

To: Members of the Planning & Regulation Committee

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

**Monday, 2 September 2024 at 2.00 pm**

**Room 2&3 - County Hall, New Road, Oxford OX1 1ND**

If you wish to view proceedings online, please click on this [Live Stream Link](#).  
However, this will not allow you to participate in the meeting.



Martin Reeves  
Chief Executive

August 2024

Committee Officer: **Committees Team**  
E-Mail: [committeesdemocraticservices@oxfordshire.gov.uk](mailto:committeesdemocraticservices@oxfordshire.gov.uk)

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*Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.*

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### **Membership**

Chair – Councillor Ian Snowdon  
Deputy Chair – Councillor Stefan Gawrysiak

### *Councillors*

Robin Bennett  
Felix Bloomfield  
Imade Edosomwan  
Mohamed Fadlalla

Ted Fenton  
Judy Roberts  
Bob Johnston

David Rouane  
Geoff Saul  
Les Sibley

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### **Notes:**

- **Date of next meeting: 14 October 2024**

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



## **AGENDA**

- 1. Apologies for Absence and Temporary Appointments**
- 2. Declarations of Interest - see guidance note below**
- 3. Minutes (Pages 1 - 14)**

To approve the minutes of the meeting held on 15 July 2024 (**PN3**) and to receive information arising from them.

- 4. Petitions and Public Address**
- 5. Land at White Cross Farm, Wallingford, Oxfordshire (Pages 15 - 112)**

Extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas, using inert fill.

Report by Head of Strategic Planning.

### **RECOMMENDATION**

It is RECOMMENDED that subject to a Traffic Regulation Order to prohibit right-turn movements into the site from the A329 Reading Road and right-turn movements out of the site onto the A4130 Nosworthy Way first being made and a S.106 legal agreement to cover the matters in Annex 2, planning permission for MW.0115/21 be approved subject to conditions to be determined by the Head of Strategic Planning, to include those set out in Annex 1.

- 6. Bridge Farm Quarry, Sutton Courtenay (Pages 113 - 144)**

#### **Developments proposed:**

- 1) Section 73 application to continue the development permitted by planning permission no. P18/V2145/CM (MW.0093/18) for proposed new stockpile area to be used in conjunction with mineral extraction permitted by planning permission no. P16/V2694/CM (MW.0127/16) for the storage of approximately one month supply of mineral to enable continuous supply in case of flooding for a period of

up to three years from date of commencement of extraction under planning permission no. P16/V2694/CM (MW.0127/16) to vary condition 1 to enable vehicles to transport remaining sand and gravel from the stockpile to the plant site.

- 2) Section 73 application to continue the development of the extraction of sand and gravel and restoration using in situ and imported clay materials to create a wet woodland habitat as permitted by MW.0094/18 (P18/V2171/CM) without complying with conditions 1 and 16, in order to extend the end date of restoration and remove the remaining stockpile of sand and gravel by road rather than conveyor. And to vary conditions 2 and 32 for the substitution of an updated restoration plan.

Report by the Head of Strategic Planning.

**RECOMMENDATION:**

The report recommends that applications MW.0004/20 and MW.0008/20 be approved.

## **7. Land at Bridge Farm Quarry, Sutton Courtenay (Pages 145 - 194)**

**Developments proposed:**

- 1) To haul phase 5 and 6 mineral across B4016 and to import inert fill to effect approved restoration scheme in phase 5.
- 2) Section 73A application to continue the development permitted by planning permission no. MW.0049/19 (P19/V1273/CM) (for Small extension to Bridge Farm Quarry to extract sand and gravel and restoration to agriculture and lakes with reed fringes) without complying with conditions 2, 39 and 42 to extend the date for final restoration and to reflect the relevant amended restoration design.

Report by Head of Strategic Planning.

**RECOMMENDATION:**

It is RECOMMENDED that:

A - Application MW.0048/19 be APPROVED subject to

1. A routing agreement to ensure that HGVs transporting inert waste to the site comply with the existing routing requirements for HGVs exporting mineral to access the site via the Didcot Perimeter Road.
2. A section 106 agreement requiring (a) the works to the highway (staggered signalized junction incorporating MOVA) to be completed prior to the commencement of development and (b) works to restore the highway at the crossing point being undertaken following the completion of the development.

And to conditions to be determined by the Head of Strategic Planning to include those

set out in Annex 2.

B - Application MW.0067/22 be APPROVED subject to conditions to be determined by the Head of Strategic Planning to include those set out in Annex 3.

## **8. Delegations for discharge of statutory development and enforcement planning functions (Pages 195 - 198)**

This report seeks a decision to approve an updated scheme of delegation to officers on Town and Country Planning matters outside of those decisions taken by the Planning and Regulation Committee.

Report by Director of Economy and Place.

### **RECOMMENDATION:**

It is RECOMMENDED that the members of Planning and Regulation Committee note and approve the updated scheme of delegation to the Director of Economy and Place under the provisions within the Oxfordshire County Council constitution for the discharge of Town & Country Planning development management and planning enforcement functions as set out in Annex 1 to this report.

## **Councillors declaring interests**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

### **Members Code – Other registrable interests**

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

### **Members Code – Non-registrable interests**

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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# Agenda Item 3

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 15 July 2024 commencing at 10.00 am and finishing at 4.00 pm

**Present:**

**Voting Members:**

Councillor Ian Snowdon – in the Chair  
Councillor Stefan Gawrysiak (Deputy Chair)  
Councillor Robin Bennett  
Councillor Imade Edosomwan  
Councillor Ted Fenton  
Councillor Bob Johnston  
Councillor Judy Roberts  
Councillor David Rouane  
Councillor Geoff Saul  
Councillor Les Sibley

**By Invitation:**

**Officers:**

Whole of meeting David Periam (Development Management Team Leader), Nicholas Perrins (Head of Strategic Planning), Karen Jordan (Solicitor), David Mytton (Solicitor), Haidrun Breith (Landscape Specialist), Beccy Micklem (OCC Team Leader Landscape and Nature Recovery), Victoria Sykes (OCC Climate Consultant), Richard Oram (OCC Archaeology), Will Madgwick (OCC Highways) and Shilpa Manek (Democratic Services)

*The Committee considered the matters, reports and recommendations contained or referred to in the agenda.*

### **8/24 ELECTION OF CHAIR FOR THE 2024-25 COUNCIL YEAR**

(Agenda No. 1)

The Democratic Services Officer invited the Committee to elect the Chair for the 2023/24 Council Year.

As a result, two nominations for Chair, were received. A nomination for Councillor Snowdon, proposed by Councillor Gawrysiak and seconded by Councillor Fenton. And a second nomination for Councillor Saul which was proposed by Councillor Elphinstone and seconded by Councillor Edosomwan.

A vote was taken, and it was AGREED that Councillor Ian Snowdon be elected as the Chair for the 2024/25 Council Year.

**RESOLVED: that Councillor Snowdon was elected Chair for the Council Year 2024/25.**

**9/24 ELECTION OF DEPUTY CHAIR FOR THE 2024-25 COUNCIL YEAR**  
(Agenda No. 2)

The elected Chair, Councillor Ian Snowdon, invited the Committee to elect the Deputy Chair for the 2024/25 Council Year. As a result of two nominations were received. Councillor Johnston proposed Councillor Gawrysiak and this was seconded by Councillor Bennett. A second nomination was proposed by Councillor Elphinstone and seconded by Councillor Edosomwan for Councillor Saul. After a named vote was taken, it was AGREED that Councillor Gawrysiak be elected as the Deputy Chair for the 2024/25 Council Year.

**Resolved: that Councillor Gawrysiak be elected as the Deputy Chair for the 2024/25 Council Year.**

**10/24 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**  
(Agenda No. 3)

Apologies for absence were received from Councillors Bloomfield and Fadlalla. Councillor Elphinstone was substituting at the meeting.

Councillor Sibley left the meeting after the Chair and Vice Chair were elected.

**11/24 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE BELOW**  
(Agenda No. 4)

Councillor Johnston declared an interest as the application fell partly within his county division. He confirmed that he had not taken part in any discussions and was attending the meeting with an open mind.

Councillor Roberts declared an interest as the application was within her division. She had not expressed any views and was attending the meeting with an open mind.

Councillor Rouane declared that he was a Director of OxLEP and had not been involved in discussions, but it could be seen as a conflict so decided to withdraw from the meeting.

Councillor Rouane left the meeting.

**12/24 MINUTES OF THE PREVIOUS MEETING**  
(Agenda No. 5)

**Resolved:** that the minutes of the meeting held on 15<sup>th</sup> January 2024 be confirmed as a true record and signed by the Chair, subject to the amendment on the first page and removal of the text in the brackets.

**13/24 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 6)

There had been no petitions, but the following speakers had registered to address the Committee after the application was introduced:

Patricia Murphy  
Brian Durham  
Chris Sugden  
Tim O'Hara  
Riki Therivel  
Tim King  
Peter Canavan  
Simon Collings  
Liz Sawyer  
Annie Blows  
Andrew Down  
Robin Neatherway  
Anthony O'Rourke  
Bethia Thomas  
Anna Railton  
Jonathan Madden  
Alistair Butchers  
John Mastroddi  
David Radford  
Martin Dowie  
Pete Sudbury  
Sarah Ainsworth  
Susanna Pressel  
Claire Wilson  
Matthew Frohn  
Nigel Chapman  
Adrian Porter  
Jocelyn Wogan-Browne  
Julia Hammett  
Debbie Hallett

**14/24 NORTH OF THE A420 BOTLEY ROAD TO SOUTH OF THE A423 RING ROAD, RUNNING PREDOMINANTLY BETWEEN THE A34 TO THE WEST & THE OXFORD TO LONDON RAILWAY LINE TO THE EAST, INCLUDING LAND BETWEEN THE A4144 ABINGDON ROAD TO THE TO THE WEST & THE RIVER THAMES**

(Agenda No. 7)

The Planning Development Manager introduced the application to the Committee explaining that it had been submitted by the Environment Agency. This was the second application submitted. The first application was submitted in April 2018 and withdrawn in March 2020. Two consultations have taken place and all comments submitted during both consultations had been considered by Officers. The Senior Planning Officer presented the presentation and gave detail to the application. The

Team Leader Landscape and Nature Recovery gave clarification on some of the landscape points.

