5. Paragraph 193 of the report refers to further advice which was sought in relation to groundwater and drainage. This had not been received at the time of drafting the report, but was received on 17th November. This further advice was provided by the consultants WSP as Oxfordshire County Council Lead Local Flood Authority did not have the necessary capacity to comment within the timeframe. WSP have advised that none of the concerns raised by Bachport in relation to drainage and groundwater are critical or grounds for refusing the application. Conditions are recommended to cover groundwater monitoring, a drainage plan and supporting assessment prior to restoration based on the results of the groundwater monitoring, proposals for monitoring erosion of banks of the proposed lake, drainage strategies for all stages of the development to demonstrate no increase in surface water runoff from the site for events between the 1 year and 100 year (including appropriate climate change allowances) and details of how bunds would be constructed and drained to avoid erosion and siltation of runoff.

6. It is recommended that if permission is granted for this development, it is subject to the conditions recommended by WSP. These are conditions 40-43 in Annex 1.

Further response from Environmental Health Officer

7. Paragraph 9 of Annex 3 to the report (consultation responses summary) notes that the Environmental Health Officer (EHO) had requested clarification regarding the impact of changes to bunds on noise impacts. The applicant's noise consultant confirmed that no further assessment was needed as the changes to the bunds would have little or no consequential effect. At the time of drafting the report there had been no further response from the EHO. This response was received on 17th November and confirms that the EHO requires conditions to set maximum noise levels and require noise monitoring to ensure these are complied with. This is in line with previous comments from the EHO and it is recommended that if permission is granted for this development, it is subject to the recommended noise conditions.

Listing of Fullamoor Farmhouse

8. Historic England has provided confirmation that Fullamoor Farmhouse has been designated a Grade II listed building. The setting of this building was considered in the Cultural Heritage Assessment; however at the time that it was assessed it was a non-designated heritage assessment.
9. South Oxfordshire District Council (SODC) were informed of this designation and comments were sought from their Conservation Officer. These were provided on 17th November and are as follows:

The statement (December 2016) did identify that Fullamoor Farmhouse was a non-designated heritage asset and that some of its significance is derived from its setting. As a designated heritage asset, the setting of the listed building where it contributes to the building's significance, warrants special consideration when considering whether or not to grant planning permission. This is a statutory duty under s.66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

As such, Chapter 4 of the Environmental Statement is out-of-date in this regard and should be updated to reflect the new designation and to ensure that the designated asset has been given special regard in the determination of the planning application.

The statement had not been revised or updated in response to the recommendations given in February 2017 (inserted into the SODC response

dated 28 March 2017) and as such those previous comments were still valid and no updated comments were provided.

10. On 23rd November, the applicant provided an assessment on the setting of a listed building in relation to Fullamoor Farmhouse written by their heritage consultant on 23rd November. In summary, this states:

- *The significance of Fullamoor Farmhouse is chiefly informed by its architectural and historical values, as a good example of 17th and 18th century vernacular domestic architecture.*
- *The building does derive some significance from its setting, as the wider agricultural landscape (including the proposed quarry) is part of the historical landholding associated with Fullamoor Farm*
- *The earliest post-medieval landscape, which was contemporary with the development of the farmstead, can no longer be perceived*
- *Existing vegetation along the northern boundary of the proposed quarry site means that immediate views from and to the farm are already partially screened with the more open views of the landscape primarily focused on middle and longer distance views*
- *The former agricultural use of the farm is no longer clearly legible due to the loss of many of the associated agricultural buildings and its original courtyard layout.*
- *Location next to a main road near large scale modern developments which erode what would have been a fairly isolated location at the time of its original construction.*
- *The character of the property is now domestic in nature and its rural setting can be considered to make only a limited contribution to its significance.*
- *Proposed bunds and woodland planting within the mitigation measures will screen views to the northern part of the proposed quarry. Longer distance views will incorporate the early phases of extraction, though these impacts would lessen over time*
- *Restoration lake and wetland would not be seen from the farmhouse due to additional woodland planting*

11. The assessment concludes:

Overall, the change within the setting of Fullamoor Farm resulting from the quarry development is considered to be minor and the residual effect on the significance of the Listed Building would be limited and commensurate with less than substantial harm, and at the lower end of that scale

12. The full text of all documents submitted by the applicant and the consultation responses are available to read on the e-planning website using reference MW.0039/16.
13. Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
14. NPPF paragraph 132 states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation. It confirms that significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 states that consent should be refused, where development will lead to substantial harm or total loss of significance of a designated heritage asset, unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 states that where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
15. Taking into account the need to give special regard to the desirability of preserving the setting of this newly listed building, it is considered that the proposals would result in less than substantial harm to the significance of the newly listed building. It is accepted that the change to the setting would be minor given the findings of the submitted assessment. Therefore, the proposal is not considered to conflict with the NPPF requirement to give great weight to the conservation of designated heritage assets.
16. It is considered that the further response from the applicant's heritage consultant comprises further additional information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Therefore, any approval should be subject to this additional information first being the subject of the publicity requirements and 21 day consultation period set out in that regulation.

