

**DIVISION AFFECTED: Eynsham**

**PLANNING AND REGULATION COMMITTEE – 17<sup>th</sup> April 2023**

**Report by Director for Planning, Environment and Climate Change**

**Use of land for manufacture of recycled aggregate and soils**

**Contact Officer:** Mary Hudson  
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**Location:** D & M Plant Hire Ltd, Dix Pit, Linch Hill, Stanton  
Harcourt, OX29 5BB

**Application No:** MW.0059/19      **District Ref:** 19/01776/CM

**Applicant:** D & M Plant Hire Ltd

**District Council Area:** West Oxfordshire

**Application Received:** 4<sup>th</sup> June 2019

**Consultation Period:** 20<sup>th</sup> June 2019 – 11<sup>th</sup> July 2019

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## **PART 1- FACTS AND BACKGROUND**

### **Introduction**

1. This report seeks to update members of the Planning & Regulation Committee on the progress of planning application MW.0059/19. This was a retrospective application for the use of land for manufacturing recycled aggregates from construction, demolition and excavation (CDE) waste materials. The full details of the proposals and the site are set out in the original report to the September 2019 meeting of the Planning and Regulation committee, provided as Annex 2. The minutes of that meeting are provided as Annex 3.

### **Site and Setting**

2. The application site is located about 1 kilometre south of Stanton Harcourt. The towns of Witney and Eynsham are located 5 kilometres (3 miles) to the north west and north east, respectively, of the site.

### **Failure to Complete Routeing Agreement**

3. Application MW.0059/19 was approved by the Planning & Regulation Committee on 9<sup>th</sup> September 2019, subject to a routeing agreement first being entered into.
4. The draft routeing agreement prohibits heavy commercial vehicles associated with the development from travelling along the B4449, between the Main Road/B4449 junction and the B4449/Sutton Lane junction between 07:30 to 09:00 hours and 16:30 to 18:00 hours Monday to Friday inclusive. Plan 1 shows the proposed route.
5. The decision notice has not been issued as the routeing agreement has not been completed. Initially there was a delay with the progression of the agreement due to a third party who also needed to sign the agreement. There was a further delay as the routeing agreement referred to a lease which had not been completed. The routeing agreement was redrafted to remove the need for the third party to sign it. However, there was no progress with the site lease, which made it impossible to progress the routeing agreement. The delays with the lease are understood to be due to the third party, rather than the applicant.
6. Oxfordshire County Council's Monitoring and Enforcement team's files show that a mobile screen and crusher were found to be on the development site in August 2020, and a file note dated May 2021 explains that the recycling of inert waste had recently commenced, without planning permission. The Monitoring and Enforcement team visited the site most recently on 22<sup>nd</sup> September 2022 and although the site was not operational that day, there were large stockpiles of material.

7. The routeing agreement was originally requested by OCC Transport Development Control, and they confirmed in January 2023 that they still consider the routeing agreement would be necessary to make the proposed development acceptable.

#### Proposed New Conditions

8. The applicant has advised that they would prefer to complete the routeing agreement. However, if this is not possible, they would be prepared to accept an additional condition on the consent limiting annual throughput to 20 000 tonnes. The application originally proposed 40 000 tonnes per annum throughout. Therefore, such a condition would halve the number of vehicle movements associated with the development. The applicant has stated that this would not be likely to generate more than an average of 12 movements per day. It is not possible to condition an average figure, but the applicant has confirmed that they would accept further conditions for a daily maximum of 24 HGV movements, i.e. 12 in and 12 out and a weekly maximum of 130 movements.
9. Efforts would be made to avoid the route through Sutton during peak times, in line with current practice, therefore complying with the terms proposed for the routeing agreement.
10. Transport Development Control have advised that a limit of 20 000tpa would reduce the number of trips to a level that would not require a routeing agreement. They state that with only 12 trips per day it should be possible to avoid passing through Sutton during the 1.5 hour long peaks in the morning and afternoon. Therefore, the purpose of the routeing agreement could be met through the use of conditions instead.
11. The committee is therefore asked to consider whether the application should be determined on the basis that no routeing agreement is forthcoming but that additional conditions could be used to achieve the same purpose.

