



To: Members of the Planning & Regulation Committee

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

Monday, 28 February 2022 at 2.00 pm

A handwritten signature in black ink that reads "Stephen T Chandler".

Stephen Chandler
Interim Chief Executive

February 2022

Committee Officer: **Cameron MacLean**
E-Mail: cameron.maclean@oxfordshire.gov.uk Tel: 07526 985978

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

Chair – Councillor Geoff Saul
Deputy Chair - Councillor Richard Webber

Councillors

Robin Bennett
Felix Bloomfield
Yvonne Constance OBE
Imade Edosomwan

Mohamed Fadlalla
Stefan Gawrysiak
Judy Roberts
David Rouane

Les Sibley
Ian Snowdon

Notes:

Date of next meeting: 11 April 2022

Declarations of Interest

The duty to declare...

Under the Localism Act 2011 it is a criminal offence to

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

Whose Interests must be included?

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

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

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

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

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

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

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

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

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

List of Disclosable Pecuniary Interests:

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

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Sukdave Ghuman on 07551 680591 or Sukdave.ghuman@oxfordshire.gov.uk for a hard copy of the document.

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

AGENDA

1. Apologies for Absence and Temporary Appointments

2. Declarations of Interest - see guidance note opposite

3. Minutes (Pages 1 - 8)

To approve the minutes of the meeting held on 29 November 2021 (PN3) and to receive information arising from them.

4. Petitions and Public Address

5. Chair's Updates

To receive any updates from the Chair.

6. Castle Barn Quarry, Fairgreen Farm, Sarsden, Oxfordshire (Pages 9 - 68)

Report (PN6) by Assistant Director for Strategic Infrastructure and Planning.

1. Application 1: MW.0057/21

Importation of inert material for use in restoration of the site

2. Application 2 MW.0058/21

Section 73 application to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the end date for restoration and allow the importation of inert material

RECOMMENDATION

That applications MW.0057/21 and MW.0058/21 be refused.

7. Faringdon Quarry (Pages 69 - 102)

Report (PN7) by Assistant Director for Strategic Infrastructure and Planning.

SUMMARY

Section 73 application to continue the development permitted by planning permission P16/V2331/CM (MW.0117/16) (Amend the working of phase 1a; Amend the restoration of the site; Amend lighting details; Change the site name and signage details to "Faringdon Quarry") without complying with condition 2 to extend the dates for completion of mineral extraction to 31/12/2034 and completion of restoration to 31/12/2035.

RECOMMENDATION

It is RECOMMENDED that planning permission for MW.0142/21 be approved subject to conditions to be determined by the Assistant Director of Strategic Infrastructure and Planning, to include those set out in Annex 1.

8. Tarmac Trading Ltd. Site, Banbury - Air Quality Monitoring Scheme (Pages 103 - 110)

Report (PN8) by Assistant Director for Strategic Infrastructure and Planning.

SUMMARY

This report sets out the detail of a Dust Management and Monitoring Scheme which has been submitted for approval pursuant to conditions on three planning consents relating to Tarmac Trading Ltd.'s site in Banbury. The report also sets out the consultation responses received. There have been no objections to the submission from technical consultees and therefore it is considered that the scheme adequately protects amenity, in accordance with the purpose of attaching the conditions. Therefore, it is recommended that the submission is approved.

RECOMMENDATION

That the scheme submitted and registered as MW.0006/22, MW.0007/22 and MW.0008/22 is approved.

9. Relevant Development Plan and Policies (Pages 111 - 130)

The paper (PN9) sets out policies in relation to Items 6 to 8 and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on [date & time to be confirmed] for the Chairman, Deputy Chairman and Opposition Group Spokesman.

Public Document Pack Agenda Item 3

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 29 November 2021 commencing at 2.00 pm and finishing at 4.28 pm

Present:

Voting Members: Councillor Geoff Saul – in the Chair

Councillor Richard Webber (Deputy Chair)
Councillor Robin Bennett
Councillor Felix Bloomfield
Councillor Yvonne Constance OBE
Councillor Mohamed Fadlalla
Councillor Judy Roberts
Councillor David Rouane
Councillor Les Sibley

Other Members in Attendance: Councillor Ian Middleton (for Agenda Item 6)
Councillor Liz Leffman (for Agenda Item 7)

Officers:

Whole of meeting G. Warrington & D. Mytton (Law & Governance); D. Periam & M. Hudson (Strategic Infrastructure & Planning)

Part of meeting

Agenda Item 7. **Officer Attending**
M. Case (Strategic Infrastructure & Planning) & H. Breith (Environment Strategy)

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

24/21 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS
(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Stefan Gawrysiak Councillor Ian Snowdon	- -

25/21 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE
(Agenda No. 2)

There were no declarations of interest.

26/21 MINUTES
(Agenda No. 3)

The minutes of the meeting held on 6 September 2021 were approved and signed.

Minute 21/21 – Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Lane, Radley

The Chairman referred to an email sent to all members of the Committee from Radley Parish Council requesting that “OCC officers enter into discussions with the Parish Council so as to give the Committee an early, and if possible agreed, understanding of the legal options open to them.”

Officers reiterated that at the 6 September meeting their advice had been as set out in the report submitted to the Committee at that time and based on counsel’s opinion, which had been appended to the report. The Committee had then heard from representatives of the parish council, Friends of Radley Lakes and the operator and his agent before resolving to defer a decision to the July meeting with the expectation that the operator would by that time have submitted a ROMP application accompanied by an Environmental Statement for the whole of the Radley ROMP permissions area.

The Chairman was asked to respond to the Radley Parish Council setting out that the Committee having listened to a variety of views and opinions and debated the matter thoroughly had reached its decision in the light of all the information provided and it was not considered appropriate for officers to now enter into further discussion with the Parish Council with regard to the legal options open to the Committee and if the Parish Council had any new information and wished to make further submissions for officers to consider then they were of course welcome to do that in writing which officers could then review.

27/21 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Phillip Duncan (Agent for the Applicant) County Councillor Ian Middleton (Local Member))) 6. Cassington Quarry – Application) MW.0122/20)

<p>Antony Cook (Agent for the Applicant) County Councillor Liz Leffman (Local Member)</p>	<p>) 7. Castle Barn Quarry – Application) Nos. MW.0057/21 and) MW.0058/21)</p>
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28/21 CHAIRMAN'S UPDATES

(Agenda No. 5)

Officers advised that an application had been submitted to the Vale of White Horse District Council for permanent planning permission to use the Curtis site in Thrupp Lane as a contractor's yard.

29/21 SECTION 73 APPLICATION FOR THE CONTINUATION OF THE WINNING AND WORKING OF SAND AND GRAVEL WITH RESTORATION USING SUITABLE IMPORTED MATERIALS TO VARY CONDITIONS 2, 3 AND 6 OF PLANNING PERMISSION 19/02521/CM (MW.0111/19) IN ORDER TO EXTEND THE PERIOD OF EXTRACTION UNTIL 31ST DECEMBER 2022 AND THE TIME PERIOD FOR RESTORATION UNTIL 31ST DECEMBER 2024 TO ALLOW FOR SUFFICIENT TIME FOR THE WORKING OF MINERAL FROM BENEATH THE PLANT SITE AND THE REVISED RESTORATION OF THE PLANT SITE AT CASSINGTON QUARRY, WORTON, WITNEY, OX29 4EB - APPLICATION NO: MW.0122/20

(Agenda No. 6)

The Committee considered (PN6) a report setting out proposed changes to the specified existing planning conditions which had been applied for under application no. MW.0122/20.

Officers presented the report and confirmed that the intention had been to use spoil from the now delayed Oxford Flood Alleviation Scheme but there was nothing to restrict the applicants from sourcing restoration material from elsewhere.

Phillip Duncan for the applicants explained that this was an application for an extension of one year due to delays in acquiring a licence to undertake work involving Great Crested Newts. Cassington Quarry had been worked and restored and this application represented the last element. He confirmed that material would be available from sources other than the delayed Oxford flood alleviation scheme. Plant site restoration had originally been for one large water body but as the quarry already had a large amount of that type of habitat a variation had been sought to reduce the extent of the water body, increase the area of grassland and provide smaller and more varied waterbodies. The timeframes for that permission had been for extraction to cease by 31 December 2020 with restoration completed within 2 years of that date. However, it was then identified that the site was populated by great crested newts, which were subject to protection with strict limitations on what works could be undertaken. The newt project, which related to the animal's life cycle, had been due to commence in April 2021 with an application made to extend the timeframes of the

planning permission by 1 year. However, the process to get the GCN licence took longer than anticipated with the necessary certificate only issued on 23 July 2021. Therefore, a further extension of time for the planning application was needed to enable the GCN works to be undertaken and amend the 1 year extension by a further year. This application was simply the result of an interconnected licensing and planning process. The GCN licence was now in place and if this application was approved then the last sand and gravel could be extracted from Cassington and the site then restored.

Councillor Ian Middleton referred to the many extensions to this site. The original permission had included a completion date of 2010 but we were now 11 years on from that. Although the applicant had referred to a 1 year extension the report referred to two years. There was a lot of local frustration that there always seemed to be one extension after another and a need to draw a line. He supported the protection being afforded to the great crested newt population but felt that the issue was something of a smoke screen. There were also issues relating to the green belt and rights of way and Yarnton residents wanted to see an end to this saga.

Members expressed their sympathy with the obvious local frustration which seemed to be a common theme with many permissions not meeting original estimates for completion of operations.

Officers accepted that there was a general pattern with regard to the frequency of extensions and although difficult to defend business circumstances did change and in this case the application needed to be considered in order to facilitate restoration. It was open to the Committee to approve for a reduced period but their advice was to approve as recommended while noting the concern.

RESOLVED: (on a motion by Councillor Bloomfield, seconded by Councillor Constance, amended with their consent by Councillor Webber and carried unanimously) that planning permission for MW.0122/20 be approved subject to:

- (a) conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1 to the report PN6; and
- (b) an additional informative that the “The Council’s Planning and Regulation committee was disappointed that yet another section 73 application for an extension of time for the completion of mineral extraction and restoration had had to be brought forward and would encourage the applicant to ensure that the development is now completed as required within the additional time periods permitted.”

30/21 (I) IMPORTATION OF INERT MATERIAL FOR USE IN RESTORATION OF THE SITE AND II) TO CONTINUE THE DEVELOPMENT OF LIMESTONE QUARRY EXTENSION PERMITTED BY 18/02008/CM (MW.0027/18) WITHOUT COMPLYING WITH CONDITION 1, CONDITION 2, CONDITION 8 AND CONDITION 26 IN ORDER TO AMEND THE APPROVED RESTORATION SCHEME, EXTEND THE DATE FOR RESTORATION AND ALLOW THE IMPORTATION OF INERT MATERIAL AT CASTLE BARN

QUARRY, FAIRGREEN FARM, SARSDEN, OXFORDSHIRE - APPLICATION NOS: MW.0057/21 AND MW.0058/21

(Agenda No. 7)

The Committee considered (PN7) a report setting out two applications in relation to Castle Barn Quarry. One (MW.0057/21) sought permission for the importation of inert material for use in restoration of the site and the second (MW.0058/21) a Section 73 application to vary certain conditions attached to planning permission MW.0027/18 regarding importation of material and an extension to the restoration date to 31 December 2024.

Officers presented the report.

Responding to questions officers advised that the statement by the applicant's counsel on page 44 of the report had unsurprisingly stated that this application did not constitute major development and was in the public interest because of benefits from the proposed scheme and improvements to safety on the site. However, under the NPPF a view had to be taken on any application in an AONB and it was for the Committee as decision takers to decide on whether advice given by officers in this case was correct or not. There had been a quarry there for many years and the original permission had been for restoration using on site material but, for whatever reason, more material had been removed from the site and as a result some imported material would now be required. However, the level of import being proposed was twice what was required to infill under the existing scheme.

While giving a higher bio-diversity net gain the new scheme would also result in more HGVs and carbon emissions so a balance was needed between the benefits to be derived from any net gains against the disbenefits from 27,00 additional vehicle movements when restoration could be achieved without that. There was a duty of regard for the management of AONBs.

The Highway Authority had initially raised some concerns but not now subject to routing agreements

Antony Cook for the applicant. Castle Barn Quarry had historically been worked for building stone but in 2015 that changed to allow surplus waste mineral to be crushed and exported as aggregate enabling the quarry to be worked in a more efficient and effective manner while creating a viable product from finite mineral resources. However, adequate safeguards had not been established by that permission or those that followed to ensure retention of sufficient waste material on site for restoration, which now meant that the approved restoration scheme could not now be delivered without importing inert material. While this was an issue that could have been prevented and was a problem inherited by the applicant (as landowner) who was now responsible for delivering the restoration of the quarry the scheme as now proposed presented an opportunity to deliver significant improvements through development, which sought only continuity of the nature and scale of the quarry operation that had existed on this site between 2015 and 2020 with a maximum three-year extension to complete restoration works. However, it was anticipated that the infill operation would be completed within eighteen months with the only discernible difference between the previous mineral operation and the proposed infilling of the remaining

void being that associated HGVs would import rather than export material with the number of daily vehicle movements remaining the same. Central to the officer recommendation was the implied impacts of maintaining HGV movements in the AONB but recent development history for the application site included three planning permissions across 2015, 2017 and 2018 each of which approved 58 daily HGV movements from the quarry and in assessing the impact of these applications county officers had consistently stated that 58 HGV movements exporting mineral did not comprise major development in the AONB and did not result in any adverse impact upon the landscape, including the Cotswolds AONB. How could that be different from the same number of HGV movements importing clean, unrecyclable inert material over an 18 month period and if it was that such adverse impacts existed then there should be compelling evidence resulting from the previous mineral operation. But that was not the case. The officer report referred to the lesser number of movements required to deliver the existing 'satisfactory' restoration scheme but policy dictated that quarry restoration schemes must strive to be more than satisfactory especially within an AONB landscape. The consented scheme was almost entirely agricultural with limited biodiversity gains and a retained void resulting in a landform uncharacteristic of the designated landscape and he doubted whether the scheme if it were to be determined today would secure planning permission whereas the proposed development presented an opportunity to reinstate the pre-extraction landform in this part of the AONB; deliver wide-ranging and significantly enhanced biodiversity gains that were not achieved by the consented restoration and remove a large and hazardous void only a matter of metres from a public right of way all through 18 months of importation at a scale of development consistent with that which had currently existed at this site, without issue or detriment, for roughly 6 years and supported by the Parish Council. Extending HGV movements would be central to any decision making process but as the material proposed to be used to fill the void already existed in the form of soils and clays from construction sites which, because of its unsuitability for use as recycled aggregate, would in any event need to be transported for management purposes. He accepted that there was a consented restoration scheme that could be delivered within a shorter timeframe but that would still require importation of inert material while resulting in at best nothing more than a satisfactory outcome whereas now there was an opportunity to deliver long term landscape, biodiversity and public safety benefits while representing 'exceptional circumstances' in accordance with national policy to provide justification to allow these planning applications to be approved.

Responding to questions from Councillors he:

Confirmed that waste would be supplied by a local haulier in North Oxfordshire.

The operation would use inert waste and be subject to an Environmental Permit.

The number of HGVs had been deliberately framed to be consistent with existing limits.

They were aware of surrounding traffic restrictions in settlements such as Chipping Norton.

As local member Councillor Leffman was well aware of the history of this site and did not consider this application constituted major development. What was being proposed would result in a complete infill of the site with a return to agricultural use and substantial improvements to both biodiversity and ecology. There had been traffic movements here for many years comprising tractors and lorries with no complaints and problems resolved through appropriate routeing to avoid neighbouring settlements. There had been no ecology objections or objections from neighbouring communities who accepted that the application would allow a return to agriculture with other major benefits. She considered that the application should be approved.

Councillor Constance supported the views put forward by the local member. Her expectation was that major development would be above ground rather than filling in below ground level. It seemed clear to her that there was an ambition here to restore this area to a higher standard, that there were exceptional circumstances and it was in the public interest with a net gain in biodiversity.

The Chairman reminded the Committee that the main question was whether the development was major development in the AONB. While there was the potential for biodiversity gains and clearly a desire locally to get on with restoration the question remained about development in the AONB along with concerns regarding a balance to achieve that against increased carbon emissions.

Councillor Roberts referred to the concerns of Chipping Norton residents who were very exercised about pollution and that they might find it difficult to recognise the benefits to their community. Chipping Norton was also an AQMA and this seemed to be going against that. She agreed that more information was needed as this was a very tight balance.

Councillor Rouane advised that environmental officers had not commented on the AQMA issue he did not see that as a problem and if it wasn't classed as a major scheme before then why should it be now.

Officers advised that Policy C8 and Policy C11 and Appendix 9 of the Cotswolds AONB Management Plan offered guidance on the issue of major development and whether the proposal had a material impact on the AONB. The Cotswolds Management Plan stated that material should address local needs and come from within the AONB. Given the opportunity quarries could become good biodiverse sites and there were landscape benefits to the proposed scheme but to do that here would require traffic movements estimated at around 28,000 HGVs with increased CO2 emissions. The harm caused by this did not outweigh the proposed benefits. This was an infill application and restoration of the quarry did not have to be completed in this way as there was already an alternative approved scheme as set out in the existing planning permission which would deliver biodiversity benefits. The question which needed to be asked was why this restoration scheme required so much more material than the original permission. Care was also needed to ensure a precedent was not set for other schemes.

It was clear from the full discussion that some Members felt that more information was needed in order to reach a conclusive decision and Councillor Edosomwan

moved that the applications be deferred. Seconding the motion Councillor Bennett added that the restoration scheme as now proposed seemed an improvement on the original scheme but agreed that in order to address the issues raised and reach a satisfactory conclusion more information was required to support a decision.

The motion was then put to the Committee and:

RESOLVED: (by 7 votes to 3) that Applications MW.0057/21 and MW.0058/21 be deferred to a future meeting for further information specifically relating to:

- Biodiversity - to include a comparison of the approved and proposed schemes but more generally whether the proposed restoration scheme was exceptionally better than the approved scheme in order to support the need to demonstrate exceptional circumstances and whether the public interest test had been met if it was concluded that it was major development in AONB terms.
- Landscape – Landscape Assessments to be provided by applicant for consideration.
- More detail on the two sites/operators in the north of Oxfordshire which the applicant's agent had identified as the likely sources of the inert material.
- An assessment of the CO2 emissions associated with the importation of inert material to the site as proposed.

..... in the Chair

Date of signing

Divisions Affected – Charlbury & Wychwood

PLANNING AND REGULATION COMMITTEE

28th February 2022

Application 1: Importation of inert material for use in restoration of the site

Application 2: Section 73 application to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the end date for restoration and allow the importation of inert material

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Matthew Case **Tel:** 07584262456

Location: Castle Barn Quarry, Fairgreen Farm, Sarsden, Oxfordshire

OCC Application No: App 1: MW.0057/21 App 2: MW.0058/21

VOWH Application No: App 1: 21/01669/CM App 2: 21/00076/CM

District Council Area: West Oxfordshire District Council

Applicant: C D Brooks & Partners

Application Received: 1st April 2021

Consultation Period: 22nd June 2021 to 13th July 2021
29th September 2021 to 20th October 2021
20th January 2022 to 10th February 2022

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Assessment and Conclusions

RECOMMENDATION

1. **The report recommends that applications MW.0057/21 and MW.0058/21 be refused.**

PART 1- FACTS AND BACKGROUND

2. The application was originally reported to the meeting of the Planning and Regulation committee on Monday 29th November 2021. The committee was concerned with regard to various aspects of the application, and felt they did not have enough information to determine the application, this includes the following additional information:
 - (a) Biodiversity – comparison of the approved and proposed schemes but more generally also, is the proposed restoration scheme exceptionally better than that approved so as to support the need to demonstrate exceptional circumstances and the public interest;
 - (b) Landscape – A Landscape & Visual Impact Assessment or Landscape & Visual Appraisal in line with the Guidelines for Landscape and Visual Impact Assessment, 3rd edition (GLVIA3) that assesses the impacts of the scheme (i.e. the proposed restoration and the HGV movements) against the special qualities of the AONB, including tranquillity. The assessment should also include a comparison of the two restoration schemes in landscape and visual terms;
 - (c) More detail on the two sites/operators in the north of Oxfordshire which were referred to by the applicant's agent as the likely sources of the inert material;
 - (d) An assessment of the CO2 emissions associated with the importation of inert material to the site as proposed.
3. It was resolved that consideration of the application be deferred until a future meeting pending the above information being provided. The applicant provided further information and this has been subject to a third consultation period of 21 days.

Details of Proposed Development

Overview

4. The applicant has made two applications for consideration together in order to enable the importation of inert material to the development, to extend the timescale for delivery of site restoration to 31st December 2024 and amend the approved restoration scheme.

Both Applications

5. As part of the additional information request by the Planning and Regulation Committee, the applicant submitted the following documents on 20th January 2022:

Additional Information Package from the Planning Agent

6. The document acts as a covering letter from the Planning Agent in response to the request for additional information. The agent requests that the Mineral Planning Authority re-assess their view on applying the ‘major development’ test to keep consistency ‘with the clear precedent that they have established’. As part of this the agent discusses the recent planning history of the site.

7. The document summarises the findings of the ‘Landscape and Visual Impact Statement’ which concluded that whilst there would be some on-going short-term effects resulting from the revised restoration proposals, in the long-term there would be beneficial landscape and visual effects.

8. The document has a section on ‘Air Quality’. This states that the temporary ban on HGV movements through Burford is set to be lifted in February 2022. Had this been sustained, HGV access to Castle Barn Quarry would have been required from the north only. The lifting of the ban now gives scope for HGV movements to access the quarry from the south. The report was prepared based on a worst-case scenario assuming all HGV movements were via Chipping Norton. It is concluded that the proposed development would not result in any adverse impact upon the Air Quality Management Area (AQMA). It has also been confirmed that the fleet of vehicles proposed are less than three years old and meet the Euro VI Emissions Standards. In summary, the applicant states the transportation of fill material to Castle Barn Quarry would result in lower and cleaner HGV emissions in the Chipping Norton AQMA than the previously consented quarry operations, would be time limited to around 18 months and is likely to minimise emissions of pollutants by using locally sourced inert materials.

9. The document has a section on ‘Biodiversity Net Gain Calculations’. The document shows the difference in biodiversity net gains between the existing consented restoration and proposed restoration schemes. The net change is split into three sections, habitats, hedgerows and rivers. This is set out in the table below:

Habitats	Type of Unit	Original Baseline	Consented Restoration		Proposed Restoration	
		Units available	Habitat Creation Units	Net percentage change	Habitat Creation Units	Net percentage change

Net project biodiversity units	Habitats	7.46	8.90	19%	9.69	30%
	Hedgerows	0.88	1.05	19%	4.35	394%
	Rivers	0.00	0.00	0%	4.02	100%

10. The applicant states there is no requirement on the applicant to demonstrate exceptional circumstances and public interest for major development in the AONB. But in the view of the applicant the proposed restoration scheme is exceptionally better than that achieved by the consented scheme.
11. The document contains a section on 'Carbon Offsetting'. The additional information package doesn't though contain an offsetting calculation. The applicant states the proposed revised restoration scheme in time will deliver offsetting of emissions associated with the importation of inert material. Further to this the applicant states the HGV movements will inevitably be moved somewhere else in Oxfordshire. The applicant states that if the fill is not deposited within the void space at Castle Barn Quarry, it will be transferred to an alternative site and would result in carbon emissions regardless.

Landscape and Visual Statement

12. A landscape and visual statement were produced as part of the additional information. Overall, the statement concludes that whilst there would be some on-going short-term effects resulting from the revised restoration proposals, the proposals would, on balance, present long-term beneficial landscape and visual effects.

Technical Note – Air Quality Impacts of Import of Inert Material for Restoration of Castle Barn Quarry

13. A Technical Note was commissioned by the applicant, in regard to the air quality impacts of importing material for restoration.
14. In addition to the summary stated in paragraph 8, the report discusses the Air Quality Management Area (AQMA) in Chipping Norton. West Oxfordshire District Council monitors nitrogen dioxide (NO₂) in Chipping Norton. The annual mean results for the last five years are reproduced from the Annual Status Report 2021. The results show that NO₂ levels have generally fallen, although the 2020 figures were impacted by the Covid-19 pandemic.

A letter from Nicholas Johnston to the Applicant

15. A letter was sent from the previous operator who operated the site between 11th November 2015 to 31st December 2020. Approximately 90% of HGVs exporting crushed stone, arrived and left via the quarry via the town of Chipping Norton. The HGV vehicle fleet used at the time were five to seven years old and complied to EU Emissions Standards 'Euro V'.