Updated comments from Transport Development Control Team

17. Following consideration of the objection raised by Transport Development Control, the applicant has confirmed that they would be willing to accept a condition prohibiting peak hour HGV movements between 8-9am and 5-6pm Mondays to Fridays.

18. The applicant's highways consultant has confirmed that the prohibition of peak time HGV movements would not affect the findings of the Environmental Statement. There would be an average of 10 movements per hour, which is the same as that assessed in the Transport Assessment for the development when it included a concrete batching plant. An amended version of the site access plan was also provided, showing 'keep clear' markings on the A415.
19. In response to this, Transport Development Control has amended their response to confirm that whilst prohibiting peak hour trips would increase the off-peak trip rate generated by the proposed quarrying, they are satisfied there is sufficient capacity available in the network such that the impact of development traffic would not be significant. They conclude that prohibiting peak hour trips would resolve the reason for refusal. They request that there is a prohibition on all vehicle movements (including HGVs, staff trips and any trips associated with third party sales and delivery) and that the operator is required to install a camera at the site entrance and provision of time and date verified video footage on request, in order to monitor compliance.
20. The applicant has confirmed that this is acceptable to them. Therefore, subject to conditions to secure the proposed complete prohibition on peak movements and the monitoring of this, the Transport Development Control objection can be resolved and this is no longer considered to be a reason for refusal of the application. An amended recommendation is set out below to reflect this.
21. The recommendation for approval is subject to conditions and legal agreements. The details of these are set out in Annex 1 and 2 respectively. The conditions required to secure the prohibition of vehicles and the effective monitoring of these are conditions 80-82. The detailed wording of the conditions would ensure that the requirements are precise and enforceable.

Transport Strategy and Policy – Further Comments

22. The Transport Strategy and Policy team have submitted further comments to support their objection to the application. These comments provide greater detail in relation to the increase in the cost of delivering the proposed Culham to Didcot crossing across the application site, should the quarry go ahead. There would be additional engineering costs related to the need to cross the proposed lake and to prepare the ground on the rest of the route, compared to building on undisturbed agricultural land. The current estimated costs are £125 million. The additional cost is estimated as £44,508,457. This assumes a 250m lake span with viaduct construction and 850m of road passing over ground restored from mineral working to agriculture. The Transport Strategy

and Policy team believe that this increase in cost could prevent the road going ahead in this location.

23. The committee is advised that the deliverability of the proposed road and river crossing is a material consideration and that the further detail in relation to the increase in costs lends further weight to the objection from the Transport Strategy and Policy team. In this case the financial considerations related to the increased cost in providing the proposed road can be taken into account as they relate to the deliverability of infrastructure for which a route is safeguarded in an emerging plan (policy TRANS3 of South Oxfordshire Local Plan 2033 (SOLP 2033)).
24. Consideration has been given to the further detail provided in relation to costs. However, no change is proposed to the recommendation in relation to this objection. It is not considered that the increase in cost in providing the proposed road in this location would necessarily prevent the new road and crossing being delivered. A decision has not yet been taken on which route the proposed road would take and therefore the alternative safeguarded route west of the railway line which does not affect the quarry might be selected. This would avoid the increased costs associated with building on land which had been previously used as a mineral working. Even if the route which runs across the quarry site is selected, it is not considered that the increase in costs would necessarily prevent the proposed road and river crossing from going ahead in this location as details of funding for the scheme are not yet clear.
25. Therefore, although the potential impact on the deliverability of the new road and crossing is a material consideration which can be taken into account in making a decision, the officer view is that the application should not be refused for this reason as there is no certainty about which route will be chosen for the proposed new road and no funding is yet in place.

Clarifications to report text

26. Transport Strategy and Policy have asked for clarifications to be made to report paragraphs 162 and 163. Paragraph 162 states that the restoration proposals were amended to provide extended peninsulas on the lake banks which could accommodate pillars. Transport Strategy and Policy would like it to be clarified that although the amended design reduces the distance that the road would need to span across the proposed lake, the pillars would not be sufficient to span the gap and further engineering would be required. Paragraph 163 states that the quarry proposals would not prevent the road from going ahead. This could be better phrased as the quarry proposals would not *necessarily* prevent the road from going ahead. The quarry is a

temporary development and the western part of the site could be worked and restored prior to the development of a new road. The road could be designed to cross the lake; however these engineering solutions are likely to add to the cost. The Transport Strategy and Policy have advised that the increased cost of delivery could prevent the road from going ahead.