The application is for a flood alleviation scheme to reduce flood risk in Oxford through construction of a new two stage channel from the confluence of the Botley and Seacourt Streams, extending south easterly to north Kennington; Floodwalls to the north of Botley Road, at Seacourt Park and Ride and adjacent to Bullstake Close allotments; Floodgates at Helen Road, Henry Road and Seacourt Park and Ride Flood defences at New Hinksey between Abingdon Road in the west and the River Thames in the east, Ferry Hinksey Road and north of South Hinksey; Control structures at Bullstake Stream, Eastwyke Ditch, Hinksey Pond, Redbridge Stream and Cold Harbour; Bridges and culverts to cross highways and footpaths maintaining access routes; Spillways, embankments, low flow control structure, modifications to Seacourt Stream, ford crossings, channel clearance, ditch widening and deepening, removal of weir and installation of telemetry cabinets; repairs to existing walls along Osney Stream and in Hinksey Park. The creation of new and improved habitat for flora, fauna and fisheries, and change of use of land to provide exchange for existing open space. Works will include extraction of some sand and gravel for reuse on the site and exportation from the site.

The Senior Planning Officer, Matthew Case, updated the Committee on the addenda to the reports since the report had been published. Members were informed that three further representations, in objection, had been received, including a response from the Oxford Flood and Environment Group (OFEG). The issues raised in the objections were summarised in the first addendum along with the Officer responses.

The recommendation to the Committee was as follows:

**It is RECOMMENDED that planning permission for application no. MW.0027/22 be granted subject to conditions to be determined by the Head of Strategic Planning to include the matters set out in Annex 1 (and any amendments to those conditions as deemed necessary), signing of a Section 106 Agreement to secure the 30 years Habitat Management and Monitoring Plan for offsite BNG and a monitoring fee for both the onsite and offsite Habitat Management and Monitoring Plans (and any amendments as deemed necessary) and the application first being referred to the Secretary of State as it would have a significant impact on the openness of the Green Belt.**

Members asked for clarification on a couple of points.

The Committee were addressed by the following registered public speakers:

- Patricia Murphy representing the Oxford Flood Environmental Group was speaking against the application. The Committee was due to make a key decision but she felt that the report was flawed. Some vital information from the recent Compulsory Purchase Order public inquiry had not been considered, making the application legally unsafe and incomplete. The Group urged the Council to reconsider the application due to a significant oversight and improper application of the planning balance between public benefit and environmental harm. The distinction made between the compulsory purchase

order determination and planning considerations was invalid. The test should be whether the issues raised were material to the planning decision, not if they were part of separate processes. Ignoring the key concerns exposed the Council to potential legal challenges. Specific failures included adequately considering alternatives and evidence to the five-kilometre channel through the west Oxford Green Belt. This proposal was shown to be unnecessarily destructive, costly and of minimal benefit and non-compliant with mitigation hierarchy. Para 186(a) of the NPPF mandates avoiding significant harm to biodiversity first then mitigating and compensating as the last resort. No attempt to avoid harm had been demonstrated, violating the requirement to Para 186(c), development that results in the loss of deterioration of irreplaceable habitats should be refused unless there were wholly exceptional reasons and a suitable compensation strategy. There were alternatives that do not lead to the loss of Hinksey Meadow and the compensation strategy was insufficient. An independent report highlighted the EA's failures to adequately model less damaging, no channel alternatives. The minimal difference between the proposed scheme and the no channel option wasn't properly investigated, revealing that not enough effort was made to explore viable alternatives. The failure to recognise the MG4A Hinksey Meadow far too late in the process was a critical oversight. With only four-square miles remaining in the UK, the EA did not address the mitigation hierarchy for irreplaceable habitat. This undermines the Council's ability to accurately assess compliance. The report also ignores evidence from an independent hydrogeology expert of potential catastrophic current water changes to the meadow, although the EA claimed to have data since 2018, this had not been included in the calculation nor provided to the inquiry, leaving the Council without crucial information. There was no information on groundwater flooding risks to evidence. The failures to incorporate material considerations and to comply with the NPPF renders this application legally unsound. The Group urge the Council to reject or defer the decision until all the evidence from the public inquiry had been thoroughly considered.

- Brian Durham, floodplain resident and retired meteorologist. Brian Durham worked as an archaeology specialist for the City Council. Members had been sent a traffic light map presenting solutions to issues raised in the Officers report. One detail referred to a new railway divider that Network Rail commented would be required. But a local pumping scheme had been offered that completed the scheme without railway engineering. The two details jointly make the flood scheme autonomous that the committee could safely approve subject to the draft conditions. The Defra Secretary of State had asked for the copies of the redraft planning conditions.
- Dr Chris Sugden, resident of North Hinksey Village, Chair of Ferry Hinksey Trust and convener of the Hinksey Environmental Group. Mr Sugden asked if there was a conflict of interest as OCC were a partner of the scheme and whether the concerns raised would be considered. Mr Sugden requested that the application be deferred until evidence from the public inquiry had been considered. The concerns were that the NPPF was followed with respect, otherwise legal advice would be sought on a potential judicial review. No real consideration had been given to the harm to biodiversity and irreplaceable habitats, neither had been considered correctly. The 4<sup>th</sup> Oxford Scout Group would no longer be able to access the street near the Fairly Easy Trust field,

which was an invaluable resource for scouting activity. The plans could be altered so access was maintained.

- Tim O'Hara retired chartered surveyor with over 30 years of experience in public sector in Oxfordshire. The Planning Officer had identified aspects of the application that conflicted with the plans, policies and guidelines but the belief was that these were outweighed by the flood protection benefits of the application. The conflicts of the application had been understated and the flood protection benefits had been taken at face value and were therefore overvalued. Mr O'Hara gave some examples and asked what the EA considered as severe floods. The Planning Officer repeated the applicants' claims that there would be flood protection benefits for transport links and utilities, yet the total cost analysis carried out by the EA suggested that this was too small to even consider.
- Riki Therivel, an environmental consultant specialising in impact assessment. The support was there for most of the flood scheme but opposed to the channel because of its traffic impact, which was partly mentioned in the environmental statement and the officers' report. The application suggests that the EA would like to reduce the traffic speed on the A34 near South Hinksey to 40 mph from 70 mph, and four times faster than the speed out which the HGV's would be exiting the A34, causing potential accidents and traffic jams. The EA had suggested that the works would take three years, but this could very easily increase. This would affect approximately 36 million vehicle journeys, which had been massively underplayed. It had been suggested that the issues could be resolved by a construction traffic management plan but this does not exist yet, however, the only resolution so far would be to further reduce the speed limit on the A34 to 20-30mph. If the application was approved, it would be with no real evidence of how the traffic issues could be solved.
- Dr Tim King, an independent ecologist, associated with Oxford University, ex member of the governments committee on air pollution and health, and a plant ecologist. Dr King urged the councillors to reject the application, knowing that there's an alternative in the background which could be implemented with relatively short notice. The scheme seemed a worthwhile idea, when originally suggested 17 years ago. After all, it would have improved flow at the points where it was currently impeded. Evidence in the last 7 years, especially from computer modelling has showed that it makes relatively little difference to the channel, which has formed a major part of the publicity of the scheme between Botley and Redbridge and is unnecessary. The meadows had been a worthwhile flood plain for about 1000 years and if someone decided that they wanted to build a channel across the equivalent, it would be rejected. The EA engineers were not equipped to balance the problems with their scheme against all sorts of other activities, such as the Green Belt, landscape, biodiversity, local opinion etc. it was up to this committee to balance the whole thing and reject this premature application, in the hope that a better alternative can be implemented.
- Peter Canavan, planning consultant and speaking on behalf of the Oxford Preservation Trust. The Trust had not taken lightly the prospect of objecting to this scheme. It accepted the need to address the effects of flooding in Oxford. It supported the principle of flood alleviation, however the application was an incomplete picture and without all the evidence, the full extent of the harms of

the scheme being presented, a proper, balanced, planning judgement could not be reached. After having constant contact with the EA and the County Council over almost 10 years, the Trust acknowledges that some of its concerns have been considered, but there remains a very real risk to Hinksey Meadow. The Trust's concerns were brought into sharp focus through the CPO hearings. Whilst the CPO process was separate to the planning decision, the evidence presented in that process was material to the deliberations. The scheme was contrary to the City Council's environmental policies and to the NPPF, paragraphs 180 and 186. The harms created by the scheme were not properly understood and therefore could not be accepted to be outweighed by public benefits. It was therefore impossible to demonstrate very special circumstances necessary to allow development in the Green Belt, also contrary to the NPPF, paragraph 153. The issues such as direct loss of grassland and indirect loss of grassland, the EA had failed to fully assess the indirect effects from the scheme on the remaining grassland and without mitigation, these effects would also weigh significantly against the scheme.

- Jonathan Maddan was speaking on behalf of Hinksey and Osney Environmental Group against the application. He had worked as an architect for several years. He, with others had developed a versatile method of pumping large volumes of flood water away from Hinksey Meadows with the capacity of up to 44 cubic metres per second, 4 million tonnes per day. This conceptual design was presented at the CPO inquiry in January 2024. The main advantage was that water was pumped in the early stages of a flood, reducing peak flood levels. This system was powered from local electricity supply with a back-up generator and the engineering and technology was worldwide industry standard. Such a system would cost less and take less time.
- Martin Dowie was speaking as a councillor from Botley and North Hinksey Parish Council, against the application. The Parish Council had considered biodiversity, recreation and amenities, traffic and highways, climate change, pollution and health and cost efficiency. The three main points addressed included that the Parish Council had not changed its position, it had concerns about the independence of the application and the economic case for the scheme but was pleased to see that measures had been taken and the referral to the Secretary of State. The Parish Council recognised the need for the flood alleviation scheme and welcomed some of the aspects of the scheme. The Parish Council did not support the secondary channel and the damage it caused and it being the element of the scheme that resulted in harm which outweighed the benefits of the scheme. The Parish Council hoped that the scheme would be revised, eliminating the secondary channel and modifying the remaining elements as necessary.
- Sarah Ainsworth was speaking as a resident of North Hinksey, supporting a flood alleviation scheme but not the scheme in the application. Sarah had personal experience of flooding and professional experience of high-level planning in flood emergencies to ensure highly vulnerable people and their families were kept safe. Sarah was keen to maintain the access to Hinksey Meadows for residents but also to ensure that public funds were not wasted on the wrong scheme. There were nine major funders that had a duty to deliver public benefits. The secondary channel would damage the precious, beautiful, biodiverse water meadows, being the most expensive and environmentally

damaging part of the scheme. Due diligence should be given at all aspects of the scheme and delivered by a bespoke scheme.