## **PART 2 – RELEVANT PLANNING DOCUMENTS**

12. The relevant policies are:

#### Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

- C5 (Local Environment, amenity and economy)
- C10 (Transport)

#### Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) (saved policies)

- SH2 (Traffic increase in Sutton)

- SH3 (Limit the use of the A415 through Standlake and southwards over Newbridge)
13. Saved policy SH2 of the OMWLP states that planning permission will not be granted for waste disposal where the development would lead to a significant increase in traffic through Sutton, unless the Sutton bypass had been built and brought into use. The Sutton bypass has not been built and is no longer planned and the policy has been assessed as only partially compliant with the NPPF. However, the principle of avoiding unacceptable traffic impacts in Sutton is considered consistent with the NPPF.
  14. Saved policy SH3 of the Oxfordshire Minerals and Waste Local Plan (OMWLP) explains that routeing agreements will be sought to limit use of the A415 through Standlake and southwards over Newbridge. The preferred routes will be the A415 north of Standlake, or the B4449 via the Blackditch, Sutton and Eynsham bypass. The Sutton bypass has not been constructed, but the principle of ensuring that waste development does not have unacceptable adverse impacts in sensitive locations, including Sutton, is considered to be consistent with the NPPF.
  15. OMWCS policy C5 states that proposals for waste developments shall demonstrate that they will not have an unacceptable adverse impact on residential amenity and other sensitive receptors, including from noise, traffic, vibrations and the cumulative impact of development.
  16. Policy C10 of the OMWCS expects waste developments to make provision for suitable access to the advisory lorry routes in ways that maintain and, if possible, leads to improvements in residential amenity.
  17. Paragraph 6.60 of the Oxfordshire Minerals and Waste Core Strategy explains that the harmful impact of lorry traffic can be reduced by routeing agreements to control traffic movements at particular times.
  18. The routeing agreements protocol agreed by Planning and Regulation committee in June 2018, is a material consideration. This states that development which may be considered to have adverse highway impacts which would otherwise warrant planning permission being refused may be made acceptable through the applicant and the County Council as Mineral and Waste Planning Authority (MPA) entering into a vehicle routing agreement to require that vehicles be routed so as to avoid certain roads, possibly at all times or possibly at certain times of day e.g. to avoid conflict with peak hour traffic and/or arrivals and departures at school opening and closing times.

## **PART 3 – ASSESSMENT AND CONCLUSIONS**

### **Comments of the Director of Planning, Environment and Climate Change**

19. At the September 2019 meeting of Planning and Regulation committee, Councillor Mathew and Councillor Reynolds raised concerns about the impact

that the development may have on the residents of Sutton who live close to the B4449.

20. A routeing agreement cannot be imposed on an applicant and must be freely entered into. The applicant was prepared to enter into a routeing agreement. However, it has not been possible to complete the agreement within a reasonable timescale. Although the applicant has indicated that they would prefer to complete the routeing agreement, it is considered that as over 3 years has passed, the chances of this being signed are slim. Therefore, the applicant has suggested a condition limiting throughput to 20 000tpa. They have agreed to further conditions limiting maximum HGV movements to 24 per day and 130 per week.
21. OCC Transport Development Control have confirmed that if a condition were added to limit the throughput to 20 000 tpa, the proposed routeing agreement would not be necessary to make the development acceptable.
22. The routeing agreement was required to protect the amenities of residents of Sutton by ensuring that HGVs avoid the B4449 during the morning and afternoon peak times.
23. HGVs associated with the (currently unauthorised) development are not currently restricted from using the prohibited section along the B4449 during peak times. However, the applicant has indicated that they have been avoiding the route through Sutton during peak times. There have not been any complaints.
24. Conditions cannot be used to directly control the route taken by HGVs as this relates to land outside the control of the applicant. However, a further additional condition could be used to require signage to be erected and maintained at the site entrance advising HGV drivers that the route through Sutton is prohibited at peak times.
25. Without the routeing agreement, the development as originally proposed would not accord with OMWLP policies SH2 and SH3 which aim to reduce HGV movements through Sutton, to ensure operations do not have unacceptable adverse impacts. However, in my view the imposition of the proposed additional conditions would provide an alternative means of ensuring that the development would meet the aims of these policies. It should be possible to avoid HGV movements through Sutton at peak times. This route restriction wouldn't be enforceable, but if HGVs did use this route during peak times the numbers would be low. Even at the maximum number of 24 HGV movements per day or 130 per week, it is considered that HGVs through Sutton at peak times could be avoided or reduced to such a level that there would be no discernible impact on amenity as not all of the movements would be at peak times or heading towards or coming through Sutton. The annual throughput limit and the maximum daily HGV movements would be conditioned and therefore these would be enforceable.