27. Other drafting errors have been identified as follows:

- Paragraph 62 - The final two sentences give different descriptions of the weight to be given to the emerging SOLP. For clarification, the plan referred to should be given limited weight as it is not yet adopted.
- Paragraph 73 – Following the adoption of the Oxfordshire Minerals and Waste Core Strategy. The second half of the final sentence is no longer relevant and can be deleted.
- Paragraph 83 - The middle part of the third sentence should read: 'although they fell back from *the* level in 2015' (rather than *this* level)

Late Representations

CEG

28. A late representation was received on 22nd November on behalf of CEG. This states that further reasons for refusal should be added to those listed in the committee report and is summarised below:

CEG is promoting land adjacent to Culham Science Centre (STRAT7) which is a proposed strategic housing allocation in the South Oxfordshire Local Plan 2033 – Final Publication Version. Culham Science Centre (STRAT6) is also identified as a site for significant employment generating development. These sites are linked to the provision of a new Clifton Hampden bypass and new Culham to Didcot river crossing. It is surprising that the report concludes that the quarry proposals would not prejudice the proposed road and river crossing and does not reference the Clifton Hampden bypass. A firm programme for the delivery of the new river crossing has not been agreed, but OCC and SODC are pushing for a start date much sooner than the 15 years it would take for the quarry to be worked. Network Rail has ambitions to 4-track the line between Didcot and Oxford and the existing line marks the boundary with Fullamoor Quarry so one option for this might be running additional lines through the Fullamoor Quarry site. CEG's view is that the Fullamoor Quarry development is so substantial/significant that to grant permission in advance of the adoption of the emerging SODC Local Plan would seriously undermine the plan making process by predetermining/influencing decisions

affecting SODC's emerging Housing and Employment Strategy. The prematurity argument has not been considered in relation to the emerging Local Plan. There is no need to bring this site forward for mineral extraction now and the site should be considered in the context of the Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations.

29. Officer Response – The position on the road crossing is set out in the main report and in the above section. As it is not considered that the quarry necessarily prejudices the proposed road and river crossing, it is not considered that it prejudices the proposed allocations in the emerging South Oxfordshire plan that are linked to this, particularly as the plan safeguards two potential alternative routes for this road. The application site boundary is 400 metres from the railway line and not immediately adjacent as suggested, therefore the point raised about possible new lines is not considered relevant.

Bachport

30. Bachport (making comments on behalf of Clifton Hampden and Burcot Parish Council, and supported by Long Wittenham, Appleford and Culham Parish councils) submitted a further letter on 22nd November. This expresses concern about the proposal to limit lorry movements by condition. Concerns raised include:
- *Unclear if there would be a change to the operating hours, any change to working hours in morning would disturb residents*
 - *Peak hours at the critical A415 junctions is not confined to the hours proposed*
 - *Proposed prohibition of peak hour movements would exacerbate traffic impacts, it wouldn't apply to third party vehicles, would encourage the queuing of lorries on the road, influx of lorries either side of prohibited window would worsen congestion and cause safety issues, increase in vehicle flows during non-peak hours would exacerbate harm during those hours*
 - *Would be difficult to enforce*
 - *Concern that Hill's now refer to third party vehicles; these would be outside the routeing provisions and could lead to higher overall vehicle movements than assessed.*
31. Officer response – No change is proposed to the site operating hours, only to the hours during which vehicles could enter or leave the site. This would apply to all vehicles, including staff cars and third party vehicles. The peak hours have been identified for this site by Transport Development Control using traffic data. The increase in vehicle movements during non-peak hours has been considered and is comparable to the vehicle movements assessed for

the quarry and concrete plant prior to the removal of that element of the development. Planning conditions can be enforced through a breach of condition or enforcement notice with potential for criminal prosecution.
United Kingdom Atomic Energy Authority (UKAEA)