- Jocelyn Wogan-Browne, a professor of medical studies, was speaking against the second stage channel. Jocelyn had been very badly flooded in 2007 but not in 2014 because of nuanced local measures in large pumps and drains keeping the ground and surface water away, outside her home. Flooding was upsetting, expensive and time consuming to repair. This was not the correct scheme; it was expensive and would take a long time and would not eliminate the problem.
- Debbie Hallett, Councillor at Vale of White Horse District Council was representing the residents of Botley and North Hinksey and South Hinksey Parish Councils. Councillor Hallett initially supported the scheme but had concerns about the impact of the construction on residents. The concerns had now broadened, deepened and increased. Councillor Hallett asked about what mitigation measures had been taken to reduce five years of pollution in an already polluted corridor. The Committee would be weighing up the harms against the benefits and making a decision. Councillor Hallett asked the following questions to the Committee:
  - How confident were the Committee about the proven benefits of the scheme?
  - How many properties were going to be protected and by what means?
  - How confident was the Committee that the scheme was deliverable taking previous large projects into account such as the railway and Botley Road?
  - What would be the impacts on local areas if the scheme was abandoned? Were there any mitigation steps planned? How big of a risk was tolerable?
  - 85% of the measures did not depend on the channel and suggested an incremental approach to the project. Why not implement the most damaging measures first and then evaluate the outcome?

A flood alleviation scheme was a good thing, but the costs were tremendous. She urged for careful balancing of the proven and likely benefits to the responsibilities to all residents regarding environmental preservation, maintaining existing infrastructure and fiscal prudence.

- Julia Hammett spoke as Chair of Oxfordshire Badger Group, in objection to the application. Julia commented that the scheme in its current form was an environmental disaster and would cause irreversible damage to biodiversity including protected species, badgers, nature reserves, meadows and priority habitats. The only compensation would be a 10% minimum net gain by off-site compensation, which many regard as greenwashing. The Council ecologist stated that the scheme should have been viewed against the NPPF in the report. This would cause three setts of badgers to be lost and many more compromised.
- Simon Collings was representing the Oxford Flood Alliance, a resident of Osney Island since 2000 and speaking in favour of the application. He had had direct experience of flooding and it was a horrible experience. Mr Collings had been working closely with the EA and had created the Oxford Flood Alliance. He had seen the scheme be developed, adapted, modified in light of all the challenges and comments from the public from consultations. The EA had set out, during the CPO inquiry, their reasons for rejecting the points raised by



speakers earlier rejecting the application. He urged the Committee to support the application.

- Nigel Chapman representing Oxford City Council and portfolio owner for Citizens Focus Services which included flooding and the responses and management of flooding. Oxford City Council were a partner of the Oxford Flood Alleviation Scheme and strongly supported the implementation. The Council was the largest contributor of the scheme and working actively with the EA for the last five years. Oxford had a history of flooding and causing damage to homes and businesses. The floods were increasing and needed to be managed. The number of properties getting flooded would increase if the scheme was not implemented. A flood alleviation scheme was urgently required to protect not only current but future communities. The scheme would reduce floods in the city and would direct the water to the existing flood plain. It was estimated that the scheme would save £1.4m in its lifetime by reducing flood damage and impact on the area. The scheme would have environmental benefits, prevent the production of carbon emissions in the long-term, create a new wet land corridor to the west of Oxford, providing an opportunity for enhanced habitat connectivity. Oxford City Council believed that the scheme presented was the best scheme for Oxford, managing the floods in Oxford for the next 100 years.
- Liz Sawyer is a resident with two small children who used the Hinksey Meadow regularly with the family. Flooding had an enormous environmental cost in terms of repair, replacement and disruption. This was the last generation to enjoy a high carbon lifestyle without suffering its negative consequences. The EA knew that there was a responsibility to adapt now and had spent 10 years iterating the design before all, and only submitting a scheme that would work.
- Annie Blows, a resident with first hand experience of regular flooding with sewage caused by overflowing of the Oxford sewer system due to flood water. The sewage overflowed and damaged her garden, utility room, children's playroom and other areas of their home causing potential health risks. There was never any assistance from Thames Water and the clean-up was insufficient leaving soiled tissues and faeces to disintegrate naturally. She stated that no home in 2024 should have to suffer this.
- Andrew Down, Officer at Vale of White Horse District Council, Deputy Chief Executive for Partnerships and working with the EA and other partners on the scheme since 2014. The District Council supported the application, which would reduce the flood risk for over 1000 homes and businesses in both Oxford city and the Vale. When roads closed due to the flooding, the impact on transport and the local economy was severe. Whilst he supported the application, a number of requests had been made. The Planning Officer was satisfied that all had been or would be addressed. The EA had listened to the views of residents and had proposed the scheme as it was presented.
- Pete Sudbury was speaking in his capacity as Cabinet Member for Climate, Environment, and Future Generations and Chairman of the OFAS Sponsoring Group. He also sat on the regional and coastal committee. The programme had been excellently led and had been thorough and well managed.
- Robin Neatherway was speaking as a resident since 2000. The water had been getting higher each year, and along with it came sewage and soiled paper. This was not even cleaned by Thames Water. We had been reassured

by the discussions of the flood alleviation scheme and hoped that four years on, this would now be approved and would be able to move on. With the shortage of homes in Oxford, it was not great that there were areas of Oxfordshire that were so badly flooded.

- Anthony O'Rourke had been a resident since 2003. He said that the flooding was getting bad. Emails and alerts from the EA caused dread for the preparation to move furniture and belongings. The stress, mould, damp, and smell lasted years. The garden floods annually and gets worse each year. A signed letter was sent to the Leader of the Council to approve the application.
- Bethia Thomas was speaking as Leader of Vale of White Horse District Council and partner of OFAS. The District Council was in support of the scheme. The floods affected many residents of Abingdon, disrupting life, work, and education. She advised that OFAS offered advanced flood alleviation and protection for almost 1000 homes and businesses in Botley, South Hinksey and the Vale, and it would prevent disruption and would create over 20 hectares of new wetland helping to reverse the national decline of wetland habitats. By working with the EA, there would be the opportunity to influence the design and construction of the scheme.
- Anna Railton, Deputy Leader for Oxford City Council but speaking as the Ward Member of Hinksey Park, South Oxford and speaking in favour for the scheme. South Oxford had suffered regular ground water flooding along with the heartache, disruption, stress and clean-up. Climate change would cause warmer and wetter conditions and therefore more misery due to flooding. OFAS would alleviate the flooding problems in South Oxford.
- John Mastroddi, resident since 1980 and researcher of the effects of flooding in the Redbridge area. Research had shown that planning projects in the area had made flooding events worse since 1947. The upgrading of the A34 from two of the four lanes had narrowed the flood channel considerably. All low-lying land around Redbridge had been filled with household waste. The old Abingdon Road had been raised, the A43 bridge had been constructed with no consideration to the flood channel and a concrete wall had been built across the Hinksey drain preventing flood water from flowing underneath the railway bridge. All projects now prevented the flow of flood water through the western corridor.
- David Radford, speaking as a resident of 30 years. Every five years, his garden would disappear in floods. This year, it has already flooded twice. Much damage was caused by the floods. The pumping mechanism discussed would not solve the problem.
- Susanna Pressel, County and City Councillor and representing the Botley Road area, today and for over 28 years. Councillor Pressel was speaking on behalf of hundreds of people in the Botley Road area. This was an excellent report, and the officers were recommending the application. The application had been supported by many. It was vital for the local and the UK economy. There were 58 conditions to reduce the negative impacts from the scheme.
- Claire Wilson, resident of South Hinksey, speaking in support of the scheme but had concerns about the traffic, construction, and time frames. Claire had been flooded six times, and on one occasion, she had to leave home in a foot of water for her wedding in France and abandoned the honeymoon to come back home and clean up the mess. Since then, the house had been made flood resistant but the maintenance of all the measures were getting costly and

timely. There was a resident scheme in place where everyone took turns every two hours to monitor the pumps, causing disruption to sleep. A permanent solution was needed for flooding problems. Many residents wanted the scheme.

- Matthew Frohn was speaking as a resident of South Hinksey. The OFAS is over a decade of capital analysis and design by multiple agencies, national bodies with the knowledge and expertise in flood and river management, as well as local bodies with responsibility for community and environmental sensitivities. The scheme would be noisy, disruptive, and annoying, but would be temporary and inconsequential when measured against the glowing benefits to the city, businesses, home, and communities.
- Councillor Gawrysiak asked what the views were on the environmental aspect of implementing the scheme as a resident. Matthew Frohn responded that he had been particularly impressed by a presentation given to South Hinksey residents about four years ago about how the scheme would generate the flow, provide a far better flow, and how the wetlands would develop. A lot of care had gone into the scheme.
- Adrian Porter, resident of South Hinksey, flooded very badly, which still causes trauma. Adrian worked very hard as a flood warden. Flooding caused anxiety and physical disruption on an annual basis. He was very much in support of the scheme and the environmental benefits.