A letter from Earthline Exchange Ltd to the Applicant

16. A letter has been provided by the potential infilling operators, Earthline Exchange Ltd. The operator confirms the following:
 - (a) All tipper lorries are less than three years old and all meet the Euro VI emissions standards.
 - (b) Carbon emissions will be kept to a minimum as much of the material will be sourced from building sites and other construction projects less than 25 miles away. Most of the business is focused on the centres of Banbury, Bicester and Oxford.
 - (c) If the materials are not tipped at the site, the materials will be tipped at Earthline sites at Shipton-on-Cherwell or Shellingford.
 - (d) The main route to the site will be via Chipping Norton, and if from the south via Burford.

The submitted documents are available to view on the council's planning applications website.

Further Information – 15th February 2022

17. In response to the Cotswold National Landscape response, the applicant provided further document on the 15th February 2022. The document is a letter from Earthline Ltd., stating the importance of the Castle Barn site to Earthline and the construction industry. Stating their site at Shipton-on-Cherwell Quarry does not have capacity to meet demands of Chipping Norton as the quarry is already at its limit of its vehicle movements.
18. It goes on to state there is significant demand for inert tipping from the construction industry from towns and villages in the AONB such as Chipping Norton and Stow on the Wold all within 15-mile radius of Sarsden. The material still be disposed at Shipton-on-Cherwell when space is available. In the letter stating this adds further travel time. On average it is estimated that utilising Castle Barn Quarry would reduce our current HGV journeys by at least 50%.

PART 2 – OTHER VIEWPOINTS

19. There were two periods of public consultation. In addition, a selection of specialist consultees were consulted as part of the additional information submitted in January 2022. Previous comments are summarised in the original committee report in Annex 1.

20. Please see the latest comments on the additional information below.

Biodiversity (OCC)

Full response below

21. I consider that the use of the 'Strategic Significance' field within the 3.0 metric has not been utilised correctly. Strategic significance should primarily be applied to sites which are within landscapes of spatial significance such as Conservation Target Areas or Biodiversity Opportunity Areas. If a given site is of strategic significance for a particular feature such as calcareous grassland, the significance criteria would only apply to the calcareous grassland habitat. If a site is generically significant then the significance would apply to all baseline and proposed habitats. On this basis, it is likely the Castle Barn Quarry site would deliver 9.31 units rather than 9.69 units (i.e. 25% rather than 30% gain). Similarly, the hedgerows would deliver 3.95 rather than 4.35 units (remains 394% gain). Regardless of this potential miscalculation, the revisions to the restoration strategy will deliver greater gains for biodiversity than the consented scheme by providing a range of habitats of value to wildlife, albeit constrained by the site's setting within a predominantly arable landscape.

22. If minded to approve the proposals, I would suggest a condition is included to ensure these habitats are maintained for the benefit of biodiversity for a minimum period of 25 years, as set out below.

Landscape Ecological Management Plan (LEMP)

23. No restoration shall take place until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The LEMP shall include details on how the proposed habitats will be managed, created and/or monitored to deliver the target conditions proposed within the timescales given. Long term management for a minimum of 20 years, in addition to the 5-year aftercare period, is expected. The content of the LEMP shall include the following:
 - 1) Review of site potential and constraints

- 2) Purpose and conservation objectives for the proposed works (ensuring reference is made to the target conditions within the biodiversity metric)
- 3) Detail design(s) and/or working method(s) to achieve the stated objectives
- 4) Extent and location/area of proposed works on appropriate scale maps and plans
- 5) Type and source of materials to be used where appropriate
- 6) Timetable for implementation
- 7) Details of initial aftercare and long-term maintenance of ecological habitats
- 8) Timing, duration and details of ongoing monitoring and remedial measures
- 9) Persons responsible for implementing the works
- 10) Preparation of a work schedule (including an annual work plan capable of being rolled beyond the five-year restoration period to the 20 year aftercare)
- 11) Details of the body or organisation responsible for implementation of the plan

The plan that is approved must be fully implemented and no work shall take place other than in accordance with the approved plan.

Reason: To ensure the protection of flora and fauna, and to ensure that the site is restored and managed appropriately to deliver a gain for biodiversity in accordance with the NPPF paras 174, 179 and 180 and OMWCS policies C7 and M10.

Public Health (OCC)

Full response below

24. I have reviewed these and have no additional comments to those already shared by both me and specialist colleagues at Public Health England on 09/07/21. These cited the use of industry standard and best practice approaches, and the use of dust control measures as part of environmental permit conditions (as noted by the Environment Agency).

Highways (OCC)

Full response below

25. As there was no request at the committee meeting for further information regarding the proposed HGV routeing, I don't think that there is anything for me to comment on.

26. I can confirm that, following the decision by the Cabinet Member for Travel & Development Strategy on 5 January, the Burford Experimental Traffic Regulation Order is to be revoked in February. Therefore, HGVs will be free to pass through Burford on the A361 from then on. I am not able to comment on the air quality impacts resulting from HGV movements.

Landscape Specialist (OCC)

Full Response below (sent on 10th February 2022)

27. The following comments should be read in conjunction with my previous consultation responses.
28. The application was considered by the Council's Planning and Regulation Committee (29th November 2021), which requested further information in relation to a number of environmental issues. This included amongst other things a request for a Landscape & Visual Impact Assessment (or Landscape & Visual Appraisal) to assess the impact of the scheme on the landscape character and views of the Cotswolds National Landscape, and to provide a comparison of the two restoration schemes.
29. In response to this the applicant has provided a Landscape and Visual Statement (LVS). This concludes that the proposed restoration scheme would result in an overall negligible-minor beneficial effect on the local landscape character due to the proposed restoration introducing a greater variety of habitats into the scheme. With regard to visual amenity, it considers effects to be temporary neutral during infilling (i.e. HGV movements), becoming minor beneficial in the long-term after completion of the restoration. Effects on tranquillity have been judged to be negligible and neutral based on the temporary nature of the HGV movements and the previous level of HGV movements associated with mineral extraction.
30. The LVS is a high-level document which does not provide detailed assessment information such as a visual appraisal or an assessment of the proposed scheme against the Cotswolds NL Landscape Strategy and Guidelines. It does also not include an assessment methodology as required by the Guidelines for Landscape and Visual Assessment, 3rd Edition (GLVIA3) to explain the assessment process, terminology and criteria being used. Without this information it is difficult to understand how the levels of impact have been determined.

31. However, the document includes useful information on the proposed restoration scheme, which in combination with the biodiversity information is helpful to better understand what environmental benefits the proposed restoration scheme could deliver.
32. I agree that the proposed restoration scheme will deliver landscape and ecological benefits in the long-term but believe that the LVS underestimates the short-term effects on the Cotswolds NL associated with the importation of material.
33. Whilst I feel that the additional information helps to make a better case in relation to the environmental benefits the proposed restoration would deliver, it does not sway my concerns about the impacts on the special qualities of the Cotswolds NL associated with the importation of 118,000 m³ of inert material.
34. I remain of the view that the benefits of the proposed restoration do not justify the impacts associated with the proposed level of infilling. On balance, I am therefore not able to support this application.

Cotswolds National Landscape (AONB Board)

Full Response below (sent on 10th February 2022)

35. Our response dated 27 May 2021 provided a detailed consideration of the Board's assessment of this application and is appended to this response for ease of reference. Whilst the Board does not wish to repeat the detail of that response at length, we would like to comment upon the Additional Information Package submitted by the applicant in January 2022.
36. Having reviewed this information, whilst the Board continues to acknowledge that the proposed restoration of the quarry to a pre-quarrying landform would have some beneficial effects with regards to the local landscape character, on balance we maintain our objection to these applications for the reasons outlined below and in our previous response.

Major development

37. The applicant's Accompanying Note (dated January 2022) outlines how the applicant and County Council Planning Officers continue to differ in their opinion of the interpretation of paragraph 177 of the NPPF as to whether or not the proposal would constitute 'major development' in the AONB. The applicant,

supported by Counsel's opinion (from Christopher Young QC, dated 17 September 2021) outlines how previous applications at Castle Barn Quarry have not been considered by the County Council to be 'major development' in terms of their nature, scale and setting and that to ensure 'consistency', these applications should be determined in accordance with this 'precedent'.

38. However, the previous applications were for different activities and none of them sought the importation of waste material from outside of the AONB, let alone at the significant scale proposed here. The Board maintains its view that, for the planning policy reasons outlined in our previous response and taking into account their nature and scale, these particular proposals do constitute 'major development' in paragraph 177 terms and could have a significant adverse impact on the tranquillity of the Cotswolds National Landscape. We remain unconvinced that the 'exceptional circumstances' required by paragraph 177 have been demonstrated, or that the development would be in the public interest.

Correspondence from Earthline Ltd (dated 7 December 2021)

39. This letter confirms that the "majority" of the 118,000m³ of inert material proposed to be used as infill will be "sourced from building sites and other construction projects less than 25 miles away. "The majority of our business in the area centres around Banbury, Bicester and Oxford". It also confirms that the main route these lorries would take from the construction sites would be via Chipping Norton, though some material may potentially come via Burford if/when HGV restrictions in the town are lifted. The letter makes no mention of the amount of material that would be sourced from within the Cotswolds National Landscape and therefore the implication is that very little, if any, material would come from the local area within the AONB.
40. This supports the Board's previous observations that the proposed development would, in effect, be a strategic waste facility, importing over 50,000 tonnes of waste per annum into the Cotswolds National Landscape from outside its boundaries. This would not be consistent with the Oxfordshire Minerals & Waste Core Strategy or with the Cotswolds AONB Management Plan for the reasons outlined in our previous response. Furthermore, the site is not located within the zones specified for such strategic waste facilities, within the Core Strategy, around Oxford and the main towns of the county.
41. Our observation also remains that given the distance of the site from the main sources of waste material, the proposed development would also result in

unnecessarily excessive CO2 emissions which would not be compatible with Oxfordshire County Council's stated ambition to enable a net-zero carbon Oxfordshire. Whilst the letter states that, if planning permission were not granted the material would still be used as infill, one of the alternative destinations would be Shipton-on-Cherwell, which is much closer to both Oxford and Bicester than Castle Barn Quarry and therefore would likely result in less carbon emissions being created from its disposal.

Correspondence from Johnston Quarry Group (dated 13 December 2021) relating to previous mineral operation at Castle Barn Quarry

42. This letter confirms that quarrying activities ceased over a year ago at the end of 2020. Therefore, the current baseline for HGV movements continues to be presumably approximately zero. The Board's view remains that 28,000 HGV movements resulting from the proposed development and would unnecessarily exacerbate problems currently experienced due to numbers of HGVs in both Chipping Norton and Burford as outlined in our previous response.

Landscape and Visual Statement (David Jarvis Associates, January 2022) and Air Quality Impacts Report (RSK, 14 January 2022)

43. The content of these documents does not alter our view expressed above that the proposal constitutes 'major development' and also does not accord with the County Council's Development Plan policies.
44. We remain of the opinion that given the likely negative trade-offs in permitting these applications, a more significant overall benefit could be achieved if there was a biodiversity-led restoration of the unfilled quarry, focussing on the creation of species-rich, limestone grassland. This would avoid the large-scale importation of inert waste into the National Landscape, contrary to both the Oxfordshire Minerals and Waste Local Plan Core Strategy policy and our guidance.

PART 3 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

45. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy C1 of the OMWCS. This means taking a positive approach to development and approving an application which

accords with the development plan without delay unless material considerations indicate otherwise.

46. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.
47. The original officer analysis and advice along with reference to relevant development plan and other policies is set out in the 29th November 2021 committee report in Annex 1. The two reports for the applications should be considered together. The policy discussion below is purely to cover the updated comments since receiving additional information in January 2022. The key planning issues are:
 - i. Landscape and visual impacts
 - ii. Biodiversity
 - iii. Amenity and health
 - iv. Carbon emissions, natural resources and waste
 - v. Sustainable development

Landscape and Visual Impacts

48. Paragraph 176 of the NPPF states ‘great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.’
49. Paragraph 177 of the NPPF states ‘when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development*⁶⁰ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'
50. *Footnote 60 of the NPPF states 'For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'
51. The applicant has supplied additional information including an LVS. The County's Landscape Specialist reviewed the additional information supplied including the LVS. Whilst the additional information helped make a better case in relation to the environmental benefits of the proposed restoration scheme, it has not swayed the concerns on the impacts on the special qualities of the Cotswolds National Landscape (NL) which would be caused by the importation of 118,000m³ of inert material. The landscape Specialist does not believe the benefits of the proposed restoration justifies the impacts associated with the proposed infilling activity. Therefore, the Landscape Specialist continues to object to the proposals. In addition, the officer at Cotswold NL (AONB Board) has also continued to object to the applications given the likely negative trade-offs in permitting the two applications. The AONB officer stated, 'a more significant overall benefit could be achieved if there was biodiversity-led restoration of the infilled quarry, focusing on the creation of species rich, limestone grassland'. They state, 'this would avoid large-scale importation of inert waste into the NL'.
52. Officers continue to disagree with the applicant's position that the development proposed is not major development due to the council's consideration of previous applications associated with mineral extraction at the site; the development is for a significant infilling operation which is new development which has never been previously considered at the application site. It is considered that it does constitute major development in the AONB as defined under paragraph 176 and 177 of the NPPF. As set out in the original committee report, the officer advice is therefore that the committee as the decision-maker should consider whether exceptional circumstances exist and that it would be in the public interest.

53. The new proposals as set out in these applications would introduce landfilling, and indeed land raising as it would lead to a landform above the existing permitted levels even if those themselves are below the level of the surrounding land. The applicant has confirmed that approximately 49,200m³ of imported inert waste would be required to restore to the permitted levels and 118,000m³ to restore to the proposed levels. The importation of inert waste material would also generate HGV movements which would otherwise not be required, had the quarry not been over worked. Again, these would be considerably less at 11,576 movements if the amount of inert material to be imported were only that needed to now achieve the existing permitted restoration contours compared to the approximately 27,764 movements necessary to achieve the scheme as proposed.
54. This appears to be in excess of that required to secure the restoration and afteruse of the quarry which has a satisfactory approved restoration scheme, requiring less than half that quantity of material. It is unfortunate that the site has been over-worked but it is the officer's considered view that the nature of the development, which is the landfilling of inert material albeit for the purposes of restoration of the previously permitted quarry, and the scale which is as set out above in terms of area, quantity of material and associated HGV movements, weighs in favour of concluding that the proposal set out in the applications is for major development in the AONB which should be refused unless it is demonstrated that exceptional circumstances exist and that it would be in the public interest.

Biodiversity

55. One of the questions raised by the committee related to comparing the approved and proposed schemes, to understand if the proposed scheme is exceptionally better in order to demonstrate exceptional circumstances and the public interest.
56. Originally the County's Ecologist had no objections to the applications. After sending the additional information in January, she requested the raw metric data. Although the County's Ecologist has no objections to the scheme, she has stated that the biodiversity gains had not been correctly calculated with overall 25% gain rather than 30% gain. Nevertheless, the scheme will deliver greater gains in biodiversity.

57. Overall, the proposals are considered to be in accordance with policies related to biodiversity including OMWCS policy C7 and WOLP policy EH3. The committee therefore needs to weigh this in the balance against the concerns raised above with regard to the impacts of the development in the AONB. Whilst there are clear biodiversity benefits which could be achieved if the development were to be carried out as proposed, considerable concern remains with regard to the overall impacts on the Cotswold AONB as set out above. It is the officer view that the proposed development set out in the applications is contrary to policy C8 of the OMWCS, policies EH1 & EH2 of the WOLP, and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the CAMP.

Amenity and health

58. OCC Public Health were consulted on the additional information. The Public Health Officer has no objections to the scheme. The development proposed in the applications is considered to be in accordance with policy EH8 of the WOLP and policy C5 of the OMWCS.

Carbon Emissions, Natural Resources and Waste

59. The applicant supplied additional information regarding the potential HGVs proposed to import the waste, that these will have an improved emissions standard and essentially be cleaner than what has been used before when exporting crushed rock. As set out above, the importation of 118,000 m³ of inert material would generate an estimated 27,764 HGV movements. Potentially the HGVs proposed for importation of inert material would meet the Euro VI emissions standards, an improvement on the standards of the HGVs used in the past when the vehicle movements were permitted. Nonetheless, these additional HGV movements would therefore generate Carbon Dioxide emissions which would not otherwise arise in and around the application site had the quarry not been over-worked. One of the alternative destinations for this material would be Shipton-on-Cherwell quarry, which is much closer to both Oxford and Bicester than Castle Barn Quarry and therefore would likely result in less carbon emissions being created from its source. As mentioned, the proposed development would require more than double the amount of inert infill required to restore the quarry to the consented contours. Therefore, it is considered that the development proposed does not minimise carbon emissions or make effective use of natural resources contrary to OMWCS policy C2 and WOLP policy OS3.

Sustainable Development

60. OMWCS policy C1 states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development in the NPPF. It states that planning applications that accord with the policies in OMWCS will be approved unless material considerations indicate otherwise. WOLP policy OS1 also reflects the presumption in favour of sustainable development. NPPF paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF. NPPF paragraph 11 states that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. For the reasons rehearsed above, it is the officer's view that the proposals do not accord with these sustainable development policies.

Additional Information – sent on 15th February 2022

61. The letter was sent after consultation ended, so was not considered by the consultees. The letter appears to be contradictory stating that inert waste from Chipping Norton area would not go to Shipton-on-Cherwell Quarry, but later states that HGVs will need to travel through the AONB in order to tip the inert waste. The additional information supplied does not amend our recommendations, as does not appear to be clear enough to add anything significant to the discussion.

Financial Implication

62. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

63. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

64. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however

considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusions

65. Approximately 118,000m³ of inert material is proposed for importation, generating approximately 27,764 HGV movements over a period of up to three years. This is considered by officers to be major development for which there is a need to demonstrate exceptional circumstances and that it is in the public interest. Although the applicant has provided additional information, there are still objections from both the County's Landscape Specialist and Cotswold National Landscape despite the acknowledged longer term landscape improvements and gains for biodiversity. These are not considered enough to offset the impact of additional HGV movements in the AONB which are not considered necessary to achieve the satisfactory restoration of the quarry. Therefore, it is not considered that exceptional circumstances exist to allow major development in the AONB and the proposed development does not meet the public interest test. The application is contrary to paragraph 177 of the NPPF and development plan policies.
66. Over twice as much inert material is proposed to be imported as would now be necessary to deliver the satisfactory restoration and afteruse of the site in a timely manner, contrary to policies W6 and M10 of the OMWCS. The development is located in a rural location in the AONB. The additional HGV movements, and waste operation will cause significant adverse impact on the tranquillity of the AONB.
67. The development would also lead to the unnecessary generation of carbon emissions contrary to OMWCS policy C2 and would not make effective use of natural resources contrary to WOLP policy OS3.

RECOMMENDATION

A) It is RECOMMENDED that planning permission for application MW.0057/21 be refused for the following reasons:

- i) The development is Major Development in the Cotswolds Area of Outstanding Natural Beauty for which exceptional circumstances do not exist and for which it has not been demonstrated that the development is in the public interest. Therefore, the development is contrary to paragraph 177 of the National Planning Policy Framework, policy C8 of the Oxfordshire Minerals and Waste Local Plan: Part 1**

Core Strategy, policies EH1 & EH2 of the West Oxfordshire Local Plan and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the Cotswolds AONB Management Plan 2018.

- ii) The development is not necessary in order to achieve the satisfactory restoration and afteruse of the existing quarry in a timely manner contrary to Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy policies W6 and M10.**
- iii) The development would not minimise carbon emissions nor make effective use of natural resources contrary to policy C2 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy and policy OS3 of the West Oxfordshire Local Plan.**

B) It is RECOMMENDED that planning permission for application MW.0058/21 be refused for the following reasons:

- i) In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development is Major Development in the Cotswolds Area of Outstanding Natural Beauty for which exceptional circumstances do not exist and for which it has not been demonstrated that the development is in the public interest. Therefore the development is contrary to paragraph 177 of the National Planning Policy Framework, policy C8 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy, policies EH1 & EH2 of the West Oxfordshire Local Plan and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the Cotswolds AONB Management Plan 2018.**
- ii) In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development is not necessary in order to achieve the satisfactory restoration and afteruse of the existing quarry in a timely manner contrary to Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy policies W6 and M10.**
- iii) In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development would not minimise carbon emissions nor make effective use of natural resources contrary to policy C2 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy and policy OS3 of the West Oxfordshire Local Plan.**

Rachel Wileman

Assistant Director for Strategic Infrastructure and Planning

Annex: 1 Castle Barn Committee Report – 29th November 2021

Background papers: Nil.

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ANNEX 1

Divisions Affected – Charlbury & Wychwood

PLANNING AND REGULATION COMMITTEE

29th November 2021

Application 1: Importation of inert material for use in restoration of the site

Application 2: Section 73 application to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the end date for restoration and allow the importation of inert material

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Matthew Case **Tel:** 07584262456

Location: Castle Barn Quarry, Fairgreen Farm, Sarsden, Oxfordshire

OCC Application No: App 1: MW.0057/21 App 2: MW.0058/21

VOWH Application No: App 1: 21/01669/CM App 2: 21/00076/CM

District Council Area: West Oxfordshire District Council

Applicant: C D Brooks & Partners

Application Received: 1st April 2021

Consultation Period: 22nd June 2021 to 13th July 2021
29th September 2021 to 20th October 2021

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

RECOMMENDATION

1. The report recommends that applications MW.0057/21 and MW.0058/21 be refused.

Executive Summary

2. The report sets out the two proposed developments for which planning permission has been applied under application nos. MW.0057/21 and MW.0058/21. Having considered the report against the development plan and other material considerations including consultation responses and representations received it is recommended the two applications are refused.

PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

3. The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) approximately 4.8km (3 miles) south of Chipping Norton and 400m to the west of the A361. The nearest settlements are Sarsden (north-west) approximately 1km (0.6 miles), Churchill (north-west) and Chadlington (east) both approximately 2.5km (1.6miles). Both applications have identical application and ownership boundaries.



Site and Setting

4. The access to the site is via a narrow road which runs a short distance west from the A361, then south to a private road. The private road which runs south-west towards Fairgreen Farm, passes between both the restored and active quarry.
5. The quarry site is surrounded by open agricultural land and the nearest residential dwelling is approximately 380 metres to the south-west of the site. The driveway to Fairgreen Farm runs along the west side of the active quarry.
6. A public right of way passes in an east to west direction approximately 50 metres to the south of the quarry site.
7. The existing permission has a Routeing Agreement attached to the permission which only allows HGV traffic to use the minor road off the A361 to the north-east of the development. It only allows drivers to turn left out of the access road, and not right south-east down a minor road to the A361. The Routeing Agreement also prohibits HGV traffic through any of the villages surrounding the quarry. The permission is also subject to a legal agreement requiring a 20-year Long Term Management Plan and public access to a geological exposure. Both agreements would continue to apply to any subsequent Section 73 application granting varied planning permission to the existing permission although the agreements may need reviewing and updating if the Planning and Regulation Committee are minded to approve application MW.0058/21 with any amended requirements.

Planning History

8. The first planning permission W97/1530 was permitted on 23rd September 1999. The original permission covered a rectangular area of land to the north west of the private access road to the existing quarry.
9. In July 2003 planning permission W2003/0953 was granted for an extension to the quarry. This permission allowed for a temporary 12-month period of crushing and export of stone. Two years later in February 2005, planning permission 04/0361/P/CM was granted to vary the consent to enable works to continue without compliance to condition 29, which related to transportation of large stone blocks.

10. Planning permission was granted in November 2015 (MW.0109/14) for a Section 73 application to vary conditions 2 (approved plans), 3 (extraction restricted to walling stone and building blocks), and 25 (restriction on stone leaving the site) and amendments to the approved restoration scheme. The application allowed for the crushing and export of 72,000 tonnes of stone over a temporary 12-month period to assist in clearing the site of mineral waste material. As part of the application a routeing agreement was completed. This agreement was to ensure that all HGV movements associated with transporting crushed aggregate followed a designated route between the quarry and the A361 in order to protect local residents. This application permitted the currently approved restorations scheme which would restore the site with a gentle slope across the site from east to west to agriculture using on site overburden and respread soils with a void towards the southern end of the site enabling improved access to the geological rock face and benches.
11. A further Section 73 application (MW.0071/16) was approved on the 29th July 2016, to vary condition 10, to remove the need for passing bays. This condition required the construction of passing bays on the adjacent highway prior to any works commencing on site.
12. A non-material amendment application was granted on the 1st March 2017 to regularise minor working arrangements at the working. The application allowed for container units and the use of mobile plant and machinery on the site.
13. A further Section 73 application (MW.0031/17) was granted on 21st June 2017 to enable the continuation of crushing and export of stone up to 31st December 2020 (the end date for the quarry working).
14. In September 2018, planning permission (MW.0027/18) was granted under Section 73 to enable the transportation of large stone block by HGVs. This superseded a previous restriction allowing transportation of block by tractor and trailer only.