32. A late representation was received on 23rd November on behalf of UKAEA. This states that further reasons for refusal should be added to those listed in the committee report and is summarised below:
- *Regardless of the adoption of the Oxfordshire Minerals and Waste Local Plan, it is considered premature to bring this development forward prior to the site allocations document*
 - *Consider that the development could severely prejudice the delivery of the river crossing, which could undermine allocations STRAT6 and STRAT7 of the Final Publication Version South Oxfordshire Local Plan 2033.*
 - *It is not clear why the report concludes that the timescale for the quarry workings means that it could be completed before the road would be built*
 - *Clifton Hampden bypass is important for UKAEA's growth and the emerging SOLP 2033 is looking to the STRAT 7 allocation to contribute to this*
 - *Therefore, consider the Fullamoor Quarry development is so substantial/significant that to grant permission in advance of the adoption of the emerging SODC Local Plan could seriously undermine the plan making process by predetermining/influencing decisions affecting SODC's emerging Housing and Employment Strategy*

33. Officer Response - The position on the road crossing is set out in the main report and in the above section. As it is not considered that the quarry necessarily prejudices the proposed road and river crossing, it is not considered that it prejudices the proposed allocations in the emerging South Oxfordshire plan that are linked to this, particularly as the plan safeguards two potential alternative routes for this road. The quarry development would be phased and the areas in the west of the site, in the area of the potential route for the proposed road would be worked in the early part of the development.

Referral to the Secretary to State

34. If committee resolve to grant permission for this development, it is recommended that this is subject to it first being referred to the Secretary of State. This is because the application could be considered to fall under the criteria set out in the Town and Country Planning (Consultation)(England) Direction 2009, as elements of the development are considered to be inappropriate in the Green Belt and would affect its openness.

Amended recommendation

35. Further to the updated comments from Transport Development Control, stating that their objection can be resolved by a condition prohibiting all vehicle movements during peak hours, the reasons for refusal in the original recommendation have been overcome.
36. A revised recommendation is set out below; this replaces the recommendation set out in paragraph 268 of the report.

Recommendation

It is RECOMMENDED that subject to:

- (i) Additional environmental information being subject to the publicity and consultation requirements set out in Regulation 22 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and this not raising any new significant issues, following consultation with the committee Chairman and deputy Chairman; and**
- (ii) no new significant issues being raised further to point (i) the application first being referred to the Secretary of State to provide the opportunity for the application to be called in for his own determination, as required under the Town and Country Planning (Consultation)(England) Direction 2009; and**
- (iii) the Secretary of State not calling in the application for his own determination following referral to him as set out in point (ii) a routing agreement to ensure that vehicle movements from the new development use only the HGV routes on the A-Road network as proposed by the applicant and a Section 106 legal agreement to cover the matters outlined in Annex 2; and**
- (iv) The Director for Planning and Place being authorised to refuse the application if the legal agreements referred to in (i) and (ii) above are not completed within 10 weeks of the date of this meeting on the grounds that it would not comply with OMWCS policy M10 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)**

that planning permission for application no. MW.0039/16 be granted subject to conditions to be determined by the Director for Planning and Place to include the matters set out in Annex 1.

Annex 1 - Recommended conditions

1. Complete accordance with approved plans
2. Commencement within 3 years
3. End date for extraction (11 years after commencement)
4. Restoration in accordance with approved plans within 24 months of end of mineral working
5. Operating hours as proposed
6. Removal of all associated plant and development upon cessation of mineral working
7. Depth of working as proposed
8. Submission and approval of detailed working plans prior to commencement of extraction in each phase; implementation of approved plans
9. Submission and approval of detailed restoration plans prior to commencement of extraction in each phase, including specifications for trees and hedgerows; implementation of approved plans
10. 5 year aftercare in accordance with approved plan to be submitted and approved, including provisions for agricultural and nature conservation areas
11. No import of mineral to the site
12. Restriction of permitted development rights
13. Access to be constructed in accordance with approved plans
14. Implementation of highway improvements
15. Submission of detailed landscape mitigation proposals and implementation
16. Maintenance of new and existing screening vegetation
17. Bunds constructed and maintained in locations approved with height, steepness and other specifications as approved
18. Maximum noise limits at the closest dwellings, as specified in ES
19. Maximum noise limit for temporary operations measured at the closest dwellings, as specified in ES
20. Noise monitoring
21. No reversing beepers other than white noise
22. Submission and implementation of detailed dust management plan, including monitoring provisions
23. Written scheme of archaeological investigation
24. Staged programme of archaeological investigation
25. Fencing to protect area of archaeological interest
26. Environmental Management Plan
27. Ecological restoration and management plan for ecology
28. Ecological monitoring strategy
29. Submission of further details on rights of way provisions – including gate wide enough for mobility scooter
30. No obstructions or large vehicles on the rights of way
31. Traffic Management Plan
32. New access and visibility splays in accordance with approved plans
33. No mud or dust on highway
34. Sheeting of lorries
35. Dewatering to go through settlement tanks or systems before discharging to the ditches
36. No silt discharged to main watercourses
37. No dewatering in flood conditions