Veronica James, applicant, Environment Agency, Planning Manager for the Oxford Flood Alleviation Scheme (OFAS). The scheme would reduce the risk of flooding for all properties at risk from the river flooding in Oxford. The need for the scheme had been explained clearly and convincingly by previous speakers. The local residents that had spoken, some of whom had suffered the trauma of flooding in the past. The floods were not new to Oxford and closed down the transport links, causing issues for homes and businesses. With climate change, floods were predicted to be more frequent and more severe. As an organisation, there was a responsibility for managing the risks from flooding from the main rivers, and to do this, projects, such as this are delivered. The scheme proposed in this planning application were the best solution to managing the flood risk, to reduce flood risk to Oxford, to reduce the flood risk to homes, businesses, to the main transport links and to local infrastructure. Alternatives had been considered during the options appraisal process approach. A process that had to be completed to get approval from the organisation and government in order to proceed. Only technically feasible options were considered. At each stage of the projects design, the proposal had been revisited to ensure the best options for this location. Evidence had been provided to support this with the planning application and the hydraulic modelling had been peer reviewed prior to submission. All local government guidance on climate change had been followed and the evidence had been reviewed by the statutory consultees for flooding during the formal consultation process with no objections raised. The environment had been at the forefront of the design. The principle aim under the Environment Act 1995 was to protect or enhance the environment, to make a contribution towards sustainable development and there was a duty under the same Act generally to promote the conservation and enhancement of the water courses and the land, fauna and flora associated with them. The EA would like to be proud of

the scheme and for it to be a success, not only for reducing flood risk but also for the environment. The scheme worked well with the flood plain to the west of Oxford. The water would be drawn away from the built-up areas by creating a new stream and lowering parts of the floodplain to make more space for the water, whilst also bringing environmental benefit to the area. The same amounts of water brought to the north of Botley Road would re-enter the Thames where it would rejoin in Kennington. This was very important as it ensured that flood risk would not increase downstream. The design was a passive one, with water entering the wetland as levels rose and in major floods, water would still use the existing flood plain. This flood plain was within the Green Belt; therefore the scheme was located within the Green Belt. A very thorough analysis had been set out by the case officer for this. It concluded that very special circumstances existed so the application could be approved. The considerations for Hinksey Meadow had been detailed and thorough and modifications made where possible. The tree planting proposals would increase the woodlands in the areas after completion. The scheme would be maintained, and public access carefully considered and made better. With respect to traffic, the EA had worked with National Highways and their advice had been taken on board and the scheme modified. Consultation had taken place with the local planning authority, parish councils, consultees and the scheme was a result of all the comments made.

The following questions were asked to the applicant and their technical officers and officers of the planning authority:

- Were the soil characteristics of the proposed grassland area the same as or similar to the soil taken? The applicants technical officer informed the Committee that the soils were very similar.
- How long was the Electric Road to be closed for? Officers advised that it was not due to close at all.
- Would the piling in North Hinksey near the school affect the school as they were informed that the school would not be affected. One of the conditions was about the noise and to limit it and that would include the school.
- The Network Rail agreement was discussed but this only related to the compulsory purchase order.
- There would be no substantial harm to the heritage assets. The scheme would work around the monuments. The impact would only be around the setting and not to the monuments.
- How much confidence was there that the channel would not increase the downflow stream? The EA team reported that water would move away from residential areas, at the same speed and the same distance, through the flood scheme.
- Why was the no channel model discounted and how had the project been sequenced? It was reported that there was no prioritisation from one end to the other. The no channel option had not been progressed as the course around Oxford was very flat and complex and with that option, there was no way of knowing where the water was going so it could not be monitored.
- A new meadow was to be established; how long would this take? It was a good position as a meadow was already present. The process to improve the

quality was going to be by using green hay spreading, it would take 5-10 years to achieve a high-quality meadow.

- Why was the biodiversity being carried out offsite? The EA Officers explained that the vision to lower the land and recreate high quality habitat on the land had been agreed by all of the conservation groups in Oxford. They all agreed that by doing it this way, it would be far better than it was now. Detail was given on the matrix and how it worked.
- What was the vision for the end of the scheme for the meadow, a pristine landscape or a meadow as it is now? The plan was for a semi-natural, low intensity management flood plain habitat, all managed with nature principles in mind.
- How many lorries would there be every day? There would be 111 lorries using different accesses per day.
- A lot of residents had talked about sewage in the homes, is the scheme going to prevent this after it is implemented? Thames Water was part of the partnership. The scheme would reduce sewer flood risk.
- Speakers had mentioned the benefits of the pumping system so why was it not used? The scheme used was a passive scheme with minimal risks of it going wrong. A mechanical system such as a pump could go wrong and stop working. The scheme has been kept as simple as possible.
- Was there an impact statement for the traffic around Botley Road? A construction management plan would be in place covering the distribution of lorries and HGV management.
- The scheme is said to take 3-5 years, will there be 111 lorries every day across the full term and would it be in the same direction or both ways? The 111 lorries would be spread across all different accesses and during peak construction, mainly through Parker Road with the majority going north and some south. No earth works would take place over the winter months because of the flood plain and floods.
- The recommendation read that there was a 30-year habitat management plan, what were the views to change this to 100 years? The 30 years had been stipulated and related to the biodiversity net gain plan and was mandatory. EA would manage the landscape. The OCC Planning Officer clarified that the application was not subject to the Biodiversity Net Gain Regulations as this application was not subject to the mandatory requirement for 30 years habitat management, but they were committing to do so anyway.
- What would the temporary re-routing of the Old Abingdon Road look like? This would be a temporary carriageway, a loop below Abingdon Road. This would be one-way and then the other and then reinstated to woodland after taken away.
- Had the new bridge been factored in when considering the impact of traffic in Botley? And will residents be adequately informed of processes? The earth works would take place in the summer months only and other works during the winter months too. The EA were aware of all other works as they were directly linked with infrastructure companies. A Community Liaison Officer would be the first point of contact for residents. Engagement with residents was part of the construction management plan and it was conditioned. Engagement would be through various methods.
- Was 30 years adequate for the habitat management plan? It was explained that 30 years was adequate to implement? the management plan, the

monitoring would feed back into the plan. It was not just about the timeframe; the principle was more important.

- Could the condition during peak times in the construction traffic plan be altered and widened, two hours in the morning and two hours in the afternoon seemed too less and did not encompass the actual traffic times. The traffic management plan was a live document and was regularly monitored and could be changed, in discussion and within reason and if required.
- If the application was to be approved, the recommendation read subject to being referred to the SoS, will that happen? How long would that delay the work? And what weight would the Committee’s decision carry? The advice of the officers was to refer to SoS to see if they wanted to call it in, if it was approved. They may not want to call it in. a decision would possibly come withing 4-6 weeks.
- Was it possible to add a condition that the Planning and Regulation Committee see the landscaping plan including trees and habitats? It was perfectly normal for the Planning and Regulation Committee to make this request, stating which conditions they wished to be referred back to them for approval when applications were made to discharge them.
- The word ‘same’ before standards was missing in condition 30 in Annex 1. Could this be added? This would be amended.

**ACTION: Amend condition as above**

Councillor Gawrysiak proposed to APPROVE the Officers’ recommendation in the addenda with the conditions stated and the addition for the Planning and Regulation Committee to see the landscaping scheme, the tree planting details and the construction traffic management plan, all at a future meeting. This was seconded by Councillor Saul.

A named vote was carried out. Councillors Bennett, Edosomwan, Elphinstone, Fenton, Gawrysiak, Johnston, Saul and Snowden voted for the motion. Councillor Roberts abstained from voting.

**RESOLVED:** that the planning application for the Oxfordshire Flood Alleviation Scheme be **APPROVED** with the additional three requests from the Planning and Regulation Committee.

..... in the Chair

Date of signing .....

## Division Affected – Benson & Cholsey

### PLANNING AND REGULATION COMMITTEE

Date 2<sup>nd</sup> September 2024

**Extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas, using inert fill**

#### Report by Head of Strategic Planning

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

**Location:** Land at White Cross Farm, Wallingford, Oxfordshire

**OCC Application No:** MW.0115/21

**SODC Application No:** P21/S3961/CM

**District Council Area:** South Oxfordshire

**Applicant:** London Rock Supplies Ltd.

**Application Received:** 9th September 2021

**Consultation Period:** 16<sup>th</sup> September – 16<sup>th</sup> October 2021 (First consultation)  
14<sup>th</sup> April – 17<sup>th</sup> May 2022 (First Reg 25 consultation)  
14<sup>th</sup> March – 15<sup>th</sup> April 2024 (Second Reg 25 consultation)  
30<sup>th</sup> May – 29<sup>th</sup> June 2024 (Third Reg 25 consultation)

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Part 1- Facts and Background

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Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

## PART 1- FACTS AND BACKGROUND

### Location (see Plan 1)

1. The application site is located approximately 1.5km to the south of Wallingford town centre within South Oxfordshire District. It is approximately 12 miles (20km) south-east of Oxford and approximately 11 miles (18km) northwest of Reading.



### Plan 1 – Site Location

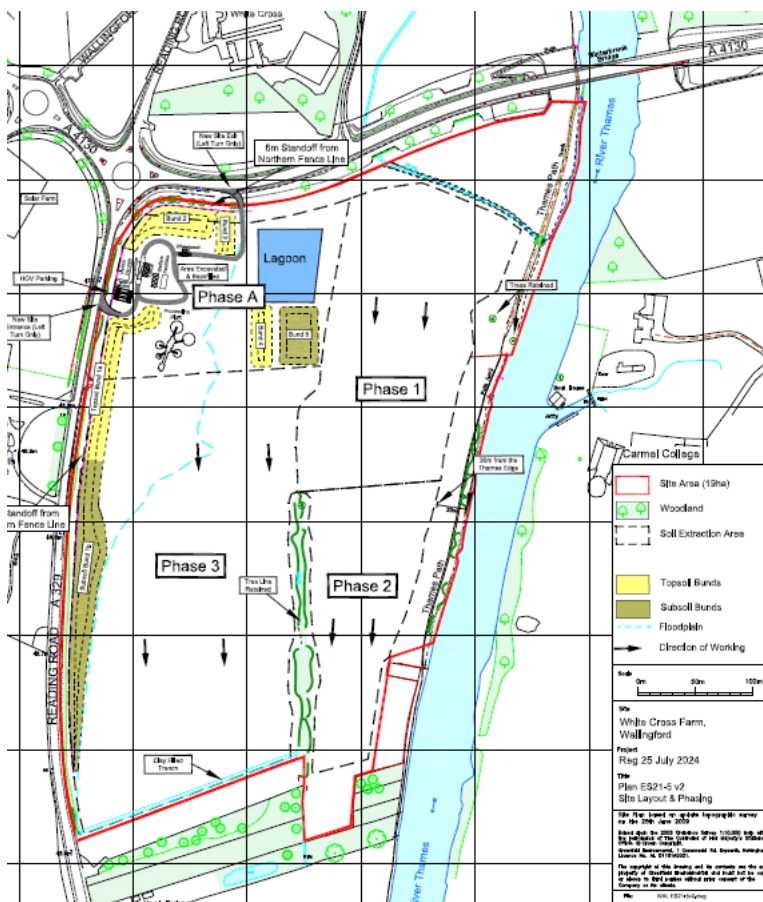
### Site and Setting (see Plan 2)

2. The application site covers an area of 19 hectares. It is broadly rectangular with an irregular southern boundary. It is bounded by the River Thames to the east, Nosworthy Way (A4130) to the north and Reading Road (A329) to the west. It lies in a rural area beyond the boundary of Wallingford town and within the terrace farmlands landscape character area. This is a flat open, farmed landscape overlying river gravel terraces.