Details of Proposed Development

Overview

15. The applicant has made two applications for consideration together in order to enable the importation of inert material to the development, to extend the timescale for delivery of site restoration to 31st December 2024 and amend the approved restoration scheme.

Application 1 (MW.0057/21)

16. The applicant seeks via a full planning permission for the Importation of inert material for use in restoration of the site. The current approved restoration scheme shows a large void space (See Annex 1). The previous operator had extracted beyond the point the development can be restored with onsite materials as previously permitted. The applicant wishes to reinstate the development back to pre-extraction levels but keeping a geological feature for local geological interest in the south western corner.
17. It is estimated that a total of 118,000m³ of inert material would be required to fill the quarry void apart from the geological feature. The applicant proposes that all material will be sourced entirely within Oxfordshire.

Application 2 (MW.0058/21)

18. The applicant seeks via a Section 73 application to vary conditions 1, 2, 8 and 26 of Planning Permission MW.0027/18 (18/02008/CM). Details are provided on the conditions below:
19. Condition 1 states: *“The winning and working of minerals hereby permitted shall cease on or before the 31st December 2020 and the site shall be restored in accordance with approved plan ‘S73 Restoration Proposals’ (2307/S73/2B) and the conditions of this permission no later than 30th June 2021.”*
20. The applicant wishes to vary the condition to supersede approved restoration Drawing No. 2307/S73/2B with new Drawing No. 2948-5-1-DR-0001 which reflects the infilling proposed in application MW.0057/21 and extend the completion date for restoration to 31st December 2024. Currently the restoration scheme should have been completed by the 30th June 2021. The three-year extension has been requested in order to give flexibility if the market for inert material then slows.
21. Condition 2 relates to the set of approved plans and documents, the list of documents detail the approved working and restoration of Castle Barn Quarry. Therefore, the applicant seeks to vary the plans and documents.
22. Condition 8 states: *“No aggregates or waste shall be imported to the site for any purpose whatsoever.”* Subject to MW.0057/21 being approved, the applicant

seeks for the condition to be deleted or varied to ensure there is no conflict between the two permissions.

23. Condition 26 states: *“HGV movements relating to crushed stone activities and the transportation of large stone blocks to and from the site shall not exceed a maximum of 58 per day, split as 44 movements relating to ...crushed stone and 14 relating to large stone block. All movements shall be made only in accordance with Plan A of the Routeing Agreement, dated 11 November 2015.”*
24. The applicant does not seek to increase daily two-way HGV movements, totalling 58 as described in condition 26. But seeks an amendment to the condition to account for the import of inert material to site within the established 58 daily two-way movement.

Restoration

25. The size of the final void space is proposed to be greatly reduced in terms of the final restoration scheme, keeping the established geological feature in the south-west corner of the site. The new scheme would infill almost all the void space to restore the site, to ensure development to agricultural afteruse. The applicant wishes to tie the revised agricultural use into the surrounding landscape. Additional enhancements proposed include a grassland scrub mosaic, woodland planting and non-cultivated field margins.
26. The scheme has measures to mitigate potential for agricultural run-off conflicting with the water features and adjacent habitat. These water features include a surface water capture and infiltrator drainage scheme to mitigate surface water runoff.

Traffic and Access

27. As part of the application 2 (MW.0058/21), the applicant seeks variation of the approved Routeing Agreement.
28. The current agreement requires HGVs to access the site from the A361 using Sarsden Road, then turning south partly down ‘Quarry Lane’ (currently unnamed minor road) to the development via a private estate road. HGVs are restricted to the same route and cannot turn right onto ‘Quarry Lane’ to access the A361. They must turn left, then on to Sarsden Road back to A361. The applicant wishes to instead use the 443m stretch of unnamed minor road to the south east of the site entrance to the A361 to both access and leave the site.

29. The applicant proposes to implement junction improvements to the junction onto the A361 and introduce passing places along 'Quarry Lane'.

Additional and Revised Information

30. After the first round of consultation, objections were received from a number of consultees relating to landscape, transport and surface water runoff. The applicant then submitted a number of additional and revised information. Please see below a summary of the changes and information:

Counsel Opinion

31. The applicant sought the legal advice of Christopher Young QC, summary below (Full document can be found online attached to both applications).
- (a) Paragraph 176 and 177 of the National Planning Policy Framework (NPPF) states whether the development is 'major development' or not is matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
 - (b) The QC doesn't believe the development is major development in the AONB. As the proposal is to infill an artificial excavation, and seeks to restore the natural level of the site, by importing materials which will rest below the natural surface of the land. In his view the nature of the development is the critical element. A development of the same scale above ground may well be major development in the AONB, but not when it's located below ground level. The development is well screened by existing vegetation. The QC believes the Mineral and Waste Planning Authority (MWPA) is basing its verdict that the proposed importation of inert material is major development on the associated HGV movements. The QC argues that the MWPA have approved developments on the same site with similar HGV movements, and not classed it as a major development. He does not believe the MWPA to be consistent in its approach.
 - (c) The QC also states if the MWPA conclude the proposed importation of inert material is major development, then exceptional circumstances exist to satisfy NPPF para 177. In the QC's view 'exceptional circumstances' is a less onerous and less demanding test than 'the very special circumstances' required for inappropriate development within the Green Belt. The QC doesn't believe harm will be caused to the AONB. He doesn't believe the MWPA have considered the qualitative benefits of the proposed restoration scheme, with a landform which assimilates better in the AONB. He believes the proposed

restoration scheme is of a higher quality, than what is already permitted. He believes its in the public interest, as the revised scheme would improve safety on site.

Highways Additional Information

32. A revised Location Plan was provided showing a revised blue line boundary. This was requested by the Highways Team, in order to prove the hedgerows on either side of the junction to the A361 was controlled by the applicant, in order to maintain the visibility splays.
33. After advice from the Highways Team, an additional passing bay was proposed on 'Quarry Lane'.
34. The Highways Team required a number of conditions if minded to approve. It was agreed at the meeting the applicant's agent would draft some conditions for consideration of the MWPA and Highways Team. Some minor amendments to the conditions have been proposed. The final wording is yet to be agreed. In order to protect the condition of Quarry Lane, including a requirement to complete a road condition survey prior to importation of inert infill, and regularly over the life of the development.

Revisions to Restoration Scheme

35. Modifications were made to the restoration scheme, due to concerns from the Lead Local Flood Authority (LLFA). These include changes to the attenuation ponds, and creation of an additional dip to the south of the southern attenuation pond, to create an area for surface water run-off.

Revised Flood Risk Assessment

36. Revised Hydrological and Hydrogeological Impact and Flood Risk Assessment was provided after comments and additional meeting with the LLFA during the consultation process.

Additional Information Requested by Case Officer

37. Additional information was requested by the case officer, to provide clarification on the volume of fill required to deliver the consented restoration scheme for comparison with that proposed in application MW.0057/21. Therefore, the applicant carried out a volumetric calculation of the cut and fill requirements and can provide the following summary between the consented and proposed restoration schemes:

	Consented	Proposed
Fill Requirements (m ³)	49,200	118,000
Est. Tonnage Conversion*	78,720 - 88,560	188,800 - 212,400
Est. HGV loads / movements**	5,788 / 11,576	13,882 / 27,764
Timescale (weeks)^	36	86

*Tonnage/m³ conversion of between 1.6 - 1.8

**Based on each HGV load carrying 8.5m³ of material

^Based on 58 daily movements and 61 operational hours p/week (i.e. average of 324 movements p/week)

Additional Information

38. In addition, a Biodiversity Net Gain Calculation was provided comparing the consented and proposed restoration schemes against the pre-development baseline. The proposed restoration scheme exceeds the 10% net gain biodiversity units as required by the Environment Bill 2020.
39. A Geological Note was provided by the applicant, completed by their Geology Consultant.

PART 2 – OTHER VIEWPOINTS

40. There were two periods of public consultation. The full text of the consultation responses can be seen on the e-planning website¹, using the references MW.0057/21 and MW.0058/21. These are also summarised in Annex 3 to this report.
41. No third-party representations were received during the consultation period.

PART 3 – RELEVANT PLANNING DOCUMENTS

Relevant planning documents and legislation (see Policy Annex to the committee papers)

42. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

¹Click here to view applications [MW.0057/21](#) and [MW.0058/21](#)

Development Plan Documents

43. The Development Plan for this area comprises:
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP)
 - The West Oxfordshire Local Plan 2031 (WOLP)
44. The **Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy** (OMWCS) was adopted in September 2017 and covers the period to 2031. The Core Strategy set out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire.
45. The **Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations** (OMWSA) (upon adoption) will set out those mineral and waste sites needed to deliver the Core Strategy and may include further development management policies. The Site Allocations Document is currently being prepared, and very limited weight can be given to the emerging plan in decision-making. There has been a delay in the production of the Preferred Options consultation, which was expected in August 2021, whilst a Review of the Core Strategy is undertaken. An updated Minerals and Waste Development Scheme setting out the revised timetable, including the Core Strategy Review, was approved in October 2021.
46. The **Oxfordshire Minerals and Waste Local Plan 1996** (OMWLP) was adopted in July 1996 and covered the period to 2006. Some policies of the OMWLP were replaced following adoption of the OMWCS in 2017 but 16 policies continue to be saved. They are due to be replaced on the adoption of the Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations. The saved policies are site-related policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.
47. The **West Oxfordshire Local Plan 2031** (WOLP) was adopted on 27th September 2018. The plan contains detailed development management policies.

Other Policy Documents

48. The **National Planning Policy Framework** (NPPF) was first published in 2012 and revised on the 20th July 2021. This is a material consideration in taking

planning decisions.

49. The **National Planning Policy Guidance** (NPPG) contains specific advice on matters including determining a planning application and the natural environment.
50. The **Cotswolds AONB Management Plan 2018** (CAMP) is a statutory plan, which sets out the vision, outcomes and policies for the management of the AONB for the period 2018-2023. The plan was adopted on the 20th September 2018.
51. There is no adopted neighbourhood plan that encompasses the application site area.

Relevant Development Plan Policies

52. The OMWCS polices most relevant to this development are:
 - M10 – Restoration of mineral workings
 - W6 - Landfill and other permanent deposit of waste to land
 - C1 – Sustainable development
 - C2 – Climate Change
 - C3 – Flooding
 - C4 – Water environment
 - C5 – Local environment, amenity and economy
 - C7 – Biodiversity and Geodiversity
 - C8 – Landscape
 - C10 – Transport
 - C11 – Rights of way
53. The WOLP polices most relevant to this development are:
 - Policy EH1- Cotswolds Area of Outstanding Natural Beauty
 - Policy EH2 – Landscape Character
 - Policy EH4 – Biodiversity and Geodiversity
 - Policy EH8 - Environmental Protection
 - Policy OS1 - Presumption in favour of sustainable development
 - Policy OS3 - Prudent use of natural resources
54. The CAMP policies relevant to this development are:
 - Policy CE1 – Landscape
 - Policy CE4 – Tranquillity
 - Policy CE10 – Transport

- Policy CE11 – Major development
- Policy CE12 – Development priorities and evidence of need
- Policy CE13 – Waste management

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

55. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy C1 of the OMWCS. This means taking a positive approach to development and approving an application which accords with the development plan without delay unless material considerations indicate otherwise.
56. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.
57. Application MW.0057/21 proposes the importation of inert material to contours different from that currently permitted. Application MW.0058/21 facilitates the revisions to the approved restoration scheme for the quarry and the additional time required to achieve it if the development proposed in application MW.0058/21 is permitted. It is therefore considered that the two applications serve to deliver one overall development and so should be considered in combination. The key planning issues are:
- i. Waste
 - ii. Landscape and visual impacts
 - iii. Restoration
 - iv. Biodiversity
 - v. Transport
 - vi. Rights of way and public access
 - vii. Amenity and health
 - viii. Flood risk and water environment
 - ix. Carbon emissions, natural resources and waste
 - x. Sustainable development

Waste

58. OMWCS Policy W6 states that priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration of

active and unrestored quarries. Policy W6 then goes on to say that permission will not otherwise be granted for development that involves the permanent deposit of inert waste on land unless there would be overall environmental benefit.

59. As discussed above at present the development has an approved restoration scheme which doesn't require the importation of inert infill in order to fulfil the scheme i.e. it is to be achieved solely through the use of remaining on-site mineral and associated material. This was approved relatively recently in 2015 and sets the contours of the land for comparison with that now proposed. The application therefore proposes to raise the final restored levels compared to this baseline. The applicant states that the current scheme cannot now be delivered without the importation of inert material, after the previous operator extracted and removed a greater amount of limestone than anticipated. Officers do not dispute that in order to achieve the approved scheme, some additional inert material may need to be imported from elsewhere. However, the application proposes to import 118,000m³ of inert infill to achieve a greater scheme than that permitted. The development is then considered by officers to be a landfilling and land raising operation, requiring over twice as much imported inert material.
60. Objections have been received from the council's Landscape Specialist which are discussed further in the 'Landscape and Visual Impacts' section below. The existing approved scheme was judged at the time it was approved to provide a suitable landform and so contours for the satisfactory restoration and afteruse of the quarry along with improved access for geological interest. It is not clear from the application why this is now considered to no longer be the case. The applicant and later Counsel Opinion, state the new scheme provides an increased biodiversity gain, over what is already permitted. They also state the proposed scheme will 'better assimilate into the wider valued landscape'. For the requirements of policy W6 to be met, it would have to be concluded that either the importing of inert material as proposed in the application beyond that required to achieve the permitted restoration scheme and the up to three years of additional HGV movements associated with it are necessary to achieve the satisfactory restoration and afteruse of the quarry or, failing that, that it would achieve an overall environmental benefit compared to the existing approved scheme.
61. It is the officer view that the currently approved restoration scheme continues to provide for the satisfactory restoration and afteruse of the site and that the case for the importation of inert material now proposed is not required in order to achieve the same position when judged against the requirements of policy W6. It is also not considered that the application has demonstrated an overall

environmental benefit compared to the existing scheme, when considering the additional HGV movements, and impacts on site caused by a landfilling operation. Therefore, the applications are considered to be contrary to Policy W6 of the OMWCS, as it is not required in order to provide for the satisfactory restoration and afteruse of the site and the scheme would not deliver an overall environmental benefit.

Landscape and Visual Impacts

62. The NPPF states under paragraph 176 that great weight should be given to conserving and enhancing AONBs. Paragraph 177 states that when considering applications for development in AONBs, permission should be refused for major development, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
63. OMWCS policy C8 states that minerals and waste development shall demonstrate that it respects and where possible enhances the local landscape character and shall be informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts. The policy reiterates the requirements of the NPPF that great weight should be given to conserving and enhancing AONBs and that proposals for minerals and waste development within an AONB or that would significantly affect an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. It also reiterates that major development within the AONB will not be permitted except in exceptional circumstances and where it can be demonstrated they are in the public interest, in accordance with the 'major development test' in the NPPF. It also requires development within AONBs to normally only be small scale, to meet local needs and should be sensitively located and designed.
64. WOLP Policy EH1 gives great weight to conserving and enhancing the area's natural beauty, landscape and countryside. It also states that the AONB's Management Plan and guidance documents are a material consideration in the decision-making process, and that major development will not be permitted within the AONB other than in exceptional circumstances. WOLP Policy EH2 requires the quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape and tranquillity to be conserved and enhanced.
65. CAMP Policy CE1 requires proposals to be compatible with and reinforce the landscape character of the location. Proposals that impact on, or create changes in, the landscape of the AONB should have regard to the scenic quality

of the location and ensure that views are conserved and enhanced.

66. CAMP Policy CE4 requires proposals to have regard to the tranquillity of the AONB by seeking to avoid and minimise noise pollution and other aural and visual disturbance. It further states that measures should be taken to enhance the tranquillity of the Cotswolds AONB by removing and reducing existing sources of noise pollution and other oral and visual disturbance.
67. CAMP Policy CE10 requires proposals to have regard to the purposes of conserving and enhancing the natural beauty of the AONB and increasing the understanding of the AONB's special qualities. It further requires proposals relating to development and transport in the Cotswolds AONB to comply with national planning policy and guidance, and to have regard to the Cotswolds AONB Management Plan, and be compatible with the guidance produced by the Cotswolds Conservation Board.
68. CAMP Policy CE11 requires proposals for major development in the Cotswolds AONB to comply with national planning policy and guidance and to have regard to the guidance on major development provided in appendix 9 of the Management Plan. Any major development proposed in the AONB should be landscape led, whereby it demonstrably contributes to conserving and enhancing the natural beauty of the AONB.
69. CAMP Policy CE12 requires development in the Cotswolds AONB to be based on robust evidence of local need arising from within the AONB.
70. CAMP Policy CE13 states that new landfill sites and strategic waste facilities should not normally be permitted in the AONB. Any waste management facilities that are permitted in the AONB should be sited and managed in such a way that adverse environmental impacts are minimised, in line with relevant permitting regimes.
71. Paragraphs 176 and 177 of the NPPF define 'major development' in footnote 60 as 'a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.

Nature and scale

72. At present the existing planning permission (MW.0027/18) permits the use of on-site materials to restore the quarry. The new proposals as set out in these

applications would introduce landfilling, and indeed land raising as it would lead to a landform above the existing permitted levels even if those themselves are below the level of the surrounding land. The applicant has confirmed that approximately 49,200m³ of imported inert waste would be required to restore to the permitted levels and 118,000m³ to restore to the proposed levels. The importation of inert waste material would also generate HGV movements which would otherwise not be required, had the quarry not been over worked. Again, these would be considerably less at 11,576 if the amount of inert material to be imported were only that needed to now achieve the existing permitted restoration contours compared to the approximately 27,764 movements necessary to achieve the scheme as proposed.

73. Planning Permission MW.0027/18 requires that the winning and working of the quarry should have ceased by 31st December 2020 with the site restored by 30th June 2021. Therefore, in granting that planning permission no consent was given for associated works or vehicle movements beyond that date. Whilst the current planning permission allowed for up to 58 HGV movements per day these were in the context of the extraction of the mineral and its restoration using on-site materials. The current applications would then lead to up to 58 vehicle movements per working day associated with the importation of inert material for a period of three years which is well beyond that envisaged when the previous planning permission was granted and which, like the importation of the inert material, has not been previously considered.
74. The applications have received objections from both the Cotswolds National Landscape and the County's Landscape Specialist. The Landscape Specialist requested additional information in order to properly assess the development, but this has not been forthcoming.
75. The Landscape Specialist does not understand why the proposed restoration scheme requires more than twice as much material compared with the approved scheme. In her opinion, if the applicant has excavated more aggregate [and building stone] than originally planned, a revised scheme should seek to address this by requiring less imported material rather than more. The Landscape Specialist also requested additional information on the type and source of infill material, and a landscape assessment or appraisal of the development impacts on the special qualities of the AONB. She also notes the applicant's Counsel Opinion states a higher quality restoration as reason for the scheme being acceptable, but this point is not backed up by any landscape assessments. Whilst both the Cotswolds National Landscape and the council's Landscape Specialist agree that the revised scheme offers some potential improvements compared with the permitted scheme, if it is concluded that the development would be major development in the AONB then it is not

considered that the impacts in achieving it have been justified as is required by national and development plan policy.

76. Although the proposed restoration to agricultural use would be in keeping with the local landscape character, the CAMP also has a strong emphasis on enhancing biodiversity. Whilst the council's ecologist has not raised objection to the application, both the Landscape Specialist and Cotswold National Landscape have indicated that lower restoration levels and a biodiversity led restoration scheme could be acceptable in the AONB, but this option has not been seriously explored. A biodiversity led restoration at lower levels could potentially be an opportunity for delivering significant ecological benefits.
77. As discussed above, the applicant is requesting to import inert waste material, approximately 118,000m³ on to a site covering 3.35ha which would generate approximately 27,764 HGV movements over a period of up to three years. This appears to be in excess of that required to secure the restoration and afteruse of the quarry which has a satisfactory approved restoration scheme, requiring less than half that quantity of material. It is unfortunate that the site has been over worked but it is the officer's considered view that the nature of the development, which is the landfilling of inert material albeit for the purposes of restoration of the previously permitted quarry, and the scale which is as set out above in terms of area, quantity of material and associated HGV movements, weighs in favour of concluding that the proposals set out in the applications is for major development in the AONB.

Setting

78. The application site is set within an otherwise relatively secluded and tranquil part of the Cotswolds AONB. It is generally reasonably well screened from views by surrounding vegetation which is in the control of the applicant although there is a belt of woodland to the north which is not. Part of the assessment of setting must include that the application site is a quarry which has an existing approved restoration scheme. In planning terms, it is therefore a green field site i.e. it is not previously developed land as defined in the NPPF. As set out above the time periods for the completion of mineral extraction and restoration under the current planning permission have both passed and if they had been complied with then no further development would now be required to be carried out. Whilst it is accepted that there are similarities between the impacts of mineral extraction and landfill, which often do go together, the existing permitted restoration scheme doesn't propose the importation of inert material. The approved scheme also increased the geological interest of the site as was stated in support of the application at the time. The new proposal would see a

much smaller geological feature, with more of the existing site restored to the level of the surrounding land. The introduction of the new development proposed into the setting of the application site is considered to weigh in favour of concluding that it is for major development in the AONB.

Could the development have a significant adverse impact on the purposes for which the area has been designated or defined?

79. Although the immediate setting of the site is limited from views by existing vegetation, it is a green field site and the nature of the development proposed taken with its scale and associated potential impacts in the AONB including the associated HGV movements are considered to lead to the conclusion that it could have a significant adverse impact on the purposes for which the area has been designated as an AONB. It is therefore concluded that the development is major development for which exceptional circumstances must exist along with it being demonstrated that the development is in the public interest if it is to be granted planning permission.
80. The application site is an existing worked out quarry with an approved and satisfactory restoration scheme. The applicant has declined to consider the option of proposing the importation of inert material sufficient to achieve the existing scheme or something of similar scale. It is not therefore considered that exceptional circumstances for the development have been demonstrated. With regard to the public interest, whilst it is clearly in the public interest for the site to be satisfactorily restored, there is an existing approved and satisfactory restoration scheme for the quarry and even though it is no longer possible for this to be achieved using on site material, the option of achieving it through the more limited importation of material has not been proposed through a planning application and so its acceptability tested. The importation of the amount of material proposed in the application for up to three years is not considered to be in the public interest.
81. The proposed development set out in the applications is therefore considered to be contrary to policy C8 of the OMWCS, policies EH1 & EH2 of the WOLP, and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the CAMP.

Restoration

82. OMWCS policy M10 states that mineral workings shall be restored to a high standard and in a timely and phased manner. It lists criteria which the restoration and afteruse of mineral workings must take into account, including the character of the landscape, the conservation and enhancement of

biodiversity and the quality of agricultural land. It states that planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and afteruse of the site.

83. At present under the existing planning permission (MW.0027/18), restoration of the quarry should have been completed by June 2021. The applicant is requesting to vary the existing planning permission in order to extend the timescale for delivery of the imported waste to deliver site restoration by 31st December 2024. Therefore, this would delay the final restoration scheme by up to a further three-and-a-half years. The applicant wishes to import more inert material than is needed to achieve the existing permitted scheme and as discussed above this is not considered necessary in order to achieve satisfactory restoration and afteruse of the site which could be achieved in a considerably shorter time period. The restoration would not therefore be delivered 'in a timely and phased manner'.
84. Therefore, the proposed development set out in the applications is considered to be contrary to OMWCS policy M10.

Biodiversity

85. NPPF paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
86. NPPF paragraph 180 states that when determining planning applications, planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided. Development resulting in the loss or deterioration in irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable strategy for compensation. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
87. OMWCS policy C7 states that minerals development shall, where possible, lead to a net gain in biodiversity. It also states that all minerals development shall make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity and satisfactory long-term management for the restored site shall be included in proposals.

88. WOLP policy EH3 states that biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.
89. No objections were received by the County's ecologist although the County's Landscape Specialist felt there could potentially be developed a scheme with a greater biodiversity gain by restoring the quarry to lower levels. Overall, the proposals are considered to be in accordance with policies related to biodiversity including OMWCS policy C7 and WOLP policy EH3.

