

## **ANNEX 1**

### **Divisions Affected – Charlbury & Wychwood**

## **PLANNING AND REGULATION COMMITTEE**

**29<sup>th</sup> 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:** 1<sup>st</sup> April 2021

**Consultation Period:** 22<sup>nd</sup> June 2021 to 13<sup>th</sup> July 2021  
29<sup>th</sup> September 2021 to 20<sup>th</sup> October 2021

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## 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 23<sup>rd</sup> 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 29<sup>th</sup> 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 1<sup>st</sup> 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 21<sup>st</sup> June 2017 to enable the continuation of crushing and export of stone up to 31<sup>st</sup> 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 31<sup>st</sup> 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 118,000m<sup>3</sup> 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 31<sup>st</sup> December 2024. Currently the restoration scheme should have been completed by the 30<sup>th</sup> 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 <sup>3</sup> )	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/m<sup>3</sup> conversion of between 1.6 - 1.8

\*\*Based on each HGV load carrying 8.5m<sup>3</sup> 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 website<sup>1</sup>, 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.

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<sup>1</sup>Click 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 27<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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 118,000m<sup>3</sup> 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 49,200m<sup>3</sup> of imported inert waste would be required to restore to the permitted levels and 118,000m<sup>3</sup> 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 118,000m<sup>3</sup> 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**

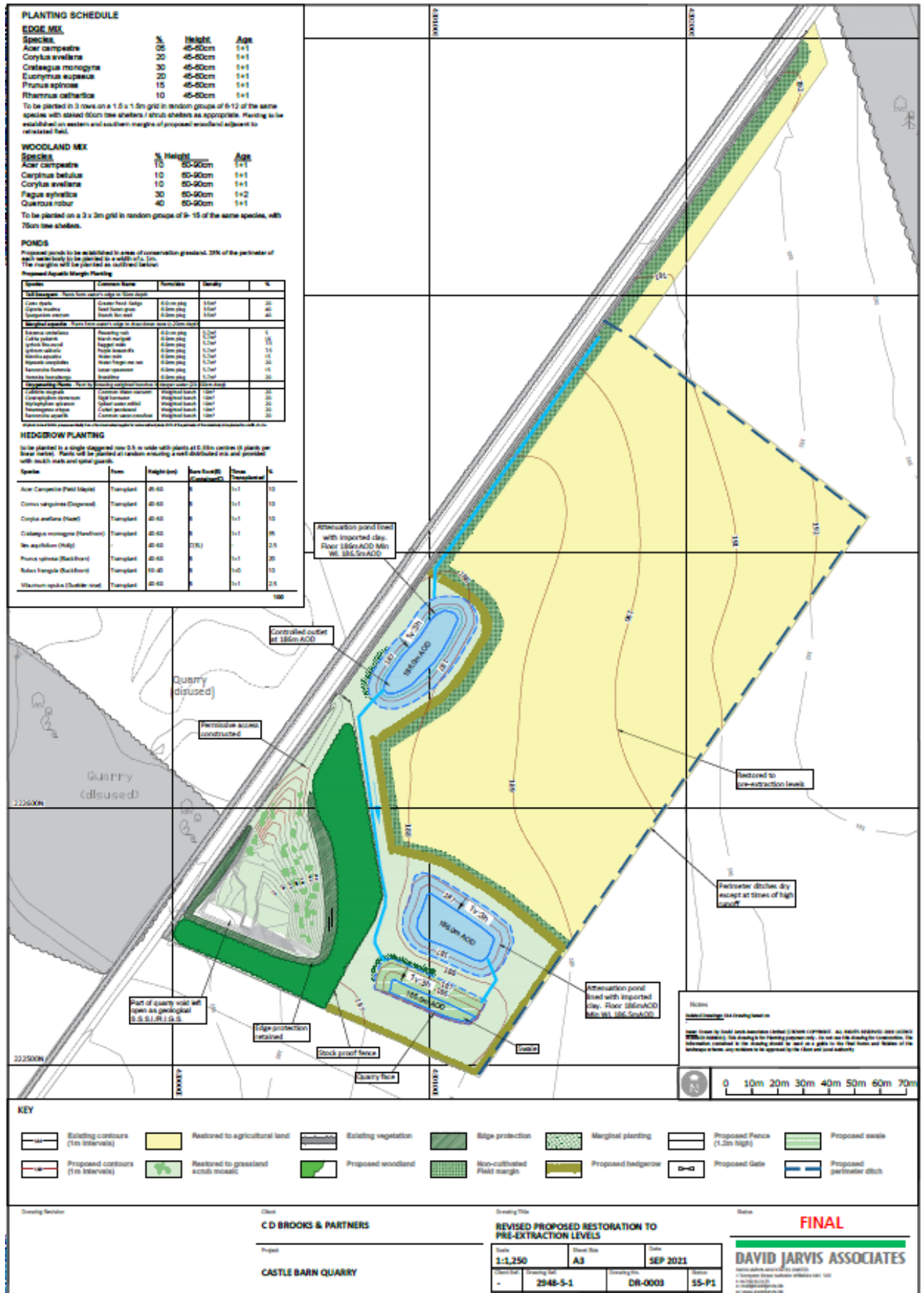
**Assistant Director for Strategic Infrastructure and Planning**

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

Background papers: Nil.



# Annex 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<sup>th</sup>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 m<sup>3</sup> 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 m<sup>3</sup> 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.