3. The site itself is used as grazing land with one field used for crops. There is a derelict barn in the central west section. 45% of the site area is classified as Best and Most Versatile (BMV) Agricultural Land.
4. Figures provided by the applicant state that 12.5 hectares (84%) of the site lies in Flood Zone 3 and 2.3 hectares (16%) lies in Flood Zone 1, with the area in Flood Zone 2 being inconsequential and difficult to measure. A drainage ditch runs north-south through the site, and another one cuts across the north-east corner and discharges into the River Thames. The site is not at increased risk of surface water flooding, except a very small area along one of the ditches in the north of the site, which is at low and medium risk, and another small area in the south west corner of the site, which is at low risk.
5. The Chilterns National Landscape (CNL) (formerly the Area of Outstanding Natural Beauty (AONB) abuts the site, as the boundary incorporates the River Thames which forms the eastern edge of the application site. A tiny part of the site (approximately 0.05 hectare) appears to be within the Chilterns AONB where the AONB boundary runs slightly out from the riverbank. The North Wessex Downs CNL/AONB lies approximately 1.6km to the west and 1.8 km to the south.
6. On the opposite riverbank to the application is Mongewell Park. This estate was occupied by Carmel College, a boarding school, until the 1990s. There are three Grade II listed buildings (Former Church of St John the Baptist, Jewish Synagogue at former Carmel College and Amphitheatre at former Carmel College) and one Grade II\* listed building (Julius Gottlieb Gallery and Boathouse at former Carmel College) within the estate grounds. To the west of the site on Reading Road is a Grade II listed milestone. The former Carmel College site has planning permission to be redeveloped for housing (SODC application reference P11/W2357).
7. The Thames Path national trail runs alongside the River Thames along the eastern edge of application site. There are no other public rights of way within the site itself.
8. The river is around 40 metres wide in this location and used by boaters including those associated with the University of Oxford, Wallingford and Oxford Brookes University Rowing Clubs. There is a measured 2km course for rowing that starts to the north of the application site upstream of the Winterbrook Bridge (A4130 Wallingford bypass) and continues past the application site towards Goring Lock.
9. There are no sites of Special Scientific Interest within 2.5km of the site.
10. The eastern part of the site falls within the Thames Wallingford to Goring Conservation Target Area (CTA).
11. The site is not within the Green Belt. There is no ancient woodland near the site.

12. The closest residential property is Windward House, approximately 80 metres south of the application site. This has a private water supply located approximately 47 metres from the application area. Elizabeth House, a day nursery and preschool is approximately 60 metres west of the application on the opposite of Reading Road (A329). There is also a solar farm between Elizabeth House and Nosworthy Road (A4130).
13. The site is approximately 3km south-west of RAF Benson.
14. To the west of the site, beyond the A329, the solar farm development and Wallingford Road, there is another sand and gravel quarry at New Barn Farm. This lies approximately 200 metres from the application site at the closest point. Permission (MW.0094/16) was granted in 2018 and the site is fully operational with permission for extraction until 2037.



## Plan 2 – Site and Setting

### Planning History

15. A planning application (MW.0033/18) for the extraction of sand and gravel and restoration to a marina providing moorings for 280 boats, was made to OCC in 2018 and refused by Planning and Regulation committee in September 2020<sup>1</sup>.

<sup>1</sup> [Agenda for Planning & Regulation Committee on Monday, 7 September 2020, 2.00 pm](https://www.oxfordshire.gov.uk/agenda-for-planning-and-regulation-committee-on-monday-7-september-2020-2.00-pm) (oxfordshire.gov.uk)

16. Prior to this there was no recent planning history on the site, however, several planning applications were made to the District Council on Land at White Cross Farm in the 1970s and 1980s. These include:
- P85/W0373 - Construction of fish farm – no decision issued
  - P77/W0423 - Erection of stock proof fences around and dividing the land as necessary to enable animals to be kept – permitted 19.01.1978
  - 77/W0190/E - Use for general dealing in incl. buying and dealing in hay, straw, tractors, JCBs etc, general agricultural machinery, trailers, buildings, government surplus and scrap, caravans and lorries, hire of farm equipment, farm contract work and repairs to machinery – Withdrawn 13.09.1978
  - SOW/421/77 - The winning and working of minerals and spoil generally for the construction of an agricultural fish farm – refused 08.03.1978
  - P77/W0169 - Use for fish production for food – withdrawn 11.07.1977
  - P72/R4998 - Site for boat mooring and mushroom cultivation sheds – refused 01.03.1973
17. Immediately south of the site, an application (P22/S4164/FUL) for the change of use of land to informal private leisure use; to include an area allocated to the open storage of non-motorised boats and the siting of a trailer storage shed was made to SODC in November 2022. This was a retrospective application and was refused. An appeal was lodged in October 2023. An enforcement notice (P23/S3506/DA) was served in relation to a material change of use of land from agriculture to a mixed sui generis use of leisure, outdoor education and outdoor therapeutic uses including facilitating development comprising the erection of wooden cabin with raised platform, wooden camping toilet cubicle, wooden sheds, wood stores and tree platform. An appeal was lodged in December 2023.

## **Details of Proposed Development**

18. This application is essentially for the same development previously applied for under MW.0033/18, with the proposals amended to address the reasons for refusal of that application. Most significantly, the restoration and afteruse proposals have been changed so that it is now proposed to restore the land to agriculture and nature conservation using imported inert fill. The marina afteruse is no longer proposed.

### Mineral Extraction

19. It is proposed to extract 550 000 tonnes of sand and gravel in 5 phases (A, 1, 2, 3 and 4) over a 5-year period, from a 15.5-hectare area within the 19-hectare site. It is anticipated that the annual output would be 140 000 tonnes. The site would be restored using 280 000 cubic metres of imported inert fill material. 180 000 cubic metres of soils and overburden would need to be removed in order to extract the mineral and replaced during the restoration. It is anticipated that the sand and gravel deposits are between 2 and 4 metres deep and the overburden is around 1-1.5 metres deep. Therefore, the total maximum depth of working

would vary across the site from a maximum of approximately 7 metres to around 3.5 metres adjacent to the Thames.

20. Mineral would be excavated using a tracked excavator, which would load the dug material onto a series of dump trucks. The dump trucks would take the material via internal haul roads to a stockpiling area adjacent to the processing plant. The first area to be stripped and extracted would be Phase A, where the plant would be located. Mineral would be extracted, and the area backfilled with inert fill, prior to constructing the site facilities and processing plant.
21. Extraction would then take place in a southerly direction in the eastern part of the site (Phases 1 and 2) and in a southerly direction in the western part of the site (Phase 3). The excavation would be dewatered and worked dry. This would also allow the void to be lined and backfilled with restoration materials. The water pumped from the excavation would enter a lagoon located in Phase A and measuring 66 metres by 55 metres by 5 metres deep. From there it would be discharged to the Thames via a ditch on the north-east boundary.

#### Processing Plant Site

22. Mineral would be washed and screened on site. The plant area would be established in the north-west part of the site, outside of the flood zone 3 in close proximity to the proposed new access and exit to the highway. Sand and gravel would be stored in temporary stockpiles, then processed through the plant. The washed and graded product would be loaded onto HGVs and transported. The plant site would include a weighbridge, car parking for 15 cars, HGV parking for 8 HGVs, an office building and a canteen building providing mess room and welfare facilities.
23. The full details of the processing plant have not been provided, but a plan has been submitted showing a typical processing plant layout. This shows a plant with a maximum height of 10.3 metres. The total area taken up by the typical processing plant including feed hopper and stockpiles of processed material is 43 metres by 54 metres.
24. Provisional elevations of the office and amenity portacabin structure have been submitted. This would be 9.7 metres long, 3.6 metres wide and approximately 2.5 metres high. The canteen unit would also be a portacabin and would be 8.5 metres long, 3.6 metres wide and approximately 2.5 metres high. Each structure would have a door and windows. A weighbridge office is also proposed. A plan of a typical weighbridge office building has been provided, showing a building which is 9.5 metres long, 2.5 metres wide and 3.3 metres high.
25. The plant site would have external lighting around the offices, plant and workshop areas.
26. Surface water run-off from the plant area would drain to the main site lagoon.

27. Soils and overburden would be stored in landscaped bunds in the north-west part of the site, out of the floodplain. There would be landscaped bunds on either side of the new access from the A4130 and running along the western site boundary south of the new exit onto the A329. There would also be an area for soil storage within the area south of the plant site reserved for stockpiling of extracted material. Topsoil bunds would be 3 metres high and subsoil bunds 5 metres high. Extracted material would be stored in a stockpile of up to 10 metres high.

#### Restoration

28. Restoration using inert fill would take place progressively, with restoration being commenced in each phase once extraction is complete, i.e. whilst Phase 2 was being extracted, Phase 1 would be being restored. Phase A would be the last area to be restored, once the processing plant was no longer required.
29. Following the completion of extraction, it would take a further year to complete restoration of the site. The western part of the site would be restored to agriculture with hedgerows, using imported inert fill to raise land to original levels. The eastern part of the site would be restored to nature conservation, incorporating reedbeds, marshland and floodplain grazing marsh. The applicant has proposed long term management of the restored site for 30 years.
30. It is proposed that the internal haul roads would be retained following restoration to allow agricultural access.