Transport

90. NPPF paragraph 113 states that all development that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Paragraph 111 states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
91. OMWCS policy C10 states that minerals development will be expected to make provision for safe and suitable access to the advisory lorry routes shown in the plan and if possible, lead to improvements in the safety of all road users, the efficiency and quality of the network and residential and environmental amenity. Where practicable minerals shall be transported by rail, water or conveyor. Where minerals are to be transported by road, they should be in locations which minimise road distances.
92. In order to restore the quarry to the new proposed restoration contours, it is estimated that HGV movements would be no more than 58 daily movements. In addition, the applicant also proposes an amendment to the agreed lorry routeing agreement and to make improvements to the local highway network. The applicant proposes to use a shorter route to the A361 using an 'Quarry Lane' an unnamed highway to the south-east of the site entrance. Initially the Highways Team objected to the application, but this has now been removed, subject to suitably worded conditions for condition surveys, highway repairs, and a Section 106 covenant for maintenance of the visibility splays. Condition surveys would be required prior to the importation of inert material, and then regularly while the development takes place, a second passing bay added to Quarry Lane with the junction arrangements proposed to be addressed in an agreement under Section 278 of the Highways Act 1980 as amended. Overall, subject to a routeing agreement and conditions, the development is considered to comply with these policies.

Rights of Way and Public Access

93. NPPF paragraph 100 states that planning policies should protect and enhance public rights of way and access and local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.
94. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and if possible, it shall be retained in situ in a safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. Improvements and enhancements to the rights of way network will generally be encouraged.
95. There have been no objections from the OCC rights of way team to the proposals. The proposals are considered to be in accordance with relevant development plan policy relating to rights of way.

Amenity and health

96. NPPF paragraph 185 states that decisions should ensure new development is appropriate for the location by taking into account the likely effects (including cumulative effects) on health, living conditions and the natural environment. This includes mitigating and reducing to a minimum potential noise impacts and limiting the impact of light pollution on amenity, intrinsically dark landscapes and nature conservation.
97. OMWCS policy C5 states that proposals for mineral and waste development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and the local economy, including from a range of factors including noise, dust, visual intrusion, light, traffic, air quality and cumulative impact. Where necessary, appropriate buffer zones between working and residential development will be required.
98. WOLP EH8 states proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality, and amenity.

99. OCC Public Health were consulted and stated that whilst there is the potential for dust to be generated as part of the process, impacts are likely to be very localised and have limited impact on human health. From an air quality public health perspective, the officer therefore has no objections to the proposals. The case officer received a further response from West Oxfordshire's Pollution Control Team, who had no objections. The development proposed in the applications is considered to be in accordance with policy EH8 of the WOLP and policy C5 of the OMWCS.

Flood risk and water environment

100. OMWCS policy C3 states that minerals and waste development will, where possible, take place in areas with the lowest probability of flooding. Where development takes place in areas of flood risk, this should only be where other areas have been discounted using the sequential and exception tests as necessary and where a flood risk assessment demonstrates that risk of flooding is not increased from any source. The opportunity should be taken to increase flood storage capacity in the flood plain where possible.
101. OMWCS policy C4 states that proposals for mineral and waste development will need to demonstrate that there would be no unacceptable adverse impact on surface or groundwater resources. Watercourses of significant value should be protected.
102. WOLP EH8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and important ecological features.
103. After the first round of consultation, the LLFA objected to the proposals. After reviewing the revised restoration scheme and Hydrological and Hydrogeological Impact and Flood Risk Assessment, the LLFA confirmed their previous concerns have been addressed.
104. The proposed development is considered to be in accordance with OMWCS policies C3 and C4, and WOLP policy EH8.

Carbon Emissions, Natural Resources and Waste

105. OMWCS policy C2 states that all developments should seek to minimise their carbon emissions. WOLP policy OS3 states that developers should make effective use of natural resources, including by minimising waste, efficient use of water, improvements to water and air quality. As set out above, it is not considered that the case has been made to support the importation of 118,000

m3 of inert material which would generate an estimated 27,764 HGV movements. These additional HGV movements would therefore generate Carbon Dioxide emissions which would not otherwise arise in and around the application site had the quarry not been over worked. As mentioned, the proposed development would require more than double the amount of inert infill required to restore the quarry to the consented contours. Therefore, it is considered that the development proposed does not minimise carbon emissions or make effective use of natural resources contrary to OMWCS policy C2 and WOLP policy OS3.

Sustainable Development

106. OMWCS policy C1 states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development in the NPPF. It states that planning applications that accord with the policies in OMWCS will be approved unless material considerations indicate otherwise. WOLP policy OS1 also reflects the presumption in favour of sustainable development. NPPF paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF. NPPF paragraph 11 states that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. For the reasons rehearsed above, it is the officer's view that the proposals do not accord with these sustainable development policies.

Financial Implication

107. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

108. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

109. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusions

110. It is very disappointing the quarry was over worked so that the permitted restoration scheme can now not be achieved using on site materials. Whilst a case may have been made to support the importation of sufficient inert material to achieve the permitted restoration scheme, this is not what is proposed in these applications. The development set out in the two applications in combination would permit a new development which would extend the period of disturbance in the AONB required to achieve the restoration of the quarry as now proposed by up to three years. As set out above, it is considered that this would be major development in the AONB for which exceptional circumstances do not exist and which would not meet the public interest test in accordance with paragraph 177 of the NPPF and development plan policies.
111. Over twice as much inert material is proposed to be imported as would now be necessary to deliver the satisfactory restoration and afteruse of the site in a timely manner contrary to policy W6 and M10 of the OMWCS respectively. The development is located in a rural location in the AONB. The additional HGV movements, and waste operation will cause significant adverse impact on the tranquillity of the AONB.
112. The development would also lead to the unnecessary generation of carbon emissions contrary to OMWCS policy C2 and would not make effective use of natural resources contrary to WOLP policy OS3.

RECOMMENDATION

A) It is RECOMMENDED that planning permission for application MW.0057/21 be refused for the following reasons:

- i) The development is Major Development in the Cotswolds Area of Outstanding Natural Beauty for which exceptional circumstances do not exist and for which it has not been demonstrated that the development is in the public interest. Therefore, the development is contrary to paragraph 177 of the National Planning Policy Framework, policy C8 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy, policies EH1 & EH2 of the West Oxfordshire Local Plan and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the Cotswolds AONB Management Plan 2018.**
- ii) The development is not necessary in order to achieve the satisfactory restoration and afteruse of the existing quarry in a timely manner contrary to Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy policies W6 and M10.**

- iii) **The development would not minimise carbon emissions nor make effective use of natural resources contrary to policy C2 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy and policy OS3 of the West Oxfordshire Local Plan.**

B) It is RECOMMENDED that planning permission for application MW.0058/21 be refused for the following reasons:

- i) **In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development is Major Development in the Cotswolds Area of Outstanding Natural Beauty for which exceptional circumstances do not exist and for which it has not been demonstrated that the development is in the public interest. Therefore the development is contrary to paragraph 177 of the National Planning Policy Framework, policy C8 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy, policies EH1 & EH2 of the West Oxfordshire Local Plan and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the Cotswolds AONB Management Plan 2018.**
- ii) **In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development is not necessary in order to achieve the satisfactory restoration and afteruse of the existing quarry in a timely manner contrary to Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy policies W6 and M10.**
- iii) **In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development would not minimise carbon emissions nor make effective use of natural resources contrary to policy C2 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy and policy OS3 of the West Oxfordshire Local Plan.**

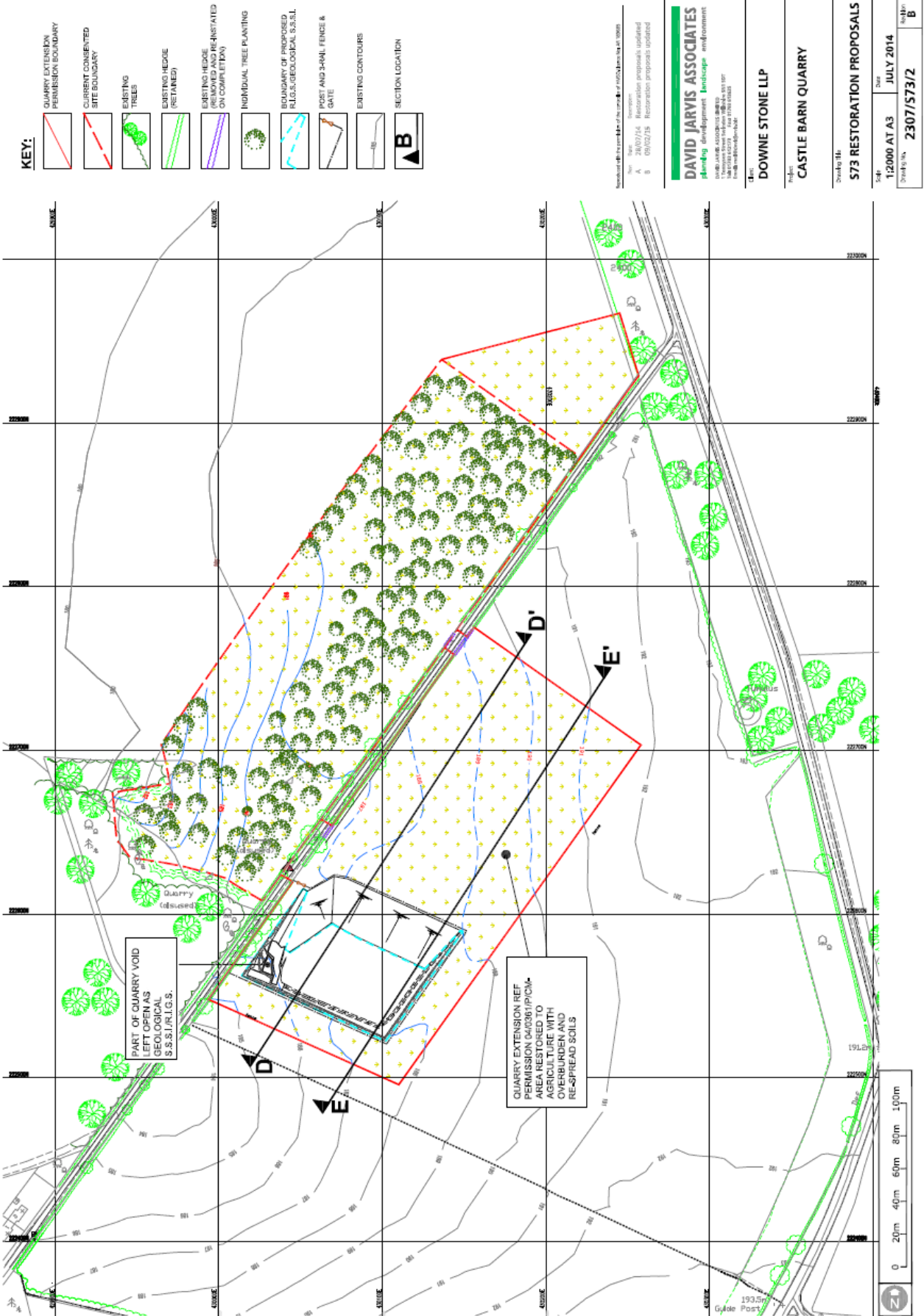
Rachel Wileman

Assistant Director for Strategic Infrastructure and Planning

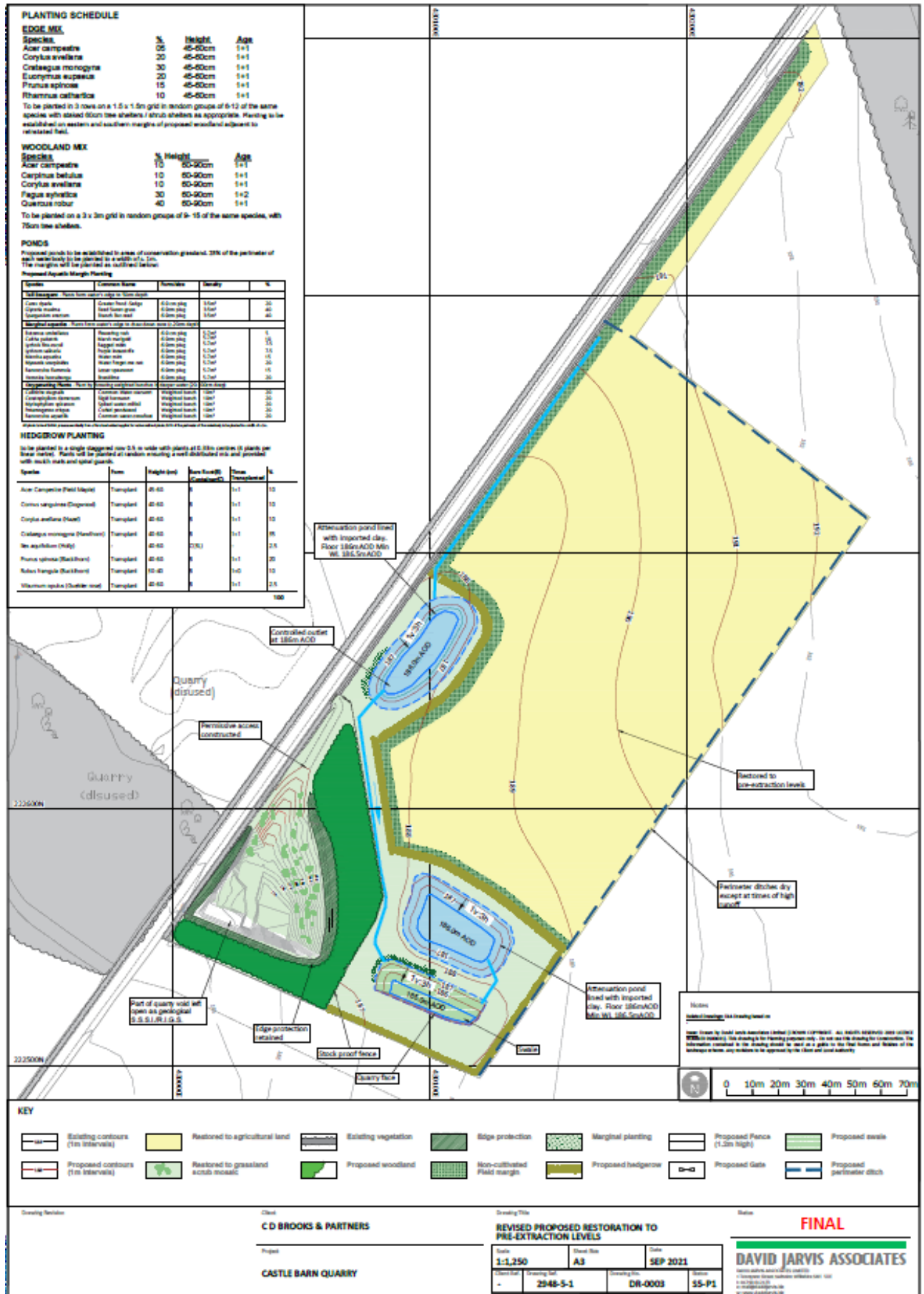
Annex:	1	Permitted Restoration Scheme
	2	Proposed Revised Restoration Scheme
	3	Consultation Responses
	4	European Protected Species

Background papers: Nil.

Annex 1 – Permitted Restoration Scheme



Annex 2 - Proposed Revised Restoration Scheme



Annex 3 – Consultation Responses Summary

West Oxfordshire District Council - Planning

MW.0057/21

First Response - Officers are of the opinion that there are there is no reason to object the above application. WODC does not object to this scheme subject to OCC Highways raising no objection.

MW.0058/21 – No response received

West Oxfordshire District Council – Environmental Health

All Applications

Email 1

I write to confirm that we have no objection to this application with regard to air quality and noise considerations.

Email 2

Yes I confirm no objection in relation to dust concerns

Gloucestershire County Council

MW.0057/21 - Officers strongly encourage the assessment of localised planning matters such the impact upon the amenity of local communities and the natural environment within the sphere of influence of any operations related to the sourcing of inert materials (including their transportation). Officers envisage that scrutiny by Oxfordshire County Council as the determining planning authority, would include the possible impacts that might occur within both the areas of Gloucestershire and Oxfordshire and that respective technical experts covering each area will have been invited to provide advice.

In the event that no materially significant unacceptable adverse impacts are envisaged, officers raise no objection to this proposal.

MW.0058/21 - Officers understand that the applicant is seeking to vary the conditions of the extant permission for mineral working @ Castle Barn Quarry, which lies within the neighbouring local authority area of Oxfordshire. The details of the variations include: the extension of time for site operations; amendments to the previously agreed traffic routing; and amendments to the previously agreed site restoration scheme.

Officers raise no comment regarding the acceptability of proposal regarding its site-specific elements. However, any variations that could result in cross-boundary impacts (e.g. amenity impacts associated with changes in the use of local highway

network that transcends the county boundary into Gloucestershire) should be subject to scrutiny by Oxfordshire County Council as the determining planning authority, including a review of technical advice sought from both Gloucestershire and Oxfordshire.

Officers raise no objection overall to the proposal subject to no materially significant unacceptable adverse impacts arising within Gloucestershire.

Churchill and Sarsden Parish Council

All Applications

First Response (17/05/21): The councillors only concerns are about large vehicles accessing the site along a non-approved route – many of the surrounding roads are very small, and access via the villages of Churchill and Sarsden would be most unsuitable.

Therefore, can we request that a condition be added that lorries which do not use an approved route are put on a short-term ban.

Case Officer Response (17/05/21) - Thank you for forwarding the parish council's response to the Castle Barn Quarry application. Please could the parish council advise whether there are any issues with HGVs using the Sarsden Road (the current approved route) and, if so, whether the Quarry Road (as referred to in the Transport Statement) route would be preferable.

I am arranging for our Transport Officer to meet the Planning Agent on site to discuss the proposals further. Would a member of the parish council like to be involved? If so, the possible dates for the meeting include next week Tuesday or Wednesday. Ideally between the hours of 10am and 2pm.

Second Response (23/06/21): After the cancellation of the meeting scheduled for yesterday or today, with your Transport Officer to meet the Planning Agent on site at Castle Barn Quarry, I am not sure re your timescales for this matter. But I have a meeting this weekend with the Brooks's who own the Sarsden (Castle Barn) quarry; and I am also meeting Liz Leffman today on another matter. She has also always been very concerned about this issue.

The people of Sarsden and Churchill are very interested in the movement of large vehicles on our small roads and lanes; and it will be good to have a positive resolution. I know that Helen Tomalin (copied) has requested that a condition be added that lorries which do not use an approved route are put on a short-term ban.

Case Officer Email (29/06/21): HGVs using the Sarsden Road (the current approved route) and, if so, whether the Quarry Road (as referred to in the Transport Statement) route would preferable?) would suffice.

Third Response (29/06/21): The feedback which I have had from councillors regarding the routes is that the proposed route along Quarry Road, travelling direct to the A361, Chipping Norton to Burford road, is preferred. This avoids using the narrow road through the village as has been happening with the current route.

It is suggested that as Quarry Road is so narrow, that passing places would be needed in the event of meeting an on-coming vehicle. These would need to be tarmacked so they did not erode the edge of the road and destroy the grass verge. Concerns were expressed about the visibility at the junction with the A361, and signage to warn of the turning was suggested. However, I am sure that Highways will address all the safety issues in that regard.

Ensuring that the HGV's use the agreed route is still a concern.

Lyneham Parish Council

The Parish seeks reassurance that the 'inert material' to be used for landfill meets the statutory requirements as set out in the Landfill Directive 1993/33/EC which states that: Inert Waste means waste that does not undergo any significant physical, chemical or biological transformations. Inert Waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the Leachate must be insignificant and in particular not endanger the quality of surface water and/or groundwater.

The Parish also seeks reassurance that all movements of waste to the site are documented by a certifiable waste transfer chain of custody which, if necessary, can track the material from its source.

The Parish has concerns that the importation of waste material to the site may result in increased HGV vehicle movements through the village of Lyneham on a C-class road (30 MPH) limit. This could be exacerbated by the weight restrictions currently in force on the A361 at Burford Bridge which encourages vehicle movements from the west to seek alternative routes.

Natural England

Both Applications - No objection.

Environment Agency

Both Applications - The infilling of the quarry with waste associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted.

Historic England

MW.0057/21 – They do not wish to offer any comments.

Oxfordshire Geology Trust

Both Applications: On the basis of the information available to date, the Oxfordshire Geology Trust has no issues with the planning permission applications MW.0058/21 (extraction and restoration) and MW.0057/21 (importation of inert material for restoration). The Middle Jurassic solid geology of this area is well known, and we are pleased that the restoration plan includes the retention of a south-west face within the quarry as a SSSI/LGS and will enable a stratigraphic sequence of the Great Oolite and Inferior Oolite to be examined by professional and local geologists.

Cotswolds Natural Landscape (AONB)

The Board acknowledges that the proposed restoration of the quarry to a pre-quarrying landform would have some beneficial effects with regards to the landscape character of the Cotswolds National Landscape. However, there are a number of factors that weigh heavily against the proposed development. On balance, we object to the proposed development.

Our reasons for objecting to the proposed development are outlined below and explained in more detail in Appendix 1. In essence, we consider that ‘the end doesn’t justify the means’.

Firstly, we consider that the proposed development constitutes ‘major development’, in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF). We do not consider that exceptional circumstances apply or that the development would be in the public interest. Planning permission should therefore be refused.

A key factor in reaching this conclusion is that the proposed development would, in effect, be a strategic waste facility, importing over 50,000 tonnes of waste per annum into the Cotswolds National Landscape. Locating a strategic waste facility in the National Landscape would not be consistent with the Oxfordshire Minerals & Waste Core Strategy or with the Cotswolds AONB Management Plan. Furthermore, the site is not located within the zones specified for such strategic waste facilities, within the Core Strategy, around Oxford and the main towns of the county.

Another key factor is the potentially significant adverse impacts of the associated HGV movements. We acknowledge the applicant’s assertion that the HGV movements would not materially exceed the HGV movements that were permitted for the quarry operation at this site. However, given that the mineral extraction operations ceased in 2020, the current baseline for HGV movements is now presumably approximately zero. The baseline if planning permission is not granted would also presumably be zero HGV movements.

In this context of these baselines, the proposed development would result in an additional 28,000 HGV movements over the anticipated three-year life of the infilling

operation. All of these HGV movements would presumably pass through either Chipping Norton, to the north, or Burford, to the south. Both of these settlements are located within the Cotswolds National Landscape and both are already highly sensitive to HGV movements. For example, HGVs are one of the main causes of the air pollution problems in Chipping Norton whilst, in Burford, the adverse impacts of HGVs have resulted in weight restrictions being imposed. The 28,000 HGV movements resulting from the proposed development would unnecessarily exacerbate these problems.

Given the distance of the site from the main sources of waste material (i.e. Oxford and the main towns in Oxfordshire), the proposed development would also result in unnecessarily excessive CO2 emissions. For example, the distance travelled in the 28,000 HGV movements would be at least 560,000km more than if the waste facility was located within the zones specified in the Core Strategy. This is equivalent to 14 times round the circumference of the world and equates to approximately 1.5 million kg (or 1,500 tonnes) of CO2 emissions. These unnecessary and excessive CO2 emissions would not be compatible with Oxfordshire County Council's stated ambition to enable a net-zero carbon Oxfordshire.

We acknowledge that the proposed development would have some biodiversity value. However, a much more significant biodiversity benefit could be achieved if there was a biodiversity-led restoration of the unfilled quarry, focussing on the creation of species-rich, limestone grassland. Taking into account all of the points raised in this consultation response, we consider that this would be the most appropriate way forward.

[Please see website for APPENDIX 1]

Second Response –No further comments to make to what was already submitted.

Oxfordshire County Council (OCC) Archaeology

Both Applications - The site has been previously quarried which would have removed any surviving archaeological features.

Public Health (OCC)

In summary, there is the potential for dust to be generated as part of the process, impacts are likely to be very localised and have limited impact on human health. From an air quality public health perspective, therefore have no major concerns related to the application.

OCC Transport Development Control (Full Response)

First Response – Objection

In order to restore the quarry by importing material, a significant number of HGV movements will be necessary over the projected three year period. It is estimated that the number will not exceed the maximum of 58 daily movements allowed under the consented quarry operation approval.

