

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

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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.