#### Traffic and Access

31. A new access into the site would be created off the A329 and a new exit would be constructed onto the A4130. Vehicles would turn left from the A329 westbound into the site. All traffic leaving the site would turn left onto the A4130 westbound to the roundabouts. Whilst the new access roads were under construction, access to the site would be from the existing agricultural entrance off the A329, using a banksman.
32. It is anticipated that there would be an average of 56 (28 in, 28 out) HGV movements per day when mineral extraction was solely occurring and an average of 66 (33 in, 33 out) HGV movements per day associated with extraction and infilling when both in occurrence. The import of fill would not generate significant additional movements, because vehicles importing fill would export aggregate. During busy periods the total could rise to a daily maximum of 100 (50 in, 50 out) HGV movements per day but conversely during slower periods they would be considerably less.
33. The site access from the A329 would be surfaced with asphalt for 30m. The road to the processing plant would be hard surfaced with imported hardcore material. An exit ramp would be constructed to raise the exit road to the A4130. The last 30m of the exit road onto the highway would be level and surfaced in asphalt.

### Further Details

34. A 30-metre margin would be left undisturbed between the River Thames and the extraction area. There would be a post and wire fence 15 metres from the bank, to prevent access from the Thames Path into the extraction area.
35. The proposals would result in the loss of six trees and seven groups of trees. None of the trees to be removed are classified as a veteran tree. Most of the vegetation within the centre of the site would be lost, although a linear vegetation feature running north-south across the site would be retained. Boundary vegetation would generally be retained, except where removal is necessary for access and an area of blackthorn scrub at the southern end of the site.
36. Stripped soils would be stored in bunds. Topsoil bunds would be no higher than 3m and subsoil bunds no higher than 5m.
37. The development would generate 8-10 additional jobs onsite.
38. Hours of working would be 7am-6pm Monday to Friday, 7am – 1pm on Saturdays with no working on Sundays or Bank/Public holidays.
39. Groundwater levels would be monitored within boreholes on the site boundary during dewatering. Water levels would be compared to trigger levels within a Water Management Scheme. Monitoring would also take place in at the well at Windward House.
40. It is proposed to use straw bales to mitigate visual impacts of the Thames Path, the River Thames and the Chilterns AONB. These would be set back approximately 30 metres from the bank of the river.

### **Environmental Impact Assessment**

41. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted with the application. This covers the range of potential environmental impacts of the proposal. A summary of the findings can be found in Annex 5.

## **PART 2 – OTHER VIEWPOINTS**

42. The full text of the consultation responses can be seen on the e-planning website<sup>2</sup>, using the reference MW.0115/21. These are also summarised in Annex 3 to this report.

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<sup>2</sup>Click here to view application [MW.0115/21](#)

43. 351 third-party representations were received. One of these supported the application and the others were objecting or expressing concerns. The points raised are addressed in Annex 4. The main concerns raised included the impacts on the River Thames, the Thames Path, and the biodiversity and amenity value of the application site. There were concerns about noise, dust and visual impacts. Concerns were raised about whether another quarry is needed in the local area and that recycled aggregate should be used instead. There were concerns about impacts on groundwater and flooding from the infill and earthworks. There were concerns about HGV traffic and impacts on the A4130.
44. Following the first period of consultation, the applicant was asked for further information on a range of topics including transport, biodiversity, landscape, flooding, groundwater, drainage, air quality, noise and climate change. This was provided and a further consultation was held in April and May 2022. The further information included revised phasing and application plans.
45. Following the second period of consultation, the applicant amended the detail of the restoration proposals to address concerns raised by the MOD with regard to bird strike risk. Further plans were submitted in response to comments from the OCC Landscape Officer, detailing the relationship between the extraction limits and the soil bunds to the root protection zones for retained trees and vegetation. The applicant also liaised with the Environment Agency to overcome their flood-risk objection. Once the Environment Agency had informally indicated that they were satisfied with the flood modelling and would remove their objection, further documentation on flood modelling was formally submitted.
46. A third period of consultation was held in March and April 2024, to seek views on all changes and additional information since the May 2022 consultation. No new issues were raised during this consultation, and the Environment Agency formally confirmed that they no longer object.
47. A fourth period of consultation was necessary in June 2024, because it became clear that the documents submitted for the third consultation were not consistent with each other with regards to the restoration proposals. Following this consultation, the Environment Agency, MOD, and OCC Ecologist confirmed that they have no objections. There remains an objection from SODC and from the OCC Landscape Officer, as well as from local town and parish councils, the Chilterns Conservation Board and the local community.
48. Slightly amended plans were submitted in July 2024 because the Tree Officer was concerned that plans did not accurately show the proposed standoff between the workings and retained vegetation. As the changes to the plans were very minor and did not move any bunds or stockpiles into an area of

greater flood risk, it was considered that these amended plans could be accepted without the need for further consultation.

## **PART 3 – RELEVANT PLANNING DOCUMENTS**

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

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

#### **Development Plan Documents**

50. 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)
- South Oxfordshire Local Plan 2035 (SOLP)

51. 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 sets out the strategic and core policies for minerals and waste development, including a suite of development management policies.

52. 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.

53. Cholsey Neighbourhood Plan (CNP) was made (adopted) in April 2019 and covers the whole of Cholsey Parish, including the application site.

#### **Emerging Plans**

54. Work had commenced on the OMWCS Part 2 – Site Allocations, although it was at an early stage. However, in December 2022, the Oxfordshire Minerals and Waste Local Development Scheme (13th Edition) (OMWDS) was approved at Cabinet. This sets out a process for pursuing a new Minerals and Waste Local Plan which will combine Part 1 and Part 2, and upon adoption will replace the OMWCS 2017. The emerging OMWLP is scheduled for submission in March 2025 and there are no draft policies to consider at this time. The OMWCS 2017 remains part of the Development Plan, until the adoption of a new OMWLP.



55. South Oxfordshire and Vale of White Horse District Councils are working together to prepare a new Joint Local Plan 2041. Once adopted, the Joint Local Plan 2041 will replace The South Oxfordshire Local Plan 2035. As the draft plan progresses it will begin to carry some weight in decision making, according to its stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency with policies in the National Planning Policy Framework. A 'Preferred Options' consultation took place in early 2024. The Preferred Options document includes draft policies; however, these have very limited weight due to the stage that the plan is at. It is anticipated that a full draft plan will be published for a further consultation in autumn 2024.

### **Relevant Development Plan Policies**

56. The OMWCS policies most relevant to the consideration of this application are:

- M2 - Provision for working aggregate minerals
- M3 - Principal locations for working aggregate minerals
- M5 – Working of Aggregate Minerals
- 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 & Economy
- C6 – Agricultural Land and Soils
- C7 - Biodiversity and Geodiversity
- C8 - Landscape
- C10 - Transport
- C11 - Rights of Way

57. The SOLP policies most relevant to the consideration of this application are:

- STRAT1 – The Overall Strategy
- WAL1 – The Strategy for Wallingford
- EMP10 – Development in Rural Areas
- INF1 – Infrastructure Provision
- TRANS2 - Promoting Sustainable Transport and Accessibility
- TRANS4 - Transport Assessments, Transport Statement and Travel Plans
- TRANS5 - Consideration of Development Proposals
- TRANS7 – Development Generating New Lorry Movements
- INF4 – Water Resources
- ENV1 – Landscape and Countryside
- ENV2: Biodiversity – Designated Sites, Priority Habitats and Species
- ENV3 – Biodiversity

- ENV4 – Watercourses
- ENV5 – Green Infrastructure
- ENV6 – Historic Environment
- ENV7 – Listed Buildings
- ENV9 - Archaeology and Scheduled Monuments
- ENV12 – Pollution and Amenity
- EP1 – Air Quality
- EP4 – Flood Risk
- EP5 - Minerals Safeguarding Areas
- DES6 - Residential Amenity
- DES7- Efficient Use of Resources

58. None of the saved OMWLP are relevant to the consideration of this application. The saved policies are all site-specific and none of them apply to the area proposed in this planning application.
59. Although Neighbourhood Plans cannot cover minerals and waste development, some policies from the CNP have relevance, including:
- E1 - Landscape
  - E2 – Riverside Recreation
  - E3 – River Thames and Thames Path
  - EP4 – Flood Risk
  - E4 – Historic Environment
  - T1 – Walking and cycling

### **Other Material Considerations**

60. The current version of the National Planning Policy Framework (NPPF) was published in December 2023 and relevant sections include those on facilitating the sustainable use of minerals, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment.
61. There is a current consultation on a revised NPPF. This is a material consideration which carries very limited weight and full weight should be given to the current version of the NPPF pending the completion of the consultation period and any revisions then made to it.
62. Relevant sections of the Planning Practice Guidance (PPG) include specific advice on matters including flood risk, minerals, conserving and enhancing the historic environment, determining a planning application and natural environment.

63. The AONB Management Plans are material considerations in the decision-making process. The AONB Management Plans and position Statements for the Chilterns and North Wessex Downs are of relevance due to the location of the site within the setting of both AONBs.
64. The Chilterns AONB Management Plan (CMP) policies most relevant to the consideration of this application are:
  - DP3 – Major Development in the AONB
  - DP4 – Development in the Setting of the AONB
  - Position Statement – Development Affecting the Setting of the AONB

## **PART 4 – ASSESSMENT AND CONCLUSIONS**

### **Comments of the Head of Strategic Planning**

65. The NPPF sets out a presumption in favour of sustainable development, which is reflected in OMWCS policy C1. 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.

#### **Need for Mineral Extraction**

66. The NPPF contains a 'presumption in favour of sustainable development,' and Section 17 specifically promotes 'facilitating the sustainable use of minerals.' It clearly sets out at paragraph 217 that when determining planning applications, local planning authorities should 'give great weight to the benefits of mineral extraction, including to the economy.'
67. Paragraph 219 of the NPPF states that minerals planning authorities (MPAs) should plan for a steady and adequate supply of aggregates by, amongst other things; maintaining landbanks of at least 7 years for sand and gravel and ensuring that large land banks bound up in very few sites do not stifle competition.
68. OMWCS policy M3 states that the principal locations for sand and gravel extraction will be within three identified strategic resource areas. This site lies within the Thames & Lower Thames Valleys –Oxford to Cholsey Strategic Resource Area and therefore this location complies with the locational strategy set out in this policy.
69. OMWCS policy M3 goes on to state that the OMWLP Part 2 will allocate specific sites for new quarries within the strategic resource areas. There is currently no Part 2 Plan to consider. In the absence of allocated sites, new sites must come forward as planning applications to maintain mineral supply.
70. OMWCS policy M2 sets out the quantities of sand and gravel needed in order to maintain landbanks of at least 7 years for sharp sand and gravel. The most

recent Local Aggregate Assessment (LAA) published in September 2023 sets out that Sharp Sand and Gravel reserves at the end of 2022 were 9.607 million tonnes. The LAA also identifies an Annual Provision Rate (APR) of 0.986 million tonnes per annum, which means that Oxfordshire had a Sharp Sand and Gravel landbank of 9.74 years at the end of 2022.