These applications include a proposal to amend the agreed lorry routeing agreement and to make improvements to the local highway network. In previous correspondence it has been made clear that OCC Highways have considerable concerns, some of which have been addressed to date. These concerns are outlined below:

1. The rationale behind amending the route. The existing route was assessed and found to be the most appropriate when the agreement was made. It is assumed that the main factor was the better visibility at the Sarsden Road junction with the A361 than the 'Quarry Road' junction. It has not been demonstrated that changing the route would provide a significant benefit to all highway users. It is noted that the Parish Council have expressed a preference for the revised route (subject to adequate passing bays), although they mention "avoids using the narrow road through the village", which does not actually happen.
2. Suitability of the revised route highway. The applicant has said that "...any type or number of vehicles can use the road at any time, without restriction." This is true up to a point, but the road is not a designated lorry route and the quarry HGVs are prohibited from using it by the existing routeing agreement. Hence, the suitability of the construction needs to be demonstrated before it's use may be approved. The applicant has suggested that the condition of the northern section of 'Quarry Road', north of the quarry access and part of the approved lorry route, indicates that the southern section will also be satisfactory, but this does not necessarily follow. It has previously been suggested that core samples are taken to determine the construction and provide evidence of the suitability; or to determine the degree of strengthening required, if necessary. Alternatively, the length of road may be made up to the OCC standard construction detail.
3. Passing bays. The 450m southern section has a "dog-leg" roughly half way along which limits forward visibility. A new formal passing bay is proposed north of the bend. Opposite patches of highway verge have been worn away to create an informal passing bay south of the bend, indicating a need here too. The highway improvements must include these areas to be kerbed and surfaced so that two HGVs may pass here. This will help to avoid the verge degradation identified in the Road Safety Audit (RSA).
4. Junction arrangement and drainage. The A361 / 'Quarry Road' junction was examined in the RSA and appropriate alterations made. Detailed design will be the subject of a S278 agreement. However, the proposals at this stage do not consider surface water drainage. A scheme to avoid water ponding at the junction must be submitted to show that the new design can achieve adequate drainage.
5. Junction visibility. The applicant has carried out a speed survey which shows the 85%ile speed in both directions to be close to the speed limit i.e. 60mph. They have accepted that a visibility splay of 215m will be provided, and this is plotted on the Potential Access Arrangements Plan, drg. no. 3305-F01 Rev. C. I am concerned that the highway boundary has not been precisely copied on

to the Visibility Splay Plan (i.e. the grey area does not correspond with the purple area):

The visibility splay will have to be constructed, levelled and drained so that the vegetation and hedge are readily accessible for regular cutting by the applicant. It will be written into the S106 legal agreement that the applicant is responsible for maintaining the visibility splay.

6. Land ownership. It has been stated that the land up to the highway boundary [adjacent to the southern visibility splay] is under the control of the applicant. This was not shown as such on the Location Plan, and an amended plan has not been received to date.
7. The routeing agreement. Burford is currently the subject of an experimental 18 month HGV ban, which may well become permanent. This would leave the route from the north, through Chipping Norton, as the only available route. This is far from ideal but will have to be acceptable if the proposal is approved. Withdrawn application MW.0126/20 proposed routeing HGVs along the Lidstone Road, which was not acceptable. If the routeing agreement is to be revised, it must still specify the length of the A361 shown in the extract below as the Approved Route, so that the Lidstone Road, and other local minor roads, may not be used.

Until the issues identified in points 2, 3, 4, 5 and 6 above have been satisfactorily addressed, OCC (as Local Highway Authority) maintain an objection to the applications.

Meeting and Agents Response – A meeting with the planning agent and Highways Team was arranged. Corrective actions were agreed in order for Highways Team to remove the objection, including the drafting of conditions. Conditions were agreed to provide a road condition survey prior to re-commencement of HGV movements, providing 3 monthly road condition surveys to MWPA.

Second Response

As a result of further correspondence and dialogue following my initial response below, I am happy to alter my recommendation to No Objection, subject to a suitably worded condition for highway repairs and a S106 covenant for maintenance of the visibility splays. My further comments on the points raised below are as follows:

Suitability of the revised route highway.

OCC continue to have concerns that the section of “Quarry Road / Lane” to the south of the site access may not be suitable for use by HGVs and may degrade as a result. It has been agreed that condition surveys are to be carried out and that the site operator/applicant will be responsible for making any necessary repairs at their own expense. This is to be ensured by a condition, the wording of which is still to be agreed by all parties.

Passing bays.

A second passing bay on “Quarry Road” has been added to the proposed scheme, which is acceptable in principle.

Junction arrangement and drainage.

OCC maintain concerns regarding the drainage of the junction. It is noted that on the latest revision of the Location Plan, the blue line area includes land to the north of the junction ("Skew Plantation") which could be incorporated into a drainage scheme if necessary. Despite remaining a concern, it is not considered that the potential drainage issues are sufficient reason for an objection to the proposals, but must be adequately addressed in the S278.

Junction visibility.

It has been agreed in principle that the applicant/site operator will be responsible for maintaining the visibility splays, at their own expense, and this will be secured by a covenant in the S106 agreement. The final wording of the covenant is not yet finalised.

Land ownership.

A revised Location Plan has been submitted, showing that all land adjacent to the visibility splays is within the control of the applicant.

OCC Rights of Way and Countryside access

Both Applications: No comments from rights of way

OCC Drainage Team and Lead Local Flood Authority

First Response (Full Response)

Both Applications: I have now looked through the information and I do have concerns with the proposals, due to the sensitive catchment downstream.

The water is not being controlled enough to mimic the pre works drainage regime. The discharge of water are being concentrated via the infiltration basin, directly into the existing limestone layer needs to be reduced significantly to ensure compliance with local and national standards. A compliance report to demonstrate accordance with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire is required.

Case Officer Note: A meeting was arranged between the Drainage Engineer, Planning Agents and applicant's drainage consultants (GWP). Corrective actions were agreed, to make amendments to the restoration scheme, and to provide further flood risk data.

Second Response:

I have now reviewed the revised Hydrological and Hydrogeological Impact and Flood Risk Assessment v.04 by GWP Consultants and I can confirm our previous concerns have been addressed. Therefore we have no further objections to these applications.

OCC Biodiversity

Both Applications: No objection on ecology grounds.

Requires a European Protected Species Informative (See Annex 4)

OCC Landscape

First Response

MW.0057/21 – *Holding Objection*

In summary (Full response on Website):

The application will need to demonstrate exceptional circumstances (NPPF, para 177) should the development be considered to be 'major'.

Whilst the proposed restoration scheme would offer some landscape and ecological benefits, it would require the importation of a large amount of infill material resulting in 58 HGV movements per day for 3.5 years. These have the potential to cause significant adverse impacts on the special qualities of the AONB, and these impacts do in my view outweigh the benefit of the proposed restoration.

The lack of infill material on site suggests that neither the proposed restoration scheme nor the approved restoration can be achieved without causing adverse effects on the AONB. However, these schemes are not the only way how the site could be restored that is acceptable in landscape and visual terms.

The Landscape Specialist suggested that a revised restoration scheme is developed, which, unlike the proposed scheme, avoids or significantly reduces the need for infilling in order to reduce the environmental impacts of the restoration. A biodiversity-led restoration is likely to be most appropriate.

For the reasons outlined in the full response she cannot support the scheme in its current form.

The Landscape Specialist states without prejudice, if the Council was minded to approve the application, a condition for a detailed landscaping scheme will be required. A condition or agreement that seeks to monitor changes to the character of affected rural lanes, and which secures funds for potential verge repairs might also be required.

MW.0058/21:

The application seeks the variation to a number of conditions of planning application MW.0027/18. The following comments should be considered in conjunction with the Landscape Specialist's comments on application MW.057/21, which seeks the importation of 118,000 m³ of inert material into this site.

Condition 1:

This condition seeks an extension of time for the restoration until 31st December 2024.

No principle issue with extending the time for the restoration, it would be beneficial if restoration was achieved at an earlier date. This variation depends on the outcome of application MW.0057/21.

Condition 2:

Approved plans and particulars. No objection once a restoration scheme has been agreed.

Condition 8:

No aggregates or waste shall be imported to the site for any purpose whatsoever to minimise lorry traffic generation. This condition prohibits the importation of inert materials to avoid further HGV movements and their related impacts on the AONB.

Whether a variation of this application is acceptable will depend on a positive outcome of the related application MW.0057/21, which seeks the importation of 118.000 m3 inert material into the site to create restoration levels. However, the wording of the condition suggests that importation of material is not supported for whatever reason, including for the benefits of restoration.

The importation of the material and related HGV movements and their impacts on the AONB raise landscape and visual concerns, and a variation of this condition should only be considered if MW.0057/21 is approved.

Condition 26:

This condition relates to the number of HGV movements and the routing agreement associated with the transportation of large stones of site. A variation of the condition is sought to allow the same number of daily vehicle movements for the importation of inert material as previously permitted for extraction.

As with condition 8 the acceptability to change this condition depends on a positive outcome of the related application MW.0057/21. The importation of the material and related HGV movements raise landscape and visual concerns, and a variation of this condition should only be considered if MW.0034/21 is approved.

Second Response (Full Response)

The additional information does not include further information on landscape issues raised by myself or the Cotswolds AONB and as such my previous comments still apply.

In my previous comments I raised concerns about the type and source of infill material, and the potentially significant impacts on the special qualities of the AONB. As a way forward I recommended that the restoration scheme should be revised with a view to reduce impacts.

I find it difficult to understand why the revised restoration requires more than twice as much infill material compared with the approved scheme although the levels are not that different from each other. If this is due to the applicant having excavated more aggregate than originally planned, a revised scheme should in my view seek to address this issue by requiring less import material rather than more.

The additional information does not provide further information on the type and source of infill material nor does it include a landscape assessment or appraisal of the development impacts on the special qualities of the AONB. The Counsel opinion states a higher quality restoration as a reason for the scheme being acceptable, but this is not backed up by any landscape assessment work. Whilst the Cotswolds AONB and I agree that the revised scheme offers some improvements compared with the previously approved scheme, it does in my view not justify the impacts in achieving it. This is especially the case since I consider the two restoration schemes not to be the only ways the site could be restored.

Whilst a restoration to agricultural would be in keeping with the local landscape character, the Cotswolds AONB Management Plan has also a strong emphasis on enhancing biodiversity. Both the AONB response and I have indicated that lower restoration levels and a biodiversity-led restoration scheme could be acceptable in the AONB but no other options seem to have been explored. A biodiversity-led restoration to lower levels could potentially be an opportunity for delivering significant ecological benefits – e.g., some of Oxfordshire's most important ecological sites were previously quarries (e.g. Cothill SAC, Dry Sandford Pit SSSI).

The impacts of the development on the Cotswolds AONB should be assessed and further detail on the type and source of the infill material should be provided. In addition, I strongly encourage the applicant to revise the restoration scheme in a way that minimises the need for infill material and maximises the site for biodiversity.

Annex 4 – European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

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

Our records, survey results and consideration of the habitats within the site area indicate that, with appropriate mitigation, European Protected Species are unlikely to be harmed as a result of the proposals.

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Divisions Affected – Faringdon

PLANNING AND REGULATION COMMITTEE

28 February 2022

Section 73 application to continue the development permitted by planning permission P16/V2331/CM (MW.0117/16) (Amend the working of phase 1a; Amend the restoration of the site; Amend lighting details; Change the site name and signage details to “Faringdon Quarry”) without complying with condition 2 to extend the dates for completion of mineral extraction to 31/12/2034 and completion of restoration to 31/12/2035.

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Emma Bolster **Tel:** 07775 829 954

Location: Faringdon Quarry, Fernham Road, Faringdon SN7 7LG

OCC Application No: MW.0142/21

VoWHDC Application No: P21/V3283/CM

District Council Area: Vale of White Horse District Council

Applicant: Grundon Sand & Gravel Ltd

Application Received: 9th November 2021

Consultation Period: 9th December 2021 – 4th January 2022

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

RECOMMENDATION

1. It is **RECOMMENDED** that planning permission for MW.0142/21 be approved subject to conditions to be determined by the Assistant

Director of Strategic Infrastructure and Planning, to include those set out in Annex 1.

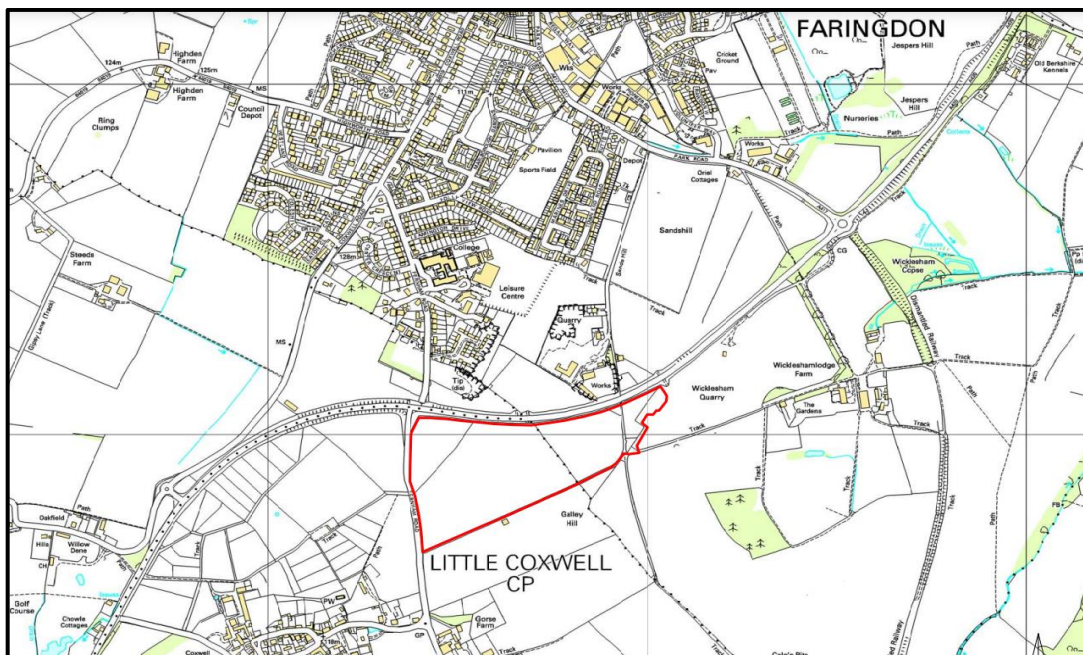
Executive Summary

2. The report sets out the proposed change to the existing planning condition 2 of planning permission P16/V2331/CM (MW.0117/16), which has been applied for under application no. MW.0142/21. Having considered the proposals against the development plan and other material considerations, including consultation responses and representations received, it is recommended that that the application be approved.

PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

1. The Faringdon Quarry lies wholly within the administrative area of the Vale of the White Horse District Council, and lies immediately adjacent the western edge of the now-restored Wicklesham Quarry, previously worked by the same applicant.



Plan 1 shows the planning application area outlined in red. The site is situated approximately 0.2 miles (0.33 km) south-east of the town of Faringdon and the same distance from village of Little Coxwell. The city of Oxford is approximately 16 miles (25 km) to the north-east. The town of Swindon (within Wiltshire) is approximately 8 miles (12 km) to the south-west.

Site and Setting

2. The application site lies immediately south of the A420, and straddles the administrative boundary between the parishes of Little Coxwell and Great Faringdon, to the north-east of the site. The overall setting is rural/ agricultural, with the nearest residential properties being Church View, approximately 180 metres to the south-west and Orchard House and Gorse Farm at approximately 190 metres and 260 metres respectively to the south of the active workings. The closest residential properties in Faringdon, off Lower Greensands, are approximately 140 metres to the north-west of the development area, on the northern side of the A420.
3. The application site is 15.2 hectares in total. The quarry produces sand and self-binding gravel, with the gravel being unique to the application site. Some of the extracted mineral is used in the production of ready-mixed concrete by the batching plant within the quarry (permitted on appeal under planning permission P19/V1857/CM (MW.0068.19), APP/U3100/W/20/3250471). The original permission also states that there is a provision of limestone, which is interbedded with the sand and gravel as part of those deposits.
4. The quarry is divided into three phases of working, with current extraction operations within Phase 1. The site has phased working and restoration to an agriculture after-use and areas of geological interest to be left to the north, east and south faces of the quarry area, closest to Wicklesham Quarry.
5. The site is accessed via Fernham Road, which is a 'B' road that runs south from the A420 towards the village of Fernham. The quarry entrance is approximately 95 metres from the Fernham Road junction with the A420, which is designated as a link to a larger town on Oxfordshire's Lorry Route Map, as shown in the Oxfordshire Minerals and Waste Core Strategy (OMWCS) page 116.
6. There are a number of public rights of way in the area. Three public rights of way converge at the south eastern corner of the quarry's red-line area. Bridleway (207/21/40), part of the Promoted Route Faringdon, Vale Way runs east from the quarry's south-eastern corner and Bridleway (207/22/10), also part of the Promoted Route Faringdon, Vale Way runs south from this point. Bridleway (207/21/50) runs west along the southern boundary of the quarry for 150m, then merges into Bridleway (278/2/20), which then runs for 458 metres west towards Fernham Road. There is a further right of way, Footpath (278/1/10), approximately 20 metres west of the quarry site, on the opposite side of Fernham Road.

7. The site is wholly within Flood Zone 1, which is the area of least flood risk.

Planning History

8. Application GFA/3888/11-CM (MW.0126/10) was submitted August 2010. This application was for an extension to the adjacent Wicklesham Quarry to the east, which at the time the extension application was decided, had just over 2 years remaining on the extant permission for operations (30 September 2015; to be restored by 30 September 2016). This application was approved and issued 24 June 2013. The extension, now known as Faringdon Quarry, has a cessation date of 31 December 2026 for extraction. The site is required to be restored to agriculture by 31 December 2027, when a 5 year after care period commences until 31 December 2032. This permission has now been superseded.
9. A routeing agreement relating to the HGV traffic generated by the quarry extension under GFA/3888/11-CM (MW.0126/10) was signed 11 June 2013. This specified which local roads were prohibited and which could be used to access the wider highways network.
10. Application P14/V1991//CM (MW.0098/14) was submitted in August 2014. This was a Section 73 application to vary condition 19 of MW.0126/10, to allow for the temporary use of the existing slip-road access of Wicklesham Quarry to gain access to the western Wicklesham Quarry extension, until operations were to cease at Wicklesham Quarry, 30 September 2015. This application was approved and issued 19 November 2014. This permission has now been superseded.
11. Application P16/V2331/CM (MW.0117/16) was submitted August 2018. This was a Section 73 application to implement various changes to the quarry extension, including the working in Phase 1a, the site's restoration to move the location of a pond to straddle a dividing fence/ hedge, amend lighting details and formally change the site's signage and name to Faringdon Quarry. This application was approved and issued 21 December 2016 and is the substantive active permission for the quarry.
12. Application P19/V1857/CM (MW.0068/19) was submitted in July 2019. This was for Prior Approval for the installation and use of a Concrete Batching Plant at the application site within Faringdon Quarry, to produce ready-mixed concrete for building and construction operations in the general areas of Swindon, Faringdon, Wantage and the rural areas and villages between. It was considered that the proposal fell within the provisions of Part 17, Class B of the

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”), and therefore benefited from “permitted development” rights. This application was approved and issued 08 October 2019 and is an active permission.

13. Condition 2 of P19/V1857/CM (MW.0068/19) was appealed by the applicant which was validated 06 May 2020. The appeal (APP/U3100/W/20/3250471) was allowed 08 March 2021, revising condition 2 to allow 44 HGV movements per day for the batching plant and retaining the further conditions approved under P19/V1857/CM (MW.0068/19), as written.
14. A routing agreement relating to the mobile batching plant operations, permitted under APP/U3100/W/20/3250471 (MW.0068/19) was signed 01 March 2021. This specified which local roads were prohibited and which could be used to access the wider highways network.
15. Application P19/V2603/CM (MW.0107/19) was submitted in October 2019. This was for varying condition 2 of P19/V1857/CM (MW.0068/19), to increase the permitted HGV movements for the batching plant from 22 per day to 44 per day. This application was withdrawn following the appeal (APP/U3100/W/20/3250471) to vary condition 2 of MW.0068/19 to allow the same level of movements being allowed.

Details of Proposed Development

16. This application has been submitted to amend the approved timescales for mineral extraction and restoration by varying condition 2 of the extant permission, P16/V2331/CM (MW.0117/16). This would extend the permitted dates by a further eight years for extraction, from 31st December 2026 to 31st December 2034. The removal date of all buildings, plant and machinery would be amended from 30th September 2027 to 30th September 2035 and the completion of final restoration from 31st December 2027 to 31st December 2035.
17. The applicant states that the extended timescale is to allow for the permitted mineral reserve, being soft sand, gravel and some limestone, to be fully extracted. The applicant did not have the required 16 years to remove the total mineral reserve, being c.816,000 tonnes (although 30,000t around the strategic water main which runs through the site has been sterilised) when permission was originally granted in 2013. The average output of 50-60,000 tonnes per annum (tpa), as originally projected, has been consistently under-delivered by approximately 70%.

18. Following the installation of a concrete batching plant in early 2020, extraction rates increased and are currently close to the originally projected average output of 50-60,000 tpa. As of the second quarter of 2021, the remaining mineral reserve within the quarry is 667,500 tonnes with an estimated, ongoing annual output now expected to be 51,000 tpa. The remaining, permitted mineral reserve would take 13 years to work out with an average output of 51,000 tpa and cannot be extracted by the existing extraction cessation date of 31st December 2026.
19. The approved restoration for the site is to areas low-level areas of agricultural grassland, with some exposed quarry faces. This will remain unchanged, other than the proposed extension of time to restore each phase sequentially upon the previous phase being worked out. There are no changes proposed to any other conditions attached to the extant planning permission, and the routeing agreement for the quarry operations would continue to apply. There are no changes proposed to the concrete batching plant operations, which has a separate permission and routeing agreement which would continue to apply.

PART 2 – OTHER VIEWPOINTS

20. The period of public consultation finished 4th January 2022. The full text of the consultation responses can be seen on the e-planning website¹, using the reference MW.0142/21. These are also summarised in Annex 2 to this report.
21. There have been four third party representations received during the consultation period. These are summarised in Annex 3. All representations were objections to this application, which included:
 - Development need
 - Impact on the highways
 - Routeing agreements
 - Impact on local amenity
 - Planning matters and adherence

PART 3 – RELEVANT PLANNING DOCUMENTS

Relevant planning documents and legislation (see Policy Annex to the committee papers)

¹Click here to view application [MW.0142/21](#)

22. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan Documents

23. The Development Plan for this area comprises:
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP)
 - Vale of White Horse Local Plan 2031 Part 1 (VLP1)
 - Vale of White Horse Local Plan 2031 Part 2 (VLP2)
24. The **Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy** (OMWCS) was adopted in September 2017 and covers the period to 2031. The Core Strategy set out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire. As of October 2021, a Review is being undertaken of the OMWCS.
25. The **Oxfordshire Minerals and Waste Local Plan 1996** (OMWLP) was adopted in July 1996 and covered the period to 2006. Of the 46 'saved' policies, 16 remain saved following the adoption of the OMWCS. These 16 policies are non-strategic and site-specific, which will remain saved until the adoption of the Part 2: Site allocations document. None of the saved policies apply to this area.
26. The **Vale of White Horse Local Plan 2031 Part 1** (VLP1) was adopted in December 2016. This sets out the details of strategic sites, policies and considerations for development within the Vale of the White Horse.
27. The **Vale of White Horse Local Plan** (VLP2) was adopted in October 2019. This sets out details of policies and additional sites than what is included within the VLP1, for development within the Vale of the White Horse.

Emerging Plans

28. The **Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations** (OMWSA) Document (upon adoption) will set out those mineral and waste sites needed to deliver the Core Strategy and may include further development management policies. The Site Allocations Plan is currently being prepared, and very limited weight can be given to the emerging plan in decision-making. There has been a delay in the production of the Preferred Options consultation,

which was expected in August 2021, whilst a review of the Core Strategy is undertaken. An updated Minerals and Waste Development Scheme setting out the revised timetable, including the Core Strategy Review, was approved in October 2021.

