

Division: Yarnton & Otmoor

Contact Officer: Taufiq Islam (mohammad.islam@oxfordshire.gov.uk)
Tel: 01865 815884

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 1

Heads 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.