71. This is above the 7-year minimum landbank required by the NPPF. However, the policy team have considered permissions granted and estimated sales since the end of 2022 to calculate the landbank position at the end of 2023 of 7.8 years. This figure will be included in a report to the council's Cabinet in October 2024 on the Local Aggregates Assessment for the calendar year of 2023. There will have been further sales during 2024 but the information to inform the level of these is not yet available and so this is considered the best available figure for the landbank at the current time. Therefore, at the time of determining this application in 2024, the landbank has not fallen below the 7-year minimum but in the absence of any further planning permissions having been granted during 2024 and ongoing sales then it is likely to do so. The PPG on Minerals, paragraph 82, states that low landbanks may be an indicator that suitable applications should be permitted as a matter of importance. Planning and Regulation resolved to grant permission for MW.0027/22 for the Oxford Flood Alleviation Scheme in July 2024. This would involve removal of approximately 12 300 tonnes of sand and gravel from the site. However, permission has not yet been issued and this quantity of mineral would not have a significant impact on the landbank position.
72. This development would provide 0.55 million tonnes, which at the APR rate of 0.96 million tonnes would add less than one year's additional landbank. Therefore, by the end of 2024 there would still be the need for additional sand and gravel permissions to maintain the landbank above the 7-year minimum, even if this is granted planning permission.
73. Two other applications for sand and gravel extraction are currently with the County Council for determination, however, these were submitted in 2024 and are therefore at an earlier stage in the process and not yet ready for decision. There is an application for an extension to Gill Mill Quarry (MW.0057/24), which would provide an additional 1 million tonnes, and extension to Sonning Quarry (MW.0036/24) which would provide an additional 2.5 million tonnes. Should these applications be approved, the landbank position would be different. However, the landbank needs to be considered as it is at the time of making this decision, and it cannot be assumed that any other application would be approved.
74. The PPG makes it clear that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits (paragraph 84). It goes on to set out reasons why an application for mineral extraction might be brought forward where an adequate landbank exists, these include:
  - Significant future increases in demand that can be forecast with reasonable certainty;

- The location of the consented reserve is inappropriately located relative to the main market areas;
  - Known constraints on the availability of consented reserves that might limit output over the plan period.
75. OMWCS policy M2 also states that the need to maintain sufficient productive capacity to enable the rates of sand and gravel provision to be realised will be taken into account. This is because if a large part of the landbank is coming from one or two sites, it may not be possible to produce the annual requirement. In Oxfordshire, a significant proportion of the sand and gravel landbank is contained in one site (Gill Mill), which has a large reserve but has a production capacity of 450 000 tonnes per annum and permission until 2040. Therefore, the ability to meet the annual requirement could become limited by production capacity. This proposal would produce around 140,000 tpa from a new site, which would assist in maintaining adequate production capacity whilst it was operational.
76. OMWCS policy M3 sets out that the sites allocated to meet the requirement in policy M2 will be located such that approximately 75% of the additional tonnage requirement is in southern Oxfordshire, to achieve an approximately equal split of production capacity between northern and southern Oxfordshire by 2021. This part of the policy relates to how sites will be allocated in Part 2 of the Oxfordshire Minerals and Waste Local Plan and is not directly relevant to making decisions on planning applications. However, this proposal would provide additional sand and gravel production capacity in the south of the county, which is in line with the aspiration driving this policy to increase the tonnage of sand and gravel from the south of Oxfordshire, in order to achieve an equal split in the future. There is also significant growth taking place in the Wallingford area, meaning that the site is well located to a source of demand for the building materials produced, although it should be noted that there is an existing, active sand and gravel quarry in very close proximity to the application site at New Barn Farm.
77. OMWCS policy M5 states that prior to the adoption of the OMWLP Part 2, permission will be granted for the working of aggregate minerals where it would contribute towards the requirement for provision in M2 provided that the location strategy in policy M3 and the requirements of policies C1-C12 are met.
78. The locational strategy in policy M3 is met, therefore, subject to assessment of the details of the proposal against policies C1-C12, the OMWCS supports mineral extraction in this area as it is within an identified strategic resource area and the mineral that it would provide would assist in maintaining Oxfordshire's landbank and a steady supply of mineral.

## **Location**

79. As set out above, the site is in accordance with OMWCS policy M3 regarding the location of sand and gravel quarries. This is the most relevant locational policy as it directly relates to the type of development proposed.

80. SOLP policy STRAT1 sets out that the overall strategy includes supporting the role of Wallingford by maintaining the attractiveness of its town centre and supporting and enhancing the role of larger villages including Cholsey. It states that the countryside will be protected, particularly within the AONBs.
81. Concerns have been raised that this proposal would not protect the countryside, which is valued in this location for recreation. However, minerals can only be worked where they are found and this development would be temporary for approximately 6 years (5 years of extraction plus completion of restoration). The development would be phased, ensuring that only part of the site would be active at any time and the countryside would be protected in the long term through the imposition of restoration conditions. The site is not within an AONB, although it is adjacent to the boundary of one and in close proximity to another. Overall, it is considered that although SOLP policy STRAT1 does not support these proposals, there is no significant conflict either, particularly as it does not specifically seek to provide a strategy on minerals development.
82. SOLP policy EP5 confirms that minerals are a non-renewable resource, therefore, to safeguard future potential extraction, development will be directed away from identified Minerals Safeguarding Areas. This policy is not specifically relevant to the proposal but does confirm that the SOLP recognises that minerals can only be worked in certain locations.
83. SOLP policy WAL1 states that SODC will support proposals which; improve the attraction of Wallingford for visitors with emphasis on the River Thames, address air quality issues in the town centre and provide new employment opportunities. Whilst this proposal would not improve the attractiveness of Wallingford, it is not considered that it would significantly detract from it either. The application site is located some distance from the centre of Wallingford and although there would be impacts on the riverside including adjacent to the Thames Path, these would be temporary for the duration of extraction and restoration activities.
84. SOLP policy EMP10 states that proposals for sustainable economic growth in rural areas will be supported. The proposal would lead to a modest number of new jobs in the local area for a temporary period. It would also generate indirect employment in associated activities, such as mineral transportation.

### **Restoration and Aftercare**

85. OMWCS policy M10 expects mineral sites to be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. The restoration of the site to agriculture and nature conservation is considered to be appropriate at this site, which currently comprises 45% BMV agricultural land. The restoration of part of the site to nature conservation is also appropriate as it is located in a Conservation Target Area adjacent to the wildlife corridor created by the River

Thames and this would contribute towards an overall increase in biodiversity in Oxfordshire. This proposal removes the previous conflicts with this policy generated by the previous proposal to restore to a marina.

86. OMWCS policy W1 states that provision will be made to provide capacity to allow Oxfordshire to be net self-sufficient in the management of its principal waste streams. The proposal would provide additional capacity to manage inert waste which cannot be managed higher up the waste hierarchy. This is supported by policy W1.
87. OMWCS policy W2 sets targets for the diversion of waste from landfill, including a target that 25% of inert construction, demolition and excavation waste should be diverted to 'permanent deposit of inert waste other than for disposal to landfill'. The proposal would help to meet this target.
88. OMWCS policy W6 states that priority will be given to the use of inert waste that cannot be recycled as infill material to achieve satisfactory restoration of quarries. Permission will not otherwise be granted for development that involves the permanent disposal of inert waste on land unless there would be overall environmental benefit. The proposals therefore accord with this policy, providing that the waste used could not be recycled, as inert waste would be used to achieve an appropriate restoration by ensuring that best and most versatile agricultural land could be returned to productive use and that the rest of the site would be returned to appropriate nature conservation use delivering biodiversity enhancements.
89. SOLP policy ENV5 states that development should contribute towards the provision of additional green infrastructure and protect existing green infrastructure. The provision of areas to be managed for nature conservation as part of the restoration, is considered to improve the provision of green infrastructure compared to the current agricultural use, in accordance with this policy.
90. Overall, the proposals to restore the quarry using inert fill to return the site to agriculture and nature conservation use, are considered to be supported by development plan policy. Returning the site to its current landform and these uses after working would also limit the impact of the proposals on the landscape in the longer term.
91. The MOD originally expressed concern that the restoration proposals could lead to an increased risk of bird strike for air traffic from RAF Benson, as the new habitats could attract hazardous bird species. The restoration proposals were amended to remove the scrapes and the MOD has no objection, subject to goose proof fencing adjacent to the Thames and a commitment to fence the area of reed and wet woodland. This can be secured by condition. The submitted Bird Management Plan is also required to be implemented in perpetuity, a Section 106 agreement would be needed to secure this. Consultation has taken place to confirm that the amended restoration proposals are also acceptable in terms of biodiversity and flood risk.