29. The **Oxfordshire Minerals and Waste Local Development Scheme** (12th Edition) (OMWDS) contains a number of key changes to ensure that the Oxfordshire Minerals and Waste Local Plan is in conformity with the National Planning Policy Framework and based on a sound evidence base. The key changes are:
- Inclusion of a Review of the Oxfordshire Minerals and Waste Local Plan Part 1 Core Strategy;)
 - Inclusion of a Partial Update including an update to policy M2 to the Minerals and Waste Local Plan: Part 1 - Core Strategy and updating the figures for mineral extraction to feed into the Part 2 - Site Allocations Document; and
 - Delay to the production of the Minerals and Waste Local Plan: Part 2 - Site Allocations Document.
30. The OMWDS now programmes the adoption of both the Partial Update of the Part 1 - Core Strategy and the Part 2 - Site Allocations Document for the winter of 2024. The Council was due to undertake consultation on the Core Strategy Review and the Partial Update of it in November 2021 to January 2022 with a further consultation on the Preferred Options on the Site Allocations and Partial Update in the summer of 2022. However, there has been a delay in this consultation and the implications of this delay are currently being explored and an updated timetable is being prepared.
31. The emerging Joint Local Plan 2041 is currently being prepared between South Oxfordshire and Vale of White Horse District Councils, with a draft Plan to go out to consultation July/ August 2022. Upon adoption, the Joint Local Plan 2041 will replace the SOLP 2035, and the adopted Local Plans for Vale of White Horse District Council. At present, this plan is at a very early stage and there are no draft policies to consider.

Other Policy Documents

32. The **National Planning Policy Framework** (NPPF) was first published in 2012, revised in July 2018, further minor revisions made in February 2019 and revised again in 2021. This is a material consideration in taking planning

decisions. Relevant sections include those on facilitating the sustainable use of minerals, and conserving and enhancing the natural environment.

33. The **National Planning Policy Guidance** (NPPG) contains specific advice on matters including minerals, determining a planning application and natural environment.

34. The **Faringdon Neighbourhood Plan** (FNP) contains policies applicable to applications within the Plan area. There is no Neighbourhood Plan for Little Coxwell, within which the larger part of the application site area sits.

Relevant Development Plan Policies

35. The OMWCS policies most relevant to this development are:

- M2 – Provision for working aggregate minerals
- M3 – Principal locations for working aggregate minerals
- M5 – Working of aggregate minerals
- M10 – Restoration of mineral workings
- C1 – Sustainable development
- C2 – Climate Change
- C5 – Local environment, amenity and economy
- C7 – Biodiversity and Geodiversity
- C8 – Landscape
- C10 – Transport
- C11 – Rights of Way.

36. The VLP1 policies most relevant to this development are:

- Core Policy 1 – Presumption in favour of sustainable development
- Core Policy 44 – Landscape
- Core Policy 45 – Green infrastructure
- Core Policy 46 – Conservation and improvement of biodiversity

37. The VLP2 policies most relevant to this development are:

- Development Policy 16 – Access
- Development Policy 21 – External lighting
- Development Policy 23 – Impact of development on amenity
- Development Policy 25 – Noise pollution
- Development Policy 31 – Protection of public rights of way, national trails and open access areas.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

38. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.
39. The key planning issues are:
- i. Minerals
 - ii. Site Restoration
 - iii. Highways and Rights of Way
 - iv. Amenity
 - v. Landscape
 - vi. Biodiversity
 - vii. Sustainable Development

Minerals

40. OMWCS policy M2 states that provision will be made through policies M3 and M4 to enable the supply of sharp sand and gravel, soft sand and crushed rock, with a total provision requirement for each, from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive. Also, permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves with planning permission to be maintained for the extraction of minerals of, for sand and gravel, at least 7 years. The policy requires landbanks to be calculated in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.
41. OMWCS policy M3 states that the principal locations for aggregate mineral working will be located within strategic resource areas, as shown on the Policies Map.
42. OMWCS policy M5 states that prior to the adoption of the Minerals and Waste Local Plan Part 2: Site Allocations Document, permission will be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided the

proposal is in accordance with the locational strategy in policy M3 and that the requirements of policies C1 – C12 are met.

43. This application is for an extension of eight years to allow for the permitted, remaining mineral reserves to be extracted and the site to then be subsequently restored. The principal for the location of the development has been determined, and the site sits within a Strategic Resource Area (SRA) and a Mineral Safeguarding Area for soft sand. Additionally, the gravel is self-binding, which is used for specialist requirements and is a unique resource to the area, not found in adjoining counties. The current landbanks for soft sand and sharp sand and gravel, as at the end of 2020, are 16 years and 11 years respectively. There is no change to the application area for extraction and there is no extension of the already permitted mineral workings. Although the landbank positions suggests that there is not, currently, an urgent need for additional permissions for sand and gravels, it is important to note that the landbank is a minimum and not a maximum. The site has already been consented and the reserve is already included in the county's landbank.

44. The proposed development is to extend the permitted timescales for the existing mineral development, and allow the permitted reserve to be worked out. If the proposed extension of time for both extraction and sequential restoration is refused, then the quarry would need to be restored without the remaining mineral being worked, being 667, 500 tonnes in the second quarter of 2021. This would therefore sterilise the remaining significant mineral reserves and reduce the existing landbank and so the possible need later in the plan period for additional reserves to be permitted elsewhere in the county. It is considered that working mineral in this location, being an existing quarry in a policy-compliant area albeit for a longer period is likely to have less overall impacts than working the same quantity of mineral from a new site elsewhere. The quarry is also unique in providing self-binding gravel for specialist use, which cannot easily be sourced elsewhere. The proposal is considered to be in accordance with OMWCS policies M2, M3 and M5.

Site Restoration

45. OMWCS policy M10 states that minerals workings will be restored to a high standard and in a timely, phased manner to an after-use which is appropriate to the location and delivers a net gain in biodiversity. The restoration and after-use of the minerals workings needs to take into account various factors.

This includes a site's characteristics, landscape, local amenity, water-quality, biodiversity, geodiversity and historic environment.

46. The approved restoration for the quarry is to mainly agricultural after-use, with some biodiversity increases by increased hedgerow and tree planting and exposed quarry faces adjacent to the restored Wicklesham Quarry. It would deliver a net gain in biodiversity. This application seeks to extend the permitted extraction period and therefore delay the restoration by a further eight years, from the approved restoration completion in 2027 to 2035.
47. There are no changes proposed to the approved restoration scheme. This includes areas of grassland, wet grassland which is largely to the two ponds to be created and improved hedges and tree planting. The lower level is for agricultural after use once restoration has been completed and exposed mineral faces for geological interest are to be created along the eastern boundary, and parts of the adjacent northern and southern boundaries.
48. The extension of time is to allow for the remaining permitted mineral reserve to be extracted and the approved restoration scheme to agricultural grassland with two small water bodies does not adversely impact the overall intention for the restoration to provide agricultural grazing and some biodiversity improvements, although this would be in place later than originally envisioned. Whilst it is disappointing that the mineral has not been worked at the rate originally suggested, as set out above, it is important that the remaining significant mineral reserve is worked. The approved restoration scheme can only be delivered on the completion of the permitted extraction of mineral and so in this respect, if it is concluded that the period applied for is necessary to do so, it would still be delivered in a timely manner. The development proposals would be in line with OMWCS policy M10.

Highways and Rights of Way

49. OMWCS policy C10 states that waste development will be expected to make provision for safe and suitable access to the advisory lorry routes as shown on the Oxfordshire Lorry Routes Map. The Lorry Route Map on page 116 of the plan identifies the A420 as a link to larger towns. It also identifies that the A420 runs past an environmentally sensitive area towards the south-west, which HGVS should avoid if at all possible. Development should maintain and, where possible, improve the efficiency and quality of the network, residential and environmental amenity and improve safety for all road users.

Development which generates significant amounts of traffic should provide mitigation measures where appropriate.

50. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and if possible it shall be retained in situ in safe and useable condition. Improvements and enhancements to the rights of way network will be generally encouraged and public access sought across restored mineral workings, especially if this can be linked to the wider provision of green infrastructure.
51. VLP2 Development Policy 16 states that new development needs to demonstrate a high quality design and that adequate provision is made for loading, unloading, servicing, circulation and turning of vehicles and acceptable off-site improvements to the highway infrastructure (including traffic management measures) including public rights of way where these are not adequate to service the development.
52. VLP2 Development Policy 31 states that development on and/ or over public rights of way will be permitted where the development can be designed to accommodate satisfactorily the existing route, or where the right of way is incorporated into the development site as an attractive, safe and continuous route. Opportunities will be actively sought to improve the accessibility and the additions of new connections and status upgrades to the existing rights of way network, including National Trails.
53. Paragraph 110 of the NPPF states that when considering specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
54. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
55. The quarry has no condition limiting the maximum number of HGV movements per day. The concrete batching plant is limited to a maximum of 44 movements per day. The extension of time by eight years would not

increase the daily number of HGVs for mineral extraction, or the associated concrete batching plant operations although they would clearly continue over a longer period of time. Since the installation of the batching plant, extraction rates have increased to close to the projected annual tonnage of between 50,000 and 60,000 tpa. Subsequently, associated HGVs have increased in real terms to the expected levels for the originally projected annual tonnage. The HGV movements overall have been artificially low for the site due to the extraction rates being up to 70% below the permitted tonnage and therefore lower associated HGV movements. The proposed extension of time would not increase the number of HGVs above what has been permitted under the extant planning permissions.

56. As part of the original permission, highways improvements were included (road signage) and suitable access from the site onto Fernham Road. There is adequate provision within the site for vehicle turning and loading/unloading, and safe and suitable access from Fernham Road onto the A420, which is a designated link to a larger town as part of the strategic lorry route network. The internal layout and existing highway layout remains unchanged by this application.
57. There are two routing agreements in place to mitigate the existing developments on the highway network, which would continue to apply. The applicant is a signatory for both the quarry and concrete batching plant routing agreement. Currently, all quarry vehicles are required to turn right from the site onto Fernham Road, unless making a local delivery to the south and can then turn in either direction onto the A420. All batching plant vehicles are required to turn right onto Fernham Road, unless making a local delivery to the south and then left only onto the A420, regardless of destination. Any vehicles that are heading towards Oxford must drive to the Watchfield Roundabout to go east. Both routing agreements will continue to apply for both the quarry and concrete batching plant operations, to mitigate the existing HGV impacts on the highway network, as existing.
58. There is no increase proposed in mineral extraction operations, associated infrastructure or the concrete batching plant operations. The public rights of way in the immediate vicinity will not be further adversely affected in respect of any visual or aural impacts of the development other than they will occur over a longer period of time. This would be in particular from the public bridleway which runs along the southern boundary and these impacts would not be increased any further than the proposed timescales. Users of the public rights of way who wish to cross Fernham Road and also use the footpaths west of the quarry will not be significantly impacted by an extension of time for the operations as HGVs are restricted from turning left

towards Little Coxwell. This is part of the routeing agreement and would continue for the lifetime of the operations.

59. There is no new development proposed or any changes to the existing HGV movements to the quarry and associated concrete batching plant. This application is considered to be in line with OMWCS policies C10 and C11, VLP2 development policies 16 and 31 and NPPF paragraphs 110 and 111.

Amenity

60. OMWCS policy C5 states that proposals for waste development shall demonstrate that there would be no adverse impact on the local environment, human health or residential amenity and the local economy.
61. VLP2 Development Policy 21 states that development that involves external lighting will be permitted provided that there would not be any adverse impact on the character of the area, of the amenity of neighbouring uses and if the lighting proposed is the minimum necessary to undertake the task for which it is required. Where permission is granted, conditions may be imposed.
62. VLP2 Development Policy 23 states that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses.
63. VLP2 Development Policy 25 states that noise-generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation that should take account of the location, design and layout of the proposed development, existing levels of background noise, measures to contain generated noise and hours of operating and servicing. Development will not be permitted if mitigation cannot be provided within an appropriate design or standard.
64. The closest residential properties to the quarry are Church View, approximately 180 metres to the south-west and Orchard House and Gorse Farm approximately 190 metres and 260 metres respectively to the south and are all within the parish of Little Coxwell. The closest residential properties in Faringdon are off Lower Greensands, approximately 140 metres to the north-west of the quarry and north of the A420. The proposed extended timescales for the extraction and restoration would not change any of the existing conditions to protect local residents' amenity. These

conditions control, among other things, noise with the identified sensitive receptors and dust impacts with the approved Dust Management Plan for the quarry operations.

65. The proposed extended extraction and restoration timescales by eight years are to allow for the permitted mineral reserve to be worked out. Whilst the time periods would be extended and the impact of this needs to be considered, provided the existing conditions designed to mitigate impacts to acceptable levels are retained in any new planning permission, the proposed extended timescales would not otherwise adversely impact local residents' amenity.
66. The extension of the approved timescales to allow for the remaining mineral extraction and approved restoration is unfortunate but necessary if the significant reserves of remaining mineral are to be worked and the site restored as permitted to provide an agricultural after-use with areas of geological interest to the eastern area of the site. It is not considered on balance that the extended time period proposed would lead to an unacceptable adverse impact on amenity. The development proposal would therefore be in line with OMWCS policy C5 and VLP2 development policies 21, 23 and 25.

Landscape

67. OMWCS policy C8 states that proposals for minerals and waste development should demonstrate they respect and where possible enhance local character. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape.
68. VLP1 Core Policy 44 states that key features that contribute to the nature and quality of the district's landscape will be protected from harmful development and where possible enhanced, including features such as trees, hedgerows, woodland, field boundaries and watercourses. Where development is acceptable in principle, measures will be sought to integrate it into the landscape character.
69. VLP1 Core Policy 45 states that a net gain in green infrastructure, including biodiversity, will be sought and a net loss through development proposals will be resisted. Proposals for new development must provide adequate Green Infrastructure in line with the Green Infrastructure Strategy and how this will be retained and enhanced.

70. There are no changes proposed to the permitted quarry and associated batching plant operations as part of this application, which is solely for an extension of the extraction and restoration timescales. However, since the original permission for the quarry operations was granted in 2013, and the subsequent amended restoration and phasing proposals granted in 2016, which is the extant permission, the concrete batching plant was installed under a Prior Approval permission in 2019. The landscape officer requested further information in the form of a landscape assessment, due to the age of the approved documents for the operational site and the approved restoration scheme, and updated policies.
71. The landscape and visual impact of the overall development has altered, and this proposal seeks to keep the overall quarry development for a further eight years than originally proposed. The concrete batching plant would therefore be on site for the same amount of time, where the impact of the batching plant was originally envisioned to be no more than eight years, to September 2027.
72. The extended timescales to allow the mineral reserve to be extracted would not create any further visual or landscape impacts above what is currently in place on site. The changes that have occurred due to the Prior Approval permission for the concrete batching plant introduced a greater height/ mass than the originally approved quarry infrastructure. The approved landscape planting and existing vegetation should, in the opinion of the landscape officer, be strengthened and/ or managed to ensure that the existing and approved planting minimises and mitigates the impact of the overall development as permitted, and ensure it is integrated in the overall, rural landscape.
73. There are no significant impacts on the existing landscape as there are no new elements proposed or new development overall, although the existing landscape treatment could be strengthened to continue to ensure the impact of the permitted quarry development for a further eight years is mitigated to the upmost degree. Subject to this being provided for by condition, the development is in line with OMWCS policy C8 and VLP1 core policies 44 and 45.

Biodiversity

74. OMWCS policy C7 states that proposals for minerals and waste development should conserve and, where possible, deliver a net gain in

biodiversity. Development should not cause significant harm, except where the need for and benefits of development at that location clearly outweigh the harm.

75. VLP1 Core Policy 45 states that a net gain in green infrastructure, including biodiversity, will be sought and a net loss through development proposals will be resisted. Proposals for new development must provide adequate Green Infrastructure in line with the Green Infrastructure Strategy and how this will be retained and enhanced.
76. VLP1 Core Policy 46 states that development will conserve, restore and enhance biodiversity. Opportunities for biodiversity gain, including connection of sites and habitat restoration and enhancement will be sought, with a net loss of biodiversity to be avoided.
77. There are no changes proposed to the existing quarry and associated infrastructure, or any changes proposed to the approved restoration scheme, which is to grassland, wet grassland, ponds and further tree and hedge-planting.
78. Further information was required by the ecology officer, and provided, as there was concern on the age of the approved surveys and that this application would also need to be considered against updated policy. There was consideration for delaying the approved restoration scheme by a further eight years and that there would not be adverse impacts or a reduction in the biodiversity gains of the existing, approved restoration scheme which would be unchanged. The ecology officer also required a Landscape and Environmental Management Plan (LEMP), to ensure the protection of species and their habitats, including bats and badgers, for a minimum period of 25 years, being the five year standard after care period and an additional 20 year longer-term management.
79. There are no further changes proposed to the development, or the approved aftercare scheme, which includes additional planting and a biodiversity gain from the original site. The only change is the extended timescales, and the further provided information demonstrates that an extension of time before the restoration would be carried out would not adversely impact on the approved restoration scheme. Therefore, it is not considered that it would be reasonable to include a LEMP in order to make the development acceptable, and longer-term management post the five years aftercare period for

biodiversity gain would need a legal agreement, which similarly is not considered necessary in order to make the extension of time proposed acceptable. However, conditions should be included to provide the installation of bat and bird boxes as set out in the Updated Ecological Assessment as suggested enhancements, for badger surveys to be carried out prior to site clearance works in those phases yet to be extracted and for a bat roost survey and identification of mitigation measures and their implementation prior to the removal of an identified tree.

80. There is no new development or other significant changes proposed by this application, that would impact on the site's biodiversity or gains through the approved restoration. Subject to conditions as set out above, this application is considered to be in line with OMWCS policy C7 and VLP1 core policies 45 and 46.

Sustainable Development

81. The NPPF (2021) contains a presumption in favour of sustainable development. This has environmental, economic and social roles, reflected in OMWCS policy C1 and VLP1 core policy 1.
82. OMWCS policy C2 states that proposals for mineral development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low-carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.
83. The extended timescales would enable the full extraction of the approved mineral reserve which is include in the county council's current landbank. Whilst the development would be carried out over a longer time period, there would be no additional emissions beyond that already consented. There are no changes to the approved restoration, which would provide overall environmental benefits which would contribute to sustainable development in accordance with these policies.

Financial Implications

84. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

85. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

86. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusions

87. The application is to extend the approved timescales for extraction and restoration, due to significantly below expected extraction/ sales which were improved in 2020 by the approval of a concrete batching plant to utilise the site's mineral resource. The approved restoration to grassland, water bodies and tree/ hedge planting, to then be used for agricultural uses with open geological faces would be implemented.
88. There is no change to the site's existing operations/ infrastructure and no increase in projected tonnages or associated HGV vehicle movements. There is no change to the approved restoration scheme. An extension of a further eight years to excavate the mineral and restore the site would not adversely impact on the landscape or local amenity as the approved landscaping and biodiversity mitigation of the existing development should be managed and strengthened to blend the site into the largely rural environment as far as is practicable.
89. Subject to conditions, the proposed development is considered to be in accordance with the relevant development plans and plan policy relating to

Minerals, Site Restoration, Landscape, Biodiversity, Traffic movements and Amenity.

RECOMMENDATION

It is RECOMMENDED that planning permission for MW.0142/21 be approved subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1.

Rachel Wileman

Assistant Director for Strategic Infrastructure and Planning

Annex:	1	Heads of conditions
	2	Consultation Responses
	3	Third Party Consultation Response
	4	European Protected Species

Background papers:	Nil.
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Annex 1 – Conditions

1. Development shall be carried out in accordance with the approved drawings and details.
2. Time limit for extraction 31st December 2034 and time limit for restoration 31 December 2035.
3. Hours of operation 0700 hours to 1800 hours Mondays to Fridays; 0700 hours to 1300 hours on Saturdays. No operations Sunday, Public or bank holidays.
4. Reversing vehicles to use white noise only.
5. No blasting.
6. No mud on the highway.
7. Internal haul roads to be maintained for duration of active use then removed.
8. Archaeological watching brief during any construction/ ground works.
9. No Follow the approved archaeological Written Scheme of Investigation and report findings to the Mineral Planning Authority.
10. Measures of Ecological Impact Assessment to be implemented.
11. No works to be carried out other than in accordance with the mitigation and enhancement scheme in the Ecological Impact Assessment (2009) and the Updated Ecological Assessment (2022).
12. Planting to be carried out as per the Landscape Planting Scheme and maintained in accordance with the aftercare details.
13. Existing and approved planted hedgerows on site to be maintained.
14. Trees and shrubs planted as approved shall be maintained.
15. Retained trees and shrubs shall be protected and fencing erected and maintained for the duration.
16. Aftercare and management scheme submitted and approved prior to any works within phase 3, and to be implemented as approved.
17. Site access to the development as approved.
18. All works within site above groundwater level.
19. Oil storage tanks shall be bunded.
20. No discharge of polluted water off site.
21. Operational noise levels at site to not exceed stated levels at identified sensitive properties.
22. Notwithstanding Condition 21, noise during bund removal/ restoration shall not exceed stated levels at identified sensitive properties.
23. Excavations shall be made available for inspection by bona fide geologists or geology students for the life of the quarry.
24. On completion of extraction, the quarry face shall be left open and unrestored, unless no geological interest is suitably demonstrated.
25. Dust Monitoring implemented as approved.
26. No unsheeted lorries.
27. No floodlights other than security lighting as approved.
28. Soil handling in accordance with the approved scheme.
29. Soil handling, stockpiling and replacement when dry and friable.
30. Soil storage bunds to be kept weed free.
31. All topsoil, subsoil and overburden to be kept for site restoration only.
32. Sightlines to the public highway shall be provided and maintained for the development's duration.

33. The approved Construction Traffic Management Plan shall be implemented and adhered to at all times.
34. The approved Surface Water Drainage Scheme shall be implemented and adhered to at all times.
35. Road signs shall be erected as per the approved plans.
36. Improved hedgerow planting and management for landscape improvements.
37. Badger Survey prior to site clearance in any unworked phase/ area.
38. Bat Survey prior to any felling of identified trees.

Informative

Protected Species to be protected.

Nesting Birds to be protected.

All deep excavations should be suitably ramped to protect badgers.

Annex 2 – Consultation Responses

Vale of White Horse District Council – Planning

Responded – No comment.

Vale of White Horse District Council – Environmental Health

Responded – No objection.

Faringdon Town Council

Objection. Faringdon Town Council object on the grounds of traffic safety on the A420. Lorries no right turn is not being enforced. If this application goes ahead, a safe crossing of the A420 needs to be provided for pedestrians, cyclists and horses. Support comments from Little Coxwell Parish Council.

Little Coxwell Parish Council

Objection. This application has come as a surprise to Little Coxwell Parish Council as well as residents of the village. One of the major reasons provided by Grundons for the batching plant, granted under MW.0068/19 and confirmed in an email was that this would ensure the original completion date of 2026. The applicant confirmed that since the introduction of the batching plant, the quarry is now at the expected extraction rates. We are at a loss as to why this application is being made. At best, the application for the concrete batching plant was calculated wrongly, at worst was misleading with every intention to apply for an extension to a later date and this very comment was made in the parish council's objection to the batching plant.

A routing agreement was put in place from the approval of MW.0068/19, to ensure the safety of surrounding traffic and reduce the environmental impact on the local traffic, including the village of Little Coxwell. This is continuously flouted with numerous reports directly to the site manager and photos reported to the planning authorities. This shows that planning conditions are not being met. The extension of time request is another example of wishing to change another planning condition

The application also states that there have been no comments received on noise, vibration or dust. This does not infer that there is no impact on the community. Of course there is an environmental impact and continues to be and all this application does is extend these impacts on the community. Therefore the parish council strongly objects to this planning application. We would also recommend a review of the weighbridge extraction numbers from the site to clarify the exact status of the extraction numbers and the concrete batching plant outputs to ensure transparency.

Fernham Parish Council

No response.

Environment Agency

Responded – No comment. Confirmed that there is no need to consult them on this application.

National Grid Asset Protection

No National Grid assets affected in this area.

Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites.

We would however support the Oxfordshire County Council Ecology officer in their request for some updated ecological survey to be submitted. The original mapping for the restoration plan area was created based on 2009 surveys which are now well out of date and it would be beneficial for these surveys to be updated. This would give a more accurate picture of what habitats on site are like and could inform any changes to the final restoration plan if required.

OCC Transport Development Control

No objection subject to conditions. The relevant points from a Transport Development Control perspective are that an additional eight years are required to fully, and sustainably, extract all mineral from the site, though other material aspects will remain unchanged. The site provides safe and suitable vehicular access and egress to and from the A420 which forms part of the Strategic Lorry Route. There is adequate provision for loading/ unloading and vehicle turning within the site and the number of vehicle movements would remain at current levels and within approved levels for operations at the site.

The applicant would continue to adhere to the two existing routeing agreements currently in place for Faringdon Quarry and the concrete batching plant to mitigate the impacts of the development proposed on the highway network. As such, the development proposal would not have a detrimental impact on the highway network, and all relevant transport and highway planning conditions of the MW.0117/16 planning permission and that the existing routeing agreements consider the extended timeframe, if necessary.