26. In the absence of a routeing agreement and without the additional conditions, I consider that the development may be harmful during peak periods to the amenity of residents who live on and close to the section of the B4449 that was proposed to be prohibited during peak times. In particular, the routeing agreement was required to protect the living conditions of residents by providing them with respite from HGV movements associated with the development, and their associated impacts, such as noise and vibrations, during the early hours of the day and the afternoon peak periods Monday – Friday inclusive. Therefore, either the routeing agreement or the additional conditions limiting throughout to 20 000 tpa, a maximum of 24 HGV movements per day, a maximum of 130 HGV movements per week and associated signage is necessary.
27. Without the routeing agreement in place, the amenity of the residents was considered not to be adequately protected, contrary to OMWCS policy C5. However, the proposed additional conditions are considered to satisfactorily protect amenity in accordance with this policy.
28. In the absence of the proposed routeing agreement, the development as originally proposed would have a negative impact on residential amenity, as discussed above, and therefore would not maintain or improve residential amenity during peak periods. Therefore, the development was also considered contrary to OMWCS policy C10. However, if the proposed additional conditions to limit throughput, maximum daily movements and signage are imposed, it is not considered that the development would have significant impacts on amenity, and it is considered it would be in accordance with OMWCS policy C10.
29. Overall, I consider that the proposed additional conditions for a 20 000 tpa throughput limit, maximum of 24 HGV movements per day, maximum of 130 movements per week and signage advising drivers to avoid the route through Sutton during the morning and afternoon peak, would be a suitable alternative to the routeing agreement. These conditions would ensure that the proposal was in accordance with relevant development plan policies aimed at protecting amenity and restricting HGV access through Sutton, including OMWLP saved policies SH2 and SH3, and OMWCS policies C5 and C10.
30. Annex 1 to this report contains the proposed conditions. These are the same as those agreed by Planning and Regulation Committee in September 2019, with three changes i) amendment to the annual throughput limit from 40 000 tpa to 20 000 tpa; ii) maximum of 24 HGV movements per day; iii) maximum of 130 HGV movements per week and iv) requirement for signage to be erected and maintained at the site to advise HGV drivers to avoid the route through Sutton during the morning and evening peak (07.30-09.00 and 16.30-18.00 Mondays to Fridays). These conditions are considered necessary given that the routeing agreement has not been completed. Subject to these additional conditions, the routeing agreement is no longer considered necessary and is not included in the recommendation below.

### **Financial Implications**

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

### **Legal Implications**

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

### **Equality & Inclusion Implications**

33. 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**

34. This was a retrospective application for the use of land for manufacturing recycled aggregates from construction, demolition and excavation (CDE) waste materials. The application was approved by the Planning & Regulation Committee on 9<sup>th</sup> September 2019 subject to a routeing agreement and conditions.
35. Well over three years have now passed, and the routeing agreement has not been completed. Whilst the applicant has indicated that they would like further time to complete the routeing agreement, it is considered that there is not a reasonable prospect of it being completed in a reasonable timescale. In the meantime, the development is operating without planning permission.
36. The committee may decide to allow further time for the completion of the routeing agreement, refuse the application or approve the application without the routeing agreement. It is recommended that the application is approved without the routeing agreement, but with the additional conditions outlined above. This will ensure that the development is carried out in such a way that protects amenity and complies with policies, whilst allowing a permission to be issued so that the conditions can be properly enforced if necessary.

## **RECOMMENDATION**

**It is RECOMMENDED that planning permission for application MW.0059/19 be approved subject to conditions to be determined by the Director of Planning, Environment and Climate Change including the matters set out in Annex 1 to this report**

Application No. MW.0059/19

District Reference: 19/01776/CM

Rachel Wileman  
Director of Planning, Environment and Climate Change.

March 2023



## Annex 1 – Conditions

1. Manufacturing of recycled waste to cease on or before the 31st December 2028 and restoration of the site to be no later than 31st December 2029.
2. No more than 20,000 tonnes of waste to be processed per annum. (***New condition replacing previous 40 000 tpa limit as routeing agreement has not been completed***)
3. Records of waste tonnages imported to the site to be provided on a quarterly basis.
4. Records of daily vehicle movements to be provided on a quarterly basis.
5. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
6. Noise from the operations shall not exceed 55dB (A) LAeq 1 hour.
7. Hours of site operations to be limited to 7.00 am to 6.00 pm Mondays to Fridays and 7.00 am to 1.00 pm on Saturdays including HGVs entering and leaving the site with no operations or movements on Sundays, public and bank holidays.
8. Submission, approval and implementation of a scheme of measures for the suppression of dust.
9. Submission, approval and implementation of an external lighting scheme.
10. Restoration to be implemented in accordance with approved restoration scheme.
11. Submission, approval and implementation of biodiversity enhancement scheme
12. Signage to be erected and maintained at the site advising HGV drivers to avoid the route through Sutton during the morning and evening peak (07.30-09.00 and 16.30-18.00 Mondays to Fridays) (***New condition required as routeing agreement has not been completed***)
13. No more than 24 HGV movements per day (***New condition required as routeing agreement has not been completed***)
14. No more than 130 HGV movements in any 7 day period (***New condition required as routeing agreement has not been completed***)