## Landscape & Visual Impacts

92. Policy C5 of the OMWCS expects proposals for minerals and waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment, amenity, human health and safety and the local economy including through visual intrusion and light pollution, amongst other things.
93. Policy C8 of the OMWCS states that proposals for mineral and waste development shall demonstrate they respect and where possible enhance local landscape character. Proposals shall include adequate and appropriate measures to mitigate impact on the landscape, which should include careful siting, design and landscaping. It also states that where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts. It states that great weight will be given to conserving the landscape and scenic beauty of AONBs and high priority will be given to the enhancement of their natural beauty. Proposals for minerals development 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.
94. SOLP policy ENV1 states that the landscape and countryside will be protected from harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of landscapes, in particular: trees, hedgerows, the landscapes, waterscape, cultural heritage and user enjoyment of the River Thames, important views, areas of historic value and aesthetic features such as tranquillity, wildness, intactness, rarity and enclosure. It states that the highest level of protection will be given to the AONBs and development affecting the setting of an AONB will only be permitted where it conserves, and where possible, enhances the character and natural beauty of the AONB.
95. Background information on the local landscape character can be found in Oxfordshire Wildlife & Landscape Study (OWLS), SODC Landscape Character Assessment (SODC LCA) (2017), the management plans of the Chilterns AONB Conservation Board and the North Wessex Downs AONB, and the Cholsey Neighbourhood Plan. These also offer recommendations of how the local character can be conserved and strengthened.
96. Under OWLS, the western, slightly higher lying part of the site lies within the Landscape Character Type: Terrace Farmland and the Local Landscape Character Area: Wallingford (WH/29). The eastern part lies within the Landscape Character Type: River Meadowlands and the Local Landscape Character Area: Lower River Thames (WH/1). The key characteristics for the Terrace Farmland include low-lying gravel terraces, large regularly shaped field patterns and localised tree lined ditches. Key characteristics for the River Meadowlands include flat, low-lying topography, seasonally flooded alluvial floodplains, grazing meadows, small fields of pasture and riparian character with strong pattern of riverside willows and tree-lined ditches. The Landscape



Strategy recommendations comprise the strengthening of hedgerows, hedgerow trees and water courses, and the conservation of the tranquil, small-scale, intimate pastoral character and visual unity of river corridors. Related to this biodiversity recommendations seek the safeguarding of surviving priority habitats and the maintenance and enhancement of locally important habitats in a way that is appropriate to the landscape character of the area.

97. Under the SODC LCA, the site is located in Landscape Character Area 4 - River Thames Corridor and Landscape Type Flat floodplain pasture. It highlights in its guidelines for mitigation of mineral extraction that visual impacts should be minimised by judicious planting of characteristic species. It also states the requirement for sympathetic restoration and management, and the need to maintain high standards of restoration of gravel pits to accommodate a range of after-uses that integrate successfully with the character of the surrounding landscape.
98. CNP policy E1 states that Cholsey's landscape, countryside and rural areas will be protected against inappropriate development and where possible enhanced. Great weight will be given to conserving landscape and scenic beauty within the AONB and elsewhere proposals will only be supported where it would promote small scale economic growth which promotes the conservation and enhancement of the countryside.
99. The NPPF paragraph 182 requires that great weight is given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty. Paragraph 183 requires permission for major development in the AONBs to be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
100. The Chilterns AONB Management Plan (CMP) policy DP3 reflects the NPPF in stating that proposals for major development within the AONB will be refused unless there are exceptional circumstances and where there is a clear demonstration it is in the public interest.
101. NPPF footnote 64 sets out that 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. This proposal is considered to be major development for the purposes of NPPF paragraph 183. However, the application site is not within the AONB, except for a small area covering approximately 550 m<sup>2</sup> where the boundary of the AONB diverges very slightly from following the riverbank but there is no actual mineral extraction or other development proposed in this part of the application site.. Therefore, the development is not considered to be 'major development in the AONB' and does not need to be considered against NPPF paragraph 183.
102. The application site is in the setting of the AONB. CMP policy DP4 states that in the setting of the AONB, full account should be taken of whether proposals harm the AONB. For example, development of land visible in panoramic views

from the Chilterns escarpment, or which generates traffic in or travelling across the AONB.

103. Section 245 of the Levelling Up and Regeneration Act places on local authorities a duty to further the statutory purposes of AONBs. Further guidance on how this should be applied is awaited.
104. The OCC Landscape Officer originally objected to the proposals, stating that it would introduce an industrial use associated with noise, dust, heavy machinery and HGV movements into a rural area in the setting of the Chilterns AONB. She considered that it would have an adverse effect on the local character and views and would significantly affect the views and experience of users of the Thames Path. Additional landscape information was submitted, including details of mitigation and a further consultation was held. However, the Landscape Officer maintained her objection. She stated that she believed the landscape effects and some of the visual effects during operation were underestimated in the LVIA, and that whilst the proposed mitigation would assist in reducing effects on selected receptors, they would not be fully effective in mitigating adverse effects on local landscape character, due to the site's sensitive location and the intrusive nature of the development. Due to the objection from the Landscape Officer and the significance of these comments to the decision on this application, the full comments are provided in Annex 7 to this report for ease of reference.
105. OMWCS policy C8 requires that proposals that would be within, or significantly affect, an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. The Landscape Officer has not described the impact on the AONB as significant, although it would be adverse. Notwithstanding this, in my view the proposal does take into account the site's location in the setting of the AONB and has had regard to the Chilterns AONB Management Plan, for example by including a 30 metre buffer between the extraction and the bank of the Thames, which is also the AONB boundary, and proposing straw bales to visually screen the operational areas from the AONB, river and Thames Path. However, it is considered that despite these mitigations the development would have adverse landscape impacts in a sensitive location which is adjacent to the River Thames and Thames Path and within the setting of the AONB. Impacts on the Thames Path are described by the Landscape Officer as significant. These impacts would be temporary for the duration of extraction and restoration and there would be no long-term landscape impacts. However, the OCC Landscape Officer considers that the restoration would only deliver a slight to moderate uplift in landscape and visual terms compared to the current situation, not justifying the operational impacts of the development on landscape character, views and the AONB.
106. OMWCS policy C8 requires proposals to respect the local landscape character and to include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. The Landscape Officer's view is that the proposal is contrary to this policy, because the site is sensitive in landscape and visual terms, and

adverse landscape and visual effects would not be effectively mitigated during operation. The policy goes on to state that where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts. In this case, the adverse impacts have not been described by the Landscape Officer as significant. The Landscape Officer has advised that in this case, compensatory measures are unlikely to be appropriate because the development would not result in residual landscape or visual effects in the long-term. Therefore, the proposal does not fully accord with OMWCS policy C8

107. The second part of OMWCS policy C8, and NPPF paragraph 182 both require great weight to be given to conserving the landscape and scenic beauty of AONBs. This development would lead to significant effects on the site's landscape character, creating a tension with OMWCS policy C8 and the Chilterns AONB Management Plan policy DP4 due to the harm they would cause to the setting of the AONB in this location.
108. The proposal is also considered to not fully accord with SOLP policy ENV1 because it would not conserve the character and natural beauty of the AONB, and would not protect features contributing to the quality of the landscape, or the enjoyment of the River Thames, or the tranquillity of the area.
109. Neighbourhood plans cannot cover minerals development; however the policies may have some relevance. The proposals are not supported by CNP policy E1 as they would lead to adverse impacts on Cholsey's landscape and countryside.
110. The application originally proposed external lighting which would remain on all night around the site offices, for security reasons. Through further discussion with the applicant, they have accepted that this is not necessary and have agreed that they would accept a condition restricting the use of external lighting to reduce potential impacts on the local landscape and ecology. It is considered that such a condition would serve to mitigate one element of the potential landscape impacts during the quarrying phase.
111. The application originally proposed to retain the quarry haul road in the landscape post-restoration, for agricultural purposes. This element would represent a continued impact on the landscape following the end of the active quarrying phase. Following further discussion, the applicant has agreed that they would not need the haul road to be retained. Instead, they propose to remove the haul road and retain a short section of farm access track set between two hedgerows to provide the landowner with access to riverside grazing land in the long term. This would be the re-instatement of an existing feature, with additional landscape planting benefits. On that basis, I am satisfied that the most significant landscape impacts would be temporary for a relatively short time period.

#### Landscape Mitigation

112. Notwithstanding, the landscape objection, the Landscape Officer has requested a number of landscape conditions be added to any permission that may be granted. It is proposed to retain boundary vegetation as far as possible, protect retained trees through fenced construction exclusion zones and to restore lost canopy and vegetation over time, through the implementation of the restoration plan. This is considered to be an acceptable approach, subject to conditions to secure the replacement planting and tree root protection zones.
113. The Landscape Officer has reservations about the proposed use of straw bales to mitigate visual impacts on the River Thames, Thames Path and AONB, although the applicant has declined to remove these from the proposals, stating that they are commonly accepted and appropriate in the location given their flexibility to be moved as the works progress and agricultural appearance. If permission is granted, a condition should be imposed for full details of the proposed boundary treatment. If straw bales are to be used this should include location, height, size of individual bales, method of securing and replacement timeframe.

#### River Thames

114. SOLP policy ENV1 states that development will only be permitted where it protects and, where possible enhances the landscapes, waterscape, cultural heritage and user enjoyment of the River Thames. SOLP policy ENV4 states that development adjacent to a watercourse must protect and where possible enhance the function and setting of the watercourse. There should be a minimum buffer of 10 metres.
115. OMWCS policy C4 states the River Thames should be adequately protected from unacceptable adverse impacts.
116. The proposals would have an adverse impact on the section of the River Thames and the Thames Path National Trail that run adjacent to the site. However, these impacts would be temporary. Mineral can only be worked where it is found, and sand and gravel is found in river valleys. Although these policies do not support the proposals, given the temporary nature of the impacts and the potential to mitigate impacts through conditions, it is not considered that there is a significant conflict.

#### Landscape Conclusions

117. Overall, taking into account the objection from the Landscape Officer, the proposals are considered not to accord with landscape policies, including OMWCS policy C8, SOLP policy ENV1 and CNP policy E1, because they would not respect or enhance the local landscape character and would adversely affect the setting of the AONB and River Thames. These policies, and the NPPF, require great weight to be given to conserving the landscape of the AONB and whilst this site is not within the boundary other than the very small element as set out above, it is within the setting.

118. However, the most significant landscape impacts would take place during the operational period and during the implementation of restoration, which is a relatively short timeframe. The impacts on the landscape must be balanced with all other relevant policy considerations, including the need for the mineral.

## **Biodiversity**

119. Policies C7 and M10 of the OMWCS taken together expect mineral and waste development, including the restoration of mineral workings, to conserve biodiversity and, where possible, deliver biodiversity net gain. OMWCS policy C7 also states that long term management arrangements for restored sites shall be clearly set out and included in proposals, which should include a commitment to ecological monitoring and remediation.
120. SOLP policy ENV2 states that development likely to result in the loss, deterioration or harm to priority habitats and species, Conservation Target Areas, important hedgerows or ancient woodland or veteran trees, will only be permitted if the need for the development in the location outweighs the adverse effect.
121. SOLP policy ENV3 states that development that will conserve, restore and enhance biodiversity will be supported. There should be no