OCC Ecology

Final Response

No objection subject to conditions. Having reviewed the updated Ecological Assessment, the proposed extension in time does not result in any previously unaccounted for impacts on habitats. Nevertheless, details are required about how habitats will be managed to maximise opportunities for biodiversity, including

capturing the suggested enhancements made within the updated Ecological Assessment (paras. 7.4 – 7.7).

Regarding the potential for/ or presence of protected and priority species:

- Given that badgers are active within the site, it would be prudent to include a pre-commencement condition requiring an update check by an ecologist prior to site clearance works within the coarse grassland, bund and boundary features
- Measures are required to protect roosting bats which have potential to be present within a single tree to be felled.

It is suggested that the above are captured within a Landscape and Environmental Management Plan (LEMP) to be produced to ensure the protection of species and ensure the proposed restored habitats are maintained for the benefit of biodiversity for a minimum period of 25 years.

Condition

Landscape Ecological Management Plan (LEMP)

No implementation of the restoration scheme shall take place until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The LEMP shall include details on how the proposed habitats will be managed, created and/or monitored for a minimum of 20 years, in addition to the 5-year aftercare period. The content of the LEMP shall include the following:

1. Review of site potential and constraints;
2. Purpose and conservation objectives for the proposed works;
3. Detail design(s) and/or working method(s) to achieve the stated objectives (e.g further survey and soft felling for bats, update walkover survey for badgers);
4. Extent and location/ area of proposed works on appropriate scale maps and plans;
5. Type and source of materials to be used where appropriate;
6. Timetable for implementation;
7. Details of initial aftercare and long-term maintenance of ecological habits;
8. Timing, duration and details of ongoing monitoring and remedial measures;
9. Persons responsible for implementing the works;
10. Preparation of a work schedule (including an annual work plan capable of being rolled beyond the five year restoration period to the 20 year aftercare):
and
11. Details of the body or organisation responsible for implementation of the plan.

The plan that is approved must be fully implemented and no work shall take place other than in accordance with the approved plan.

Reason: To ensure the protection of flora and fauna, and to ensure that the site is restored and managed appropriately and does not result in the loss of biodiversity in accordance with the NERC Act 2006, NPPF paras 174, 179 and 180 and OMWCS policies C7 and M10.

Informative

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the

nest of any wild bird while it is use or being built. Therefore, no removal of trees or scrub should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife and Countryside Act 1981 (as amended).

Initial Response

Further information required. Para. 8.6 of the Ecological Impact Assessment states the conclusion that the proposed development and restoration plan will result in habitats within the site being of higher intrinsic value than the existing. However, since this was published in 2009, the restoration scheme (WIC/17b) has changed (WIC/17d) to reduce the number of ponds on site. The 2009 assessment does not provide a complete assessment of the potential impacts of the current proposals and the age of the data is not considered appropriate to determine the application. Section 6.2 of BS 42020: 2013 indicates that ecological information should be sufficiently up to date, not more than two – three years old. The EclA also notes in section 6.1.9 that the relaxation of agricultural management will lead to an increase in biodiversity value, so a further survey is therefore required to determine the current baseline for the site in terms of habitats and presence of, or opportunities for, protected or priority species.

Since 2009, the NPPF has been published and strengthened, particularly paragraph 179. In order to demonstrate proposals deliver a measurable net gain for biodiversity, it is requested that the Defra 3.0 metric is used to demonstrate habit losses and gains as a result of this proposal. To calculate the site habitat baseline, it is suggested Phases 1 and 2 are detailed as those present prior to extraction, and a UK Habs Habitat survey should be conducted of Phase 3 and any retained habitats such that an assessment of their current extent and condition can be made. With regards habitat creation, those proposed from the original scheme should be input, and reflect the eight year delay caused by the extension of time application.

Should the original restoration strategy not deliver a net gain for biodiversity, it will be necessary to (i) amend the restoration strategy, (ii) deliver off-site compensation, or (iii) provide a financial contribution to offset the biodiversity loss. The status of protected and priority species should also be considered and addressed within the application, and an updated assessment will be required to ensure the proposed extension of time does not result in previously unaccounted impacts. Any impacts should be addressed using the avoid, mitigate, compensate, enhance hierarchy.

OCC Landscape

Final Response

No objection but additional planting/ management recommended. An update to the LVIA (2009) was requested in pre-application advice and previous comments, this has not been provided on the basis that the principle of the development as approved in 2016 and that the site remains unchanged from previous comments. Whilst recognising that the site and its use are existing, the view remains that the LVIA (2009) is no longer up to date as there have been considerable changes with regard to planning policy, landscape character context and operations on site since it was produced.

The update was primarily requested to provide an up-to-date baseline of the site including a review of the effectiveness of the previous mitigation measures, to inform whether additional mitigation is required should operations continue. The previous applications including the concrete batching plant were permitted on the basis that operations on site would be completed by 2026. This application seeks to extend the time-frame by another eight years, during which impacts on landscape character and views would persist. In light of this, I consider it prudent to reflect on whether existing mitigation is as good as it can be, or whether more should be done to better embed the site and its operations into the surrounding landscape as required by local planning policy (Policy 44, VoWH LP).

The operations within the western part of the site are reasonably well screened from the southwest but views from the northwest into the site exist, especially during the winter months when vegetation is not in leaf. Receptors affected comprise walkers, horse riders, cyclists and motorists turning into Fernham Road. The site would benefit from additional mitigation along the north-western boundary either through additional planting or improved management of the western boundary hedgerow. Such measures would not only assist to further screen the development in views and help embed the site better into the surrounding landscape, but would also assist in delivering Green Infrastructure benefits as sought by local planning policy (Policy 45 VoWH LP). The additional recommended planting and/ or hedgerow management could be dealt with via a condition or informative.

Initial Response

Further information required. The LVIA submitted was previously approved as part of the 2016 application, but the plans suggest it might be as old as 2009. Although landscape doesn't change that quickly, the document is felt to be out of date. This is due to changes including policy (NPPF, OMWCS 2017, VoWH Local Plan, Cotswolds AONB Management Plan 2018), landscape context (GLVIA3, VoWH landscape character assessment 2017) and changes to the site (concrete batching plant, bunding and plant). An updated LVIA is requested, in accordance with the Guidelines for Landscape and Visual Impact Assessment 3rd Edition and should take into account any potential impacts of lighting and cumulative effects.

OCC Public Health

No objection. The documents have been reviewed for this application to extend operations by eight years at Faringdon Quarry. Providing the applicant continues to comply with their previously approved dust management plan, as well as with relevant industry and best practice standards, then there are no concerns from a dust and airborne pollution perspective.

OCC Rights of Way and Countryside Access

Responded – No comment.

OCC Lead Local Flood Authority

No response.

Oxfordshire County Councillor

Objection. On behalf of residents in my division, particularly those in the village of Little Coxwell and Faringdon, the proposal came as a surprise to Little Coxwell residents. They had previously been led to believe that earlier works had been put in place to ensure that operations would cease in 2026, and that steps would be taken towards the completion of extraction, and that plans for the restoration of the site would be well underway at this point.. Speaking on their behalf, if I may, I believe they feel let down by this new proposal and misled by previous statements from the applicants.

Further, clear objections have been voiced concerning infringements of the routing agreement that was drawn up in association with the previous application linked to the concrete batching plant, to reduce the impact of the site on the area, with specific conditions put in place to ensure the safety of traffic conditions onto the A420 and other roads in the vicinity. As an example, I believe it was set out that HGVs exiting the site were not permitted to turn right onto the A420 from the junction with the Fernham Rd; yet, I have seen clear evidence that this is not held to, and reports that this order is frequently flouted with evidence to back this up. The A420 is an increasingly busy route, accidents are common, and I believe that many could be avoided with enforcement of rules such as this, put in place for good reason, and with the safety of all road users in mind. For this reason, and for the further impact of increased traffic on the roads surrounding the site – elevated noise, vibrations, dust etc, residents are understandably of the opinion that the conditions of the last application are not being adhered to and thus, hold out very little hope of seeing any improvement in this situation should this current application be approved.

Faringdon Town Council has also written to comment on this application and share the views of those expressed by Little Coxwell Parish Council. I would therefore like to send my clear objection to the current application, with a request for further information surrounding the points raised here – namely the timing noted in previous applications with a completion date of 2026, and the need for an extension now, and the violations of the routing agreement put in place, and how this is to be rectified and enforced now and into the future.

Annex 3 – Representations Summary

Four letters of objection have been received from local residents. The points raised are summarised below.

Development Need

- Quarries are valuable in winning minerals to support the local economy and meet local needs. We would support that since it is a sound policy.
- The applicant is not now adhering to its line that the application for a concrete batching plant would speed the exhaustion of the quarry. The only conclusion possible is that the applicant can't be trusted to follow its own arguments.
- It would be illogical to consent to the extension sought in the absence of much stricter controls.
- Objections were raised at the addition of heavy plant equipment for concrete production, and that that seemed to be to allow Grundons to use it as an excuse to apply for an extension on the site, and that seems to be the case.
- It seemed unusual that Grundons would invest so heavily in the concrete batching plant for the site that would only be running to 2026. I understood the reason the plant was originally allowed was to **ensure the timely closure** of the site in 2026.
- It is very upsetting to now discover that essentially it would seem that Grundons wanted the plant so that they could continue to use the site well into the next decade.

Officer response – The mineral reserve has consistently not met the projected annual extraction rates since beginning operations. The installation of the concrete batching plant has increased the annual tonnage to closer to the original projected levels but the remaining mineral reserve cannot be fully extracted in the existing timescales, which this application seeks to address.

Highways

- There has been an increase in the number of lorries accessing Faringdon quarry resulting in an increased safety risk at the junction of Fernham road and the A420. This includes lorries pulling out slowly onto a 60mph stretch of road.
- The new site has and still causes huge delays in traffic accessing the area in particular joining the a420 at a nasty junction.
- Heavy lorries turn in and out of the site throughout the day. Turning not just out onto the A420 but also taking a route towards Fernham.
- 1-2-3 lorries trying to get out onto the A420 at the same time (a turning which is hard enough and dangerous enough at the best of times).
- Spillage of concrete onto the road due to poor management of their lorries (ie some don't have spill trays and therefore the concrete just slops out onto the road). This in itself has caused a change to the road surface.

Officer response – There are no changes to the permitted tonnage for the quarry. There is no increase in HGVs connected to either the quarry operations or the concrete batching plant. All vehicles are expected to follow the extant routing agreements in place.

Routeing Agreements

- The key provision in the very recently signed legal agreement releasing the Council's permission was that concrete lorries exiting onto the A420 had to turn left.
- The arguments for that were agreed by the applicant. The hardened concrete spillage on the road junction suggests concrete vehicles turning right.
- The applicant agreed that its concrete lorries would conform to the legal agreement to turn left. The only conclusion possible is that the applicant can't be trusted to conform to the legal agreement it has signed.

Officer response – The routeing agreements shall remain in place, with one each for the quarry and one for the concrete batching plant. These are enforceable with evidence provided of any alleged breaches to enable investigation by the appropriate officers.

Local Amenities

- There is a significant amount of noise from the quarry heard on a daily basis.
- The site appears to be a working site into the evening certainly past the 4pm closing time stated on the website.
- Since the quarry has been a site for concrete processing my child and I have had symptoms of allergy, not resolved with antihistamine
- This site is close to housing in Little Coxwell and new housing in Faringdon and is clearly a health risk on many levels, therefore an extension should not be given beyond 2026.
- If a company wants to move forward this should be done in a transparent way for the local community to appreciate their goals and balance the effects caused.
- We have on a number of occasions been to the site office to make comment and alert them [to issues] and have been brushed off with a 'we know about it'. (but nothing has been done).
- The community is already fed up with the noise, dust pollution and light pollution at night (which is incidentally much worse than we ever anticipated).

Officer response – There are conditions in place for the protection of the environment and local amenity, including dust, noise, lighting and operating hours. Alleged breaches of any of the planning conditions should be reported to the county council's enforcement team, with evidence so that investigation can be carried out in a timely manner.

Planning Matters

- A very short term extension which could be renewed only if the previously agreed provisions are being met, such as by an efficient operation and a provision that if there is ever any non-compliance with the left turn provision onto the A420 by concrete lorries then the short term extension would be negated.
- Good behaviour would be at the heart of any planning permission to extend operations, and only made necessary given the observed performance by the applicant of its obligations.
- It is sad to see that yet again the planning process seemingly being flouted in regard Grundons quarry activity.

- This site was only allowed if the previous area were restored to agricultural/natural environment - this has been heavily flouted and fought with the site now for sale as an industrial development site " in green belt" !
- We actually only see this as a more long term plan to ensure the site is never returned to its original agricultural use under which the original planning permission was granted.

Officer response – The application before the County Council is being judged on the merits of what has been submitted. This application is purely for the extension of timescales for extraction and restoration. There are no further physical extensions of the site for further extractions than has been permitted to date. There is a restoration scheme in place for the site's restoration on the completion of extraction. The adjacent site (Wickleham Quarry) has been restored as approved and any further development subsequent to the aftercare period is outside of the Mineral Planning Authority's remit.

Annex 4 – European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 (as amended), which identifies 4 main offences for development affecting European Protected Species (EPS).

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

Our records, the habitat on and around the proposed development site and ecological survey results indicate that European Protected Species (bats) have potential to be present within a single low suitability tree.

Tree felling therefore has potential to result in an offence under the Conservation of Species & Habitats Regulations 2017 (as amended). Officers therefore have a duty to consider whether the proposal would be likely to secure a licence. To do so the proposals must meet with the three derogation tests which are:

- There are imperative reasons of overriding public interest (e.g. health and safety, economic or social)
- There is no satisfactory alternative
- The action will have no detrimental impact upon population of the species concerned

It is outside my remit to consider IROPI or satisfactory alternatives. Reasonable avoidance measures (soft felling) of the low suitability ash tree proposed. This should be preceded by an endoscope inspection by a suitability licensed and qualified ecologist. Should this conclude roosting bats are absent, there would not be a detrimental impact upon any bat population as a result of the proposals. Should roosting bats be confirmed and there be no alternative to felling but an overriding need to do so, a European Protected Species Mitigation (EPSM) Licence would need to be sought prior to felling. Should characterisation of the roost be confirmed by an appropriate level of survey, it is anticipated that the proposals would be likely to secure a licence.

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Divisions Affected: Banbury, Grimsbury & Castle

PLANNING AND REGULATION COMMITTEE

28th February 2022

Details pursuant to condition: Air Quality Monitoring Scheme

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Mary Hudson **Tel:** 07393 001 257

Location: Tarmac Asphalt and Concrete Batching Plant, Water Works Road, Hennef Way, Banbury, OX16 3JJ

Application Nos: MW.0006/22 **District Ref:** 22/00208/CDISC
MW.0007/22 22/00212/CDISC
MW.0008/22 22/00215/CDISC

Applicant: Tarmac Trading Ltd

District Council Area: Cherwell

Date Received: 19th January 2022

Consultation Period: 20th January – 10th February 2022

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

Executive Summary

1. This report sets out the detail of a Dust Management and Monitoring Scheme which has been submitted for approval pursuant to conditions on three planning consents relating to Tarmac Trading Ltd.'s site in Banbury. The report also sets out the consultation responses received. There have been no objections to the submission from technical consultees and therefore it is considered that the scheme adequately protects amenity, in accordance with the purpose of attaching the conditions. Therefore, it is recommended that the submission is approved.

PART 1- FACTS AND BACKGROUND

Introduction

2. Three linked applications (MW.0012/21, MW.0013/21, MW.0014/21) for new development at the existing Tarmac Trading Ltd. Site in Banbury, were considered by Planning and Regulation committee on 19th April 2021¹. The applications were approved and permissions for the new development were issued on 21st October 2021 following the completion of a routeing agreement.

Site Location (see Plan 1)

3. The site is situated in the north east of Banbury, approximately 1.3km to the north of Banbury town centre and approximately 1km to the west of Junction 11 of the M40 motorway. It takes access from the A422 Hennef Way via Water Works Road also known as Grimsbury Green, which is a no-through road. The nearest residential properties are approximately 150 metres to the south on the other side of Hennef Way.

Development at the Site

4. The site forms part of an operational rail head which is used for the processing, storage and distribution of aggregate, concrete, and asphalt to the local construction industry. The railhead contains an operational asphalt plant, concrete batching plant, aggregate storage bays, areas of hardstanding and car parking, offices, and associated infrastructure.
5. The new permissions granted in October 2021 allow for the demolition of the existing concrete batching plant and provision of a new permanent aggregate storage bay area, new weighbridges, car parking, new offices, a new concrete plant in a different location, reconfigured storage bay area and the provision of a temporary stock bay area and weighbridge to accommodate additional aggregate deliveries associated with the construction of HS2.

Air Quality Condition

6. Each of the three consents contained an identical condition, which reads as follows:

No operations shall commence until a scheme for air quality monitoring to be undertaken in appropriate places, has been submitted to the Minerals Planning Authority and approved in writing. The submitted scheme shall include details of monitoring locations and frequencies, trigger levels and mitigation measures to be implemented in the case of trigger levels being exceeded. It shall include details of how the results of the monitoring will be provided to the Minerals Planning Authority. Any scheme approved shall be implemented in full.

¹ The reports and minutes for this meeting can be found online: [Agenda for Planning & Regulation Committee on Monday, 19 April 2021, 2.00 pm \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/agenda-for-planning-and-regulation-committee-on-monday-19-april-2021-2.00-pm)

Reason: To protect air quality on Hennef Way and local residential areas (OMWCS C5)

7. This is condition 19 on MW.0012/21, condition 19 on MW.0013/21 and condition 17 on MW.0014/21.
8. The requirement for air quality monitoring to be undertaken in appropriate places was one of three additional conditions added by Planning and Regulation committee. The other two additional conditions related to vehicle movements and hours and did not require a submission. However, the requirement for air-quality monitoring was imposed in the form of a condition requiring details to be submitted setting out the proposed monitoring, for approval.
9. The applicant has submitted a 'Dust Management and Monitoring Plan' to comply with this condition. There is one submission, but there are three reference numbers as it has been registered against each consent.
10. Conditions requiring a scheme to be submitted and approved prior to the commencement of development are common. They are usually dealt with under delegated powers. In this case the local member has requested that the submission is considered by Planning and Regulation committee.

The Submitted Scheme

11. The submitted scheme² sets out the sources of dust emissions including aggregate processing, material handling, transportation and stockpiles, factors influencing dispersal and measures to control it. It sets out mitigation measures which will be implemented including a vehicle speed limit on site, use of water bowser, minimisation of drop heights, maintenance of haul roads, sheeting of HGVs and use of a road sweeper where necessary. It sets out how dust will be monitored, including a programme of quantitative measurement of dust deposition and soiling, to be implemented following the commencement of additional storage and unloading at the site.
12. Monitoring would take place for six months using omni-directional gauges at boundary locations. These would be sent off for analysis in a laboratory to determine deposition rates and surface soiling. The results would be compared to benchmarks for amenity derived from guidance from the Environment Agency and the Institute for Air Quality Management. A summary of the results would be provided to the Minerals Planning Authority.
13. Contingency measures are proposed for situations where control measures have failed, or adverse impacts have occurred. This includes contingency actions for a situation where complaints are received, dust monitoring indicates exceedances or a water supply failure. The report also sets out a complaints

² The scheme can be viewed online using reference MW.0006/22: [Planning Register | Oxfordshire County Council](#)

procedure setting out how measures will be put in place to prevent re-occurrence.

14. If the initial six months of monitoring showed minimal risk of emissions breaching the indicative limit values, monitoring would cease, unless required under the contingency measures.

PART 2 – OTHER VIEWPOINTS

Consultation Responses

15. The submission was subject to a 21-day consultation with Banbury Town Council, the local member and consultees with relevant expertise. There is no public consultation or advertisement of details pursuant submissions such as this. The responses are provided below.

County Councillor Hannah Banfield

16. I have some concerns about the submission and would like it to be considered by Planning and Regulation committee.

Banbury Town Council

17. No objections but in the complaints procedure we would like to see a report given back to the complainant within a set time period.

OCC Public Health

18. No objection. Assuming that the applicants take all appropriate measures to prevent or control pollution in accordance with sector/industry standards then I do not have any additional comments

Cherwell District Council

19. No objection to the discharge of these conditions, as the Environmental Protection Officer is satisfied with the contents of the submission.

PART 3 – RELEVANT PLANNING DOCUMENTS

Relevant Development Plan Policy

20. The relevant policy is:

Oxfordshire Minerals and Waste Core Strategy (OMWCS)

- C5 (Local Environment, amenity and economy)

21. The reason for the condition states that the relevant policy is OMWCS policy C5. This states that proposals for minerals development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and other sensitive receptors and the local economy, including from (amongst other things) dust. It goes on to say that mitigation measures may be required as determined on a site-specific case by case basis.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

22. The consultation responses including those from technical experts confirm that the submitted scheme is satisfactory to safeguard local amenity from dust emissions, as required by OMWCS policy C5. Therefore, I consider that the scheme should be approved.
23. In addition to the dust monitoring which would be undertaken by the applicant as a requirement of this scheme, Monitoring Officers from Oxfordshire County Council planning team will conduct regular, routine monitoring of the site to check that conditions on the planning consents are being complied with. Officers would liaise with OCC Public Health and the District Environmental Protection Officer with regard to the results of the monitoring carried out by the applicant pursuant to the approved scheme or any subsequent complaints received about emissions from the operations.

Financial Implications

23. Not applicable as the financial interests of the County Council are not relevant to the determination of submissions pursuant to conditions on planning applications.

Legal Implications

24. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

25. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any such issues are raised in relation to consideration of this submission.

Conclusions

26. A dust management and monitoring scheme has been submitted to meet the requirements of the condition on three planning consents at Tarmac Trading Ltd.'s site in Banbury. A consultation has been held and there are no objections to the approval of the submitted details, which would ensure that dust does not cause unacceptable amenity impacts, in accordance with OMWCS policy C5.

RECOMMENDATION

27. **It is RECOMMENDED that the scheme submitted and registered as MW.0006/22, MW.0007/22 and MW.0008/22 is approved.**

Rachel Wileman

Assistant Director for Strategic Infrastructure and Planning.
February 2022

Annexes: None

Background papers: None

Other Documents: Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy

Plan 1

MW.0006/22
MW.0007/22
MW.0008/22

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PLANNING & REGULATION COMMITTEE – 28 FEBRUARY 2022

Policy Annex (Relevant Development Plan and other Policies)

Oxfordshire Minerals and Waste Local Plan – Core Strategy 2031 (OMWCS)

POLICY M2: PROVISION FOR WORKING AGGREGATE MINERALS

Provision will be made through policies M3 and M4 to enable the supply of:

- sharp sand and gravel - 1.015 mtpa giving a total provision requirement of 18.270 million tonnes
- soft sand - 0.189 mtpa giving a total provision requirement of 3.402 million tonnes
- crushed rock - 0.584 mtpa giving a total provision requirement of 10.512 million tonnes from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive.

Permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves with planning permission to be maintained for the extraction of minerals of:

- at least 7 years for sharp sand and gravel;
 - at least 7 years for soft sand;
 - at least 10 years for crushed rock;
- in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.

POLICY M3: PRINCIPAL LOCATIONS FOR WORKING AGGREGATE MINERALS

The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as shown on the Policies Map:

Sharp sand and gravel

in northern Oxfordshire (Cherwell District and West Oxfordshire District):

- The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton;
- in southern Oxfordshire (South Oxfordshire District and Vale of White Horse District):
- The Thames and Lower Thame Valleys area from Oxford to Cholsey;
 - The Thames Valley area from Caversham to Shiplake.

Soft sand

- The Corallian Ridge area from Oxford to Faringdon;
- The Duns Tew area.

Crushed rock

- The area north west of Bicester;
- The Burford area south of the A40;
- The area east and south east of Faringdon.

Specific sites (new quarry sites and/or extensions to existing quarries) for working aggregate minerals within these strategic resource areas will be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, in accordance with policy M4.

Specific sites for extensions to existing aggregate quarries (excluding ironstone) outside the strategic resource areas may also be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document provided they are in accordance with policy M4.

Sites allocated for sharp sand and gravel working (including both new quarry sites and extensions to existing quarries, including any extensions outside the strategic resource areas), to meet the requirement in policy M2 will be located such that approximately 25% of the additional tonnage requirement is in northern Oxfordshire and approximately 75% of the additional tonnage requirement is in southern Oxfordshire, to achieve an approximately equal split of production capacity for sharp sand and gravel between northern and southern Oxfordshire by 2031.