38. Dewatering outfalls to be monitored regularly to measure the quality of the flow
39. Submission of a flood management plan including details of safe access and escape routes
40. Detailed groundwater monitoring plan, including additional groundwater monitoring borehole, submission of information from groundwater monitors, details of the protection of railway and details of mitigation measures
41. Submission of drainage plan and supporting assessment based on groundwater monitoring results for restored site, prior to completion of extraction
42. Submission of drainage strategies for all stages of development to demonstrate no increase in surface water run-off from site
43. Submission of details of how bunds would be constructed and drained
44. Tree protection fencing as specified in the arboricultural impact assessment
45. No ground works, storage or parking within the root protection zones as marked by the tree protection fencing
46. After the erection of tree protection fencing two days' notice shall be given to the minerals planning authority to inspect it before ground works commence in that phase
47. Notices to be affixed to tree protection fences stating no access permitted
48. No storage of fuel within 10m of retained trees
49. No heavy mechanical cultivation within the root protection areas
50. A copy of the conditions shall be kept on site
51. Arboricultural supervision as proposed in arboricultural impact assessment
52. Measures to prevent the spread of soil-borne plant or animal diseases
53. Submission of a soil movement scheme prior to soil stripping in each phase
54. Soil handling in accordance with methodology in approved details
55. Submission of details of location, contours and volumes and soil types of bunds following their formation
56. Soils only moved when in a dry and friable condition
57. No soil handling when there are puddles on the soil surface
58. No soil handling between 1st October and 31st March inclusive
59. No plant or vehicle movements over areas of topsoil or subsoil
60. Topsoil and subsoil to be stripped prior to excavating site
61. Soil stripping depths as proposed
62. Soils identified for use as a subsoil substitute to be stripped and stored separately
63. 5 working days' notice to be given to MPA of intention to strip soils
64. Bunds for storage of agricultural soils to meet requirements
65. Bunds to be grassed and kept weed free
66. All topsoil, subsoil and soil forming material to be retained on site
67. Soil forming material to be recovered and used in restoration
68. Restored soil depths as proposed
69. Stones in excess of 100mm to be removed
70. 5 working days' notice to be given to MPA of final subsoil placement in each phase
71. Compliance with final settlement contours
72. Complete accordance with Flood Risk Assessment
73. Scheme to show final design and alignment of bunds and design and height of processing plant above ground level

74. Scheme to show surface water and groundwater pumping scheme, including details of how it will cease prior to onset of flooding
75. Ecological protection and mitigation scheme for protection of ecological buffer zones
76. 25 metre buffer to the River Thames
77. Detailed scheme for external lighting at plant site to be submitted, approved and complied with
78. Details of local liaison committee to be submitted for approval and implemented
79. Details of how a viewing gap will be maintained in the hedge adjacent to the Thames Path and of a heritage interpretation board to be provided in this location to be submitted for approval and implemented.
80. No vehicles to enter or leave the site between 8am-9am and 5pm-6pm Mondays to Fridays
81. Submission and approval of a scheme detailing the location of a video camera to be installed and maintained at the site access to monitor vehicle movements into and out of the site
82. Provision of time and date verified video footage to the Minerals Planning Authority on request

Annex 2 - Heads of terms for legal agreements (Section 106 Agreement and Routeing Agreement)

- Highway Improvements

Payment of £20,000 towards highway improvements for the widening of the footpath on the south side of the A415 at the location of the Clifton Hampden school gate, as shown on plan 4200/SK/202

- Bird Management Plan

Implementation of a Bird Management Plan, detail to be agreed with the Ministry of Defence representatives, for the duration of the operation of RAF Benson or as otherwise agreed between the landowner and Ministry of Defence.

- New Public Rights of Way

The dedication of new public rights of way as shown on Restoration Plan C6 LAN 007 upon the completion of restoration at the site.

- Long Term Management Period

A long term management period of 20 years, subsequent to the statutory 5 year aftercare management period, shall be undertaken across the site for the areas not restored to agriculture.

- Advance woodland planting on land outside the control of the applicant

The advance woodland planting shown on the Advance Planting Scheme and located to the west of the proposed site access road is on land outside of the applicant's control. Therefore, it would need to be secured as part of the Section 106 agreement.

- Routeing

Vehicles travelling to or from the site in connection with either the construction of the development or transportation of mineral product from the development site shall only do so via agreed roads as detailed in the transport assessment Figure 4200/203.