POLICY M5: WORKING OF AGGREGATE MINERALS

Prior to the adoption of the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, permission will be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided that the proposal is in accordance with the locational strategy in policy M3 and that the requirements of policies C1 – C12 are met.

Permission will be granted for the working of aggregate minerals within the sites allocated further to policy M4 provided that the requirements of policies C1 – C12 are met.

Permission will not be granted for the working of aggregate minerals outside the sites allocated further to policy M4 unless the requirement to maintain a steady and adequate supply of aggregate in accordance with policy M2 cannot be met from within those sites and provided that the proposal is in accordance with the locational strategy in policy M3 and the requirements of policies C1 – C12 are met.

Permission will exceptionally be granted for the working of aggregate minerals outside the sites allocated further to policy M4 where extraction of the mineral is required prior to a planned development in order to prevent the mineral resource being sterilised, having due regard to policies C1 –C12.

Permission will exceptionally be granted for borrow pits to supply mineral to associated construction projects, having due regard to policies C1 – C12, provided that all of the following apply:

- the site lies on or in close proximity to the project area so that extracted mineral can be conveyed to its point of use with minimal use of public highways and without undue interference with footpaths and bridleways;
- the mineral extracted will only be used in connection with the project;

- it can be demonstrated that supply of the mineral from the borrow pit would have less environmental impact than if the mineral were supplied from an existing source;
- the borrow pit can be restored without the use of imported material, other than that generated by the project; and
- use of the borrow pit is limited to the life of the project.

Notwithstanding the preceding paragraphs, permission for working of ironstone for aggregate use will not be permitted except in exchange for an agreed revocation (or other appropriate mechanism to ensure the non-working) without compensation of an equivalent existing permission in Oxfordshire containing potentially workable resources of ironstone and where there would be an overall environmental benefit.

POLICY M10: RESTORATION OF MINERAL WORKINGS

Mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. The restoration and after-use of mineral workings must take into account:

- the characteristics of the site prior to mineral working;
- the character of the surrounding landscape and the enhancement of local landscape character;
- the amenity of local communities, including opportunities to enhance green infrastructure provision and provide for local amenity uses and recreation;
- the capacity of the local transport network;
- the quality of any agricultural land affected, including the restoration of best and most versatile agricultural land;
- the conservation of soil resources
- flood risk and opportunities for increased flood storage capacity;
- the impacts on flooding and water quality of any use of imported material in the proposed restoration;
- bird strike risk and aviation safety;
- any environmental enhancement objectives for the area;
- the conservation and enhancement of biodiversity appropriate to the local area, supporting the establishment of a coherent and resilient ecological network through the landscape-scale creation of priority habitat;
- the conservation and enhancement of geodiversity;
- the conservation and enhancement of the historic environment; and
- consultation with local communities on options for after-use.

Planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and after-use of the site, including where necessary the means of securing them in the longer term.

Proposals for restoration must not be likely to lead to any increase in recreational pressure on a Special Area of Conservation

POLICY W6: LANDFILL AND OTHER PERMANENT DEPOSIT OF WASTE TO LAND

Non-hazardous waste

Provision for disposal of Oxfordshire's non-hazardous waste will be made at existing non-hazardous landfill facilities which will also provide for the disposal of waste from other areas (including London and Berkshire) as necessary. Further provision for the disposal of non-hazardous waste by means of landfill will not be made.

Permission may be granted to extend the life of existing non-hazardous landfill sites to allow for the continued disposal of residual non-hazardous waste to meet a recognised need and where this will allow for the satisfactory restoration of the landfill in accordance with a previously approved scheme.

Permission will be granted for facilities for the management of landfill gas and leachate where required to fulfil a regulatory requirement or to achieve overall environmental benefit, including facilities for the recovery of energy from landfill gas. Provision should be made for the removal of the facilities and restoration of the site at the end of the period of management.

Inert waste

Provision for the permanent deposit to land or disposal to landfill of inert waste which cannot be recycled will be made at existing facilities and in sites that will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Provision will be made for sites with capacity sufficient for Oxfordshire to be net-self-sufficient in the management of inert waste.

Priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and after use of active or unrestored quarries. Permission will not otherwise be granted for development that involves the permanent deposit or disposal of inert waste on land unless there would be overall environmental benefit.

General

Proposals for landfill sites shall meet the requirements of policies C1 – C12.

Landfill sites shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings.

POLICY C1: SUSTAINABLE DEVELOPMENT

A positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework and the aim to improve economic, social and environmental conditions of the area.

Planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise. Where there are no policies relevant to the application, or relevant plan policies are out of date, planning permission will be granted unless material considerations indicate otherwise, taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the National Planning Policy Framework; or
- specific policies in the National Planning Policy Framework indicate that the development should be restricted.

POLICY C2: CLIMATE CHANGE

Proposals for minerals or waste development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.

POLICY C3: FLOODING

Minerals and waste development will, wherever possible, take place in areas with the lowest probability of flooding. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted (using the Sequential Test and Exceptions Test as necessary) and where a flood risk assessment is able to demonstrate that the risk of flooding is not increased from any source, including:

- an impediment to the flow of floodwater;
- the displacement of floodwater and increased risk of flooding elsewhere;
- a reduction in existing floodwater storage capacity;
- an adverse effect on the functioning of existing flood defence structures; and
- the discharge of water into a watercourse.

The opportunity should be taken to increase flood storage capacity in the flood plain where possible, particularly through the restoration of sand and gravel workings.

POLICY C4: WATER ENVIRONMENT

Proposals for minerals and waste development will need to demonstrate that there would be no unacceptable adverse impact on or risk to:

- The quantity or quality of surface or groundwater resources required for habitats, wildlife and human activities;
- The quantity or quality of water obtained through abstraction unless acceptable provision can be made;
- The flow of groundwater at or in the vicinity of the site; and
- Waterlogged archaeological remains.

Proposals for minerals and waste development should ensure that the River Thames and other watercourses and canals of significant landscape, nature conservation, or amenity value are adequately protected from unacceptable adverse impacts.

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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

- the local environment;
- human health and safety;
- residential amenity and other sensitive receptors; and
- the local economy;
including from:
 - noise;
 - dust;
 - visual intrusion;
 - light pollution;
 - traffic;
 - air quality;
 - odour;
 - vermin;
 - birds;
 - litter;
 - mud on the road;
 - vibration;
 - surface or ground contamination;
 - tip and quarry-slope stability;
 - differential settlement of quarry backfill;
 - subsidence; and
 - the cumulative impact of development.

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

POLICY C7: BIODIVERSITY AND GEODIVERSITY

Minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity.

The highest level of protection will be given to sites and species of international nature conservation importance (e.g. Special Areas of Conservation and European Protected Species) and development that would be likely to adversely affect them will not be permitted.

In all other cases, development that would result in significant harm will not be permitted unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity). In addition:

- (i) Development that would be likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other development) will not be permitted except where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the Site of Special Scientific Interest and any broader impacts on the national network of Sites of Special Scientific Interest.
- (ii) Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will not be permitted except where the need for and benefits of the development in that location clearly outweigh the loss.
- (iii) Development shall ensure that no significant harm would be caused to:
 - Local Nature Reserves;
 - Local Wildlife Sites;
 - Local Geology Sites;
 - Sites of Local Importance for Nature Conservation;
 - Protected, priority or notable species and habitats,
 except where the need for and benefits of the development in that location clearly outweigh the harm.

All proposals for mineral working and landfill shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity (including fossil remains and trace fossils), including contributing to the objectives of the Conservation Target Areas wherever possible. Satisfactory long-term management arrangements for restored sites shall be clearly set out and included in proposals. These should include a commitment to ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

POLICY C8: LANDSCAPE

Proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts.

Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and high priority will be given to the enhancement of their natural beauty. Proposals for minerals and waste development within an AONB or that would significantly affect an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. Major developments within AONBs will not be permitted except in exceptional circumstances and where it can be demonstrated they are in the public interest, in accordance with the 'major developments test' in the NPPF (paragraph

116). Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

POLICY C10: TRANSPORT

Minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in:

- the safety of all road users including pedestrians;
- the efficiency and quality of the road network; and
- residential and environmental amenity, including air quality.

Where development leads to a need for improvement to the transport network to achieve this, developers will be expected to provide such improvement or make an appropriate financial contribution.

Where practicable minerals and waste developments should be located, designed and operated to enable the transport of minerals and/or waste by rail, water, pipeline or conveyor.

Where minerals and/or waste will be transported by road:

- a) mineral workings should as far as practicable be in locations that minimise the road distance to locations of demand for the mineral, using roads suitable for lorries, taking into account the distribution of potentially workable mineral resources; and
- b) waste management and recycled aggregate facilities should as far as practicable be in locations that minimise the road distance from the main source(s) of waste, using roads suitable for lorries, taking into account that some facilities are not economic or practical below a certain size and may need to serve a wider than local area.

Proposals for minerals and waste development that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, as appropriate, including mitigation measures where applicable.

POLICY C11: RIGHTS OF WAY

The integrity and amenity value of the rights of way network shall be maintained and if possible it shall be retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. If permanent diversions are required, these should seek to enhance and improve the public rights of way network.

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.

Vale of White Local Plan 2031 (Part 1)

CORE POLICY 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications that accord with this Local Plan (and where relevant, with any subsequent Development Plan Documents or Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, and unless:

- i. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
- ii. specific policies in that Framework indicate that development should be restricted.

CORE POLICY 44: LANDSCAPE

The key features that contribute to the nature and quality of the Vale of White Horse District's landscape will be protected from harmful development and where possible enhanced, in particular:

- i. features such as trees, hedgerows, woodland, field boundaries, watercourses and water bodies
- ii. important landscape settings of settlements
- iii. topographical features
- iv. areas or features of cultural and historic value
- v. important views and visually sensitive skylines, and
- vi. tranquillity and the need to protect against intrusion from light pollution, noise, and motion.

Where development is acceptable in principle, measures will be sought to integrate it into the landscape character and/or the townscape of the area. Proposals will need to demonstrate how they have responded to the above aspects of landscape character and will be expected to:

- vii. incorporate appropriate landscape proposals that reflect the character of the area through appropriate design and management
- viii. preserve and promote local distinctiveness and diversity and, where practical, enhance damaged landscape areas.

High priority will be given to conservation and enhancement of the natural beauty of the North Wessex Downs AONB and planning decisions will have regard to its setting. Proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes, will be encouraged, provided they do not conflict with the aims of conservation and enhancement.

CORE POLICY 45: GREEN INFRASTRUCTURE

A net gain in Green Infrastructure, including biodiversity, will be sought either through on-site provision or off-site contributions and the targeted use of other funding sources. A net loss of Green Infrastructure, including biodiversity, through development proposals, will be resisted.

Proposals for new development must provide adequate Green Infrastructure in line with the Green Infrastructure Strategy. All major applications must be accompanied by a Statement demonstrating that they have taken into account the relationship of the proposed development to existing Green Infrastructure and how this will be retained and enhanced. Proposals will be required to contribute to the delivery of new Green Infrastructure and/or the improvement of existing assets including Conservation Target Areas in accordance with the standards in the Green Infrastructure Strategy and Habitats Regulations Assessment.

CORE POLICY 46: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY

Development that will conserve, restore and enhance biodiversity in the district will be permitted. Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be actively sought, with a primary focus on delivery in the Conservation Area Target Areas. A net loss of biodiversity will be avoided.

The highest level of protection will be given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species). Development that is likely to result in a significant effect, either alone or in combination, on such sites and species will need to satisfy the requirements of the Habitat Regulations*.

Development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or of importance for geological conservation interests, either directly or indirectly, will not be permitted unless:

- i. the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
- ii. it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
- iii. measures can be provided (and are secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for, the adverse effects likely to result from development.

The habitats and species of importance to biodiversity and sites of geological interest considered in relation to points i) and iii) comprise:

- Sites of Special Scientific Interest (SSSI)
- Local Wildlife Sites
- Local Nature Reserves
- Priority Habitats and species listed in the national and local Biodiversity Action Plan

- Ancient Woodland and veteran trees
- Legally Protected Species
- Local Important Geological Sites

The level of protection and mitigation should be proportionate to the status of the habitat or species and its importance individually and as part of a wider network.

It is recognised that habitats/areas not considered above (*i.e. Nationally or Locally designated and not priority habitats*) can still have a significant biodiversity value within their local context, particularly where they are situated within a Conservation Target Area and/or they have good potential to be restored to priority habitat status or form/have good potential to form links between priority habitats or act as corridors for priority species. These habitats will be given due weight in the consideration or planning applications. If significant harm to these sites cannot be avoided (through locating on an alternative site with less harmful impacts) it will be expected that mitigation will be provided to avoid a net loss in biodiversity or, as a last resort, compensation will be required to offset the impacts and achieve a net gain in biodiversity.

*Habitats Directive 92/43/EEC of 21 May 1992.

Vale of the White Horse Local Plan 2031 Part 2 (VLP2)

DEVELOPMENT POLICY 16: ACCESS

All proposals for new development will be required to be of high quality design in accordance with Core Policy 37: Design and Local Distinctiveness. In addition to those criteria set out in Core Policy 37 and other relevant Local Plan policies, proposals for development will also need to provide evidence to demonstrate that:

- adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning, and
- acceptable off-site improvements to the highway infrastructure (including traffic management measures), cycleways, public rights of way and the public transport network can be secured where these are not adequate to service the development

DEVELOPMENT POLICY 21: EXTERNAL LIGHTING

Development that involves external lighting will be permitted provided that:

- there would not be an adverse effect on the character of the area, the amenity of neighbouring uses or on local biodiversity
- there would not be a hazard for pedestrians or people using any type of transportation, and
- the lighting proposed is the minimum necessary to undertake the task for which it is required.

Where permission is granted for external lighting, conditions may be imposed that require:

- iv. the fitting of devices to reduce glare and light spillage, and
- v. restricting the hours during which the lighting may be operated.

DEVELOPMENT POLICY 23: IMPACT OF DEVELOPMENT ON AMENITY

Development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses when considering both individual and cumulative impacts in relation to the following factors:

- i. loss of privacy, daylight or sunlight
- ii. dominance or visual intrusion
- iii. noise or vibration
- iv. dust, heat, odour, gases or other emissions
- v. pollution, contamination or the use of/or storage of hazardous substances; and
- vi. external lighting.

DEVELOPMENT POLICY 25: NOISE POLLUTION

Noise-Generating Development

Noise-generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation that should take account of:

- i. the location, design and layout of the proposed development
- ii. existing levels of background noise
- iii. measures to reduce or contain generated noise, and
- iv. hours of operation and servicing.

Development will not be permitted if mitigation cannot be provided within an appropriate design or standard^a.

Noise-sensitive Development

Noise-sensitive development in locations likely to be affected by existing sources of noise^b will be expected to provide an appropriate scheme of mitigation to ensure appropriate standards of amenity are achieved for future occupiers of the proposed development, taking account of:

- i. the location, design and layout of the proposed development
- ii. measures to reduce noise within the development to acceptable levels, including external areas, and
- iii. the need to maintain adequate levels of natural light and ventilation to habitable areas of the development.

In areas of existing noise, proposals for noise-sensitive development should be accompanied by an assessment of environmental noise and an appropriate scheme of mitigation measures.

Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design.

^aCurrently set out in British Standards 4142:2014 and 8233:2014. The Council is currently developing guidance relating to noise mitigation.

^bBusy roads, railway lines, aerodromes, industrial/commercial developments, waste, recycling and energy plant, and sporting, recreation and leisure facilities.
Development Policy 24: Noise Pollution.

DEVELOPMENT POLICY 31: PROTECTION OF PUBLIC RIGHTS OF WAY, NATIONAL TRAILS AND OPEN ACCESS AREAS

Development on and/or over public rights of way will be permitted where the development can be designed to accommodate satisfactorily the existing route, or where the right of way is incorporated into the development site as an attractive, safe and continuous route. Alternative routes will need to be made equally or more attractive, safe and convenient to rights of way users.

The Council will actively seek opportunities to improve the accessibility and the addition of new connections and status upgrades to the existing rights of way network including National Trails. Proposals of this nature will be supported where they would not lead to increased pressure on sensitive sites, such as those of important ecological value.

Development will not be permitted where proposals remove, narrow or materially impair the approved line of the Thames Path or Ridgeway National Trails, key connecting routes, and/or public access to them.

West Oxfordshire District Council Local Plan 2031

POLICY EH1: COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY

In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB.

Major development will not be permitted within the AONB other than in exceptional circumstances, as required by national policy and guidance.

Proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes and small scale renewable energy development, will be supported, provided they are consistent with the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area.

POLICY EH2: LANDSCAPE CHARACTER

The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced.

New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds. Conditions may be imposed on development proposals to ensure every opportunity is made to retain such features and ensure their long-term survival through appropriate management and restoration.

Proposals which would result in the loss of features, important for their visual, amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures which can be secured to the satisfaction of the Council.

Proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality, reversing existing pollution where possible.

Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project Area.

POLICY EH4: PUBLIC REALM AND GREEN INFRASTRUCTURE

The existing areas of public space and green infrastructure of West Oxfordshire will be protected and enhanced for their multi-functional role, including their biodiversity, recreational, accessibility, health and landscape value and for the contribution they make towards combating climate change.

Public realm and publicly accessible green infrastructure network considerations should be integral to the planning of new development.

New development should:

- avoid the loss, fragmentation loss of functionality of the existing green infrastructure network, including within the built environment, such as access to waterways, unless it can be demonstrated that replacement provision can be provided which will improve the green infrastructure network in terms of its quantity, quality, accessibility and management arrangements
- provide opportunities for walking, and cycling within the built-up areas and connecting settlements to the countryside through a network of footpaths, bridleways and cycle routes
- maximise opportunities for urban greening such as through appropriate landscaping schemes and the planting of street trees

- provide opportunities for improvements to the District's multi functional network of green infrastructure (including Conservation Target Areas) and open space (through for example extending spaces and connections and/or better management), particularly in areas of new development and/or where stakeholder/partnership projects already exist or are emerging, in accordance with the Council's Green Infrastructure Plan, its Open Spaces Strategy, Playing Pitch Strategy, Living Landscape Schemes, locally identified Nature Improvement Areas and any future relevant plans (such as Neighbourhood Plans) and programmes as appropriate
- consider the integration of green infrastructure into proposals as an alternative or to complement 'grey infrastructure' (such as manmade ditches and detention ponds and new roads)
- demonstrate how lighting will not adversely impact on green infrastructure that functions as nocturnal wildlife movements and foraging corridors.

Contributions towards local green infrastructure projects will be sought where appropriate. If providing green infrastructure as part of a development, applicants should demonstrate how it will be maintained in the long term

POLICY EH8: ENVIRONMENTAL PROTECTION

Proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity. The following issues require particular attention:

Air quality

The air quality within West Oxfordshire will be managed and improved in line with National Air Quality Standards, the principles of best practice and the Air Quality Management Area Action Plans for Witney and Chipping Norton. Where appropriate, developments will need to be supported by an air quality assessment.

Contaminated land

Proposals for development of land which may be contaminated must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination, remedial measures must be identified and satisfactorily implemented.

Hazardous substances, installations and airfields

Development should not adversely affect safety near notifiable installations and safeguarded airfields.

Artificial light

The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where:

- the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light;
- the elevations of buildings, particularly roofs, are designed to limit light spill;
- the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscape or nature conservation.

Noise

Housing and other noise sensitive development should not take place in areas where the occupants would experience significant noise disturbance from existing or proposed development.

New development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.

Water resources

Proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and important ecological features.

Waste

Proposals for development that make provision of the management and treatment of waste will need to be in accordance with the Oxfordshire Minerals and Waste Local Plan.

POLICY OS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

POLICY OS3: PRUDENT USE OF NATURAL RESOURCES

All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources, including:

- making the most efficient use of land and buildings, whilst having regard to the character of the locality;
- delivering development that seeks to minimise the need to travel;
- minimising use of non-renewable resources, including land and energy, and maximising opportunities for travel by sustainable means;
- minimising their impact on the soil resource*
- minimising energy demands and energy loss through design, layout, orientation, landscaping, materials, and the use of technology;
- minimising summer solar gain, maximising passive winter solar heating, lighting, natural ventilation, energy and water efficiency and reuse of materials;
- maximising resource efficiency, including water. All new residential development will be expected to achieve the optional building regulations requirement for water efficiency of 110 litres/person/day;
- minimising risk of flooding;
- making use of appropriate sustainable drainage systems;
- using recycled and energy efficient materials;
- minimising waste and making adequate provision for the re-use and recycling of waste and causing no deterioration and, where possible, achieving improvements in water or air quality.

*Guidance includes the 2011 DEFRA publication: Construction Code of Practice for the Sustainable Use of Soils on Construction Sites

Cotswolds AONB Management Plan 2018

POLICY CE1: LANDSCAPE

1. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines.
2. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.
3. Landscape character should be a key component of future agri-environment, land management and rural development support mechanisms in the Cotswolds AONB.
4. Rural skills training and the utilisation of those skills – such as dry stone walling, traditional woodland management and hedgelaying – will be promoted, to ensure the long-term retention, creation and management of the key features of the Cotswolds AONB landscape.

POLICY CE4: TRANQUILLITY

1. Proposals that are likely to impact on the tranquillity of the Cotswolds AONB should have regard to this tranquillity, by seeking to (i) avoid and (ii) minimise noise pollution and other aural and visual disturbance.
2. Measures should be taken to enhance the tranquillity of the Cotswolds AONB by (i) removing and (ii) reducing existing sources of noise pollution and other aural and visual disturbance

POLICY CE10: DEVELOPMENT AND TRANSPORT – PRINCIPLES

1. Development and transport in the Cotswolds AONB and in the setting of the AONB should have regard to – and help to deliver – the purposes of conserving and enhancing the natural beauty of the AONB and increasing the understanding and enjoyment of the AONB’s special qualities. They should also contribute to the economic and social well-being of AONB communities.
2. Proposals relating to development and transport in the Cotswolds AONB and in the setting of the AONB should comply with national planning policy and guidance. They should also have regard to – and help to deliver – the Cotswolds AONB Management Plan and be compatible with guidance produced by the Cotswolds Conservation Board, including the:
 - (i) Cotswolds AONB Landscape Strategy and Guidelines;
 - (ii) Cotswolds AONB Landscape Character Assessment;
 - (iii) Cotswolds AONB Local Distinctiveness and Landscape Change;
 - (iv) Cotswolds Conservation Board Position Statements.
3. The purposes of conserving and enhancing the natural beauty of the Cotswolds AONB and increasing the understanding and enjoyment of the AONB’s special qualities should be identified as priorities in Local Plans³⁰, Neighbourhood Plans, Local Transport Plans and other relevant plans and strategies. These plans and strategies should explicitly identify the Cotswolds AONB Management Plan as a material consideration

POLICY CE11: MAJOR DEVELOPMENT

1. Proposals for major development in the Cotswolds AONB and in the setting of the AONB, including site allocations in Local Plans, must comply with national planning policy and guidance and should have regard to – and be compatible with – the guidance on major development provided in Appendix 9 of the Cotswolds AONB Management Plan.
2. Any major development proposed in the Cotswolds AONB, including major infrastructure projects, should be ‘landscape-led’, whereby it demonstrably contributes to conserving and enhancing the natural beauty of the Cotswolds AONB and, where appropriate, to the understanding and enjoyment of its special qualities³¹. This should include fully respecting and integrating the special qualities of the AONB

into the planning, design, implementation and management of the development, from the very beginning of the development's inception.

3. The A417 'missing link' scheme should be an exemplar of the 'landscape-led' approach outlined in this policy³².

POLICY CE12: DEVELOPMENT PRIORITIES AND EVIDENCE OF NEED

1. Development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB³³. Priority should be given to the provision of affordable housing, maintaining and enhancing local community amenities and services, and improving access to these amenities and services³⁴.

2. The extent to which the Cotswolds AONB is required to accommodate objectively assessed housing needs arising from outside the AONB should be limited³⁵. Where, as a result of this constraint, objectively assessed needs cannot be met wholly within a particular plan area, local planning authorities should work together to identify if these needs could be met elsewhere, outside of the AONB³⁶.

3. Local planning authorities should provide annual statistics on the rate of development in their sections of the Cotswolds AONB and its setting³⁷.

POLICY CE13: WASTE MANAGEMENT

1. The waste hierarchy, shown below, should be promoted:

- Reduce.
- Reuse.
- Recycle.

2. Proposals for new landfill sites and strategic waste facilities should not normally be permitted in the AONB. Any waste management facilities that are permitted in the AONB should be sited and managed in such a way that adverse environmental impacts are minimised, in line with relevant permitting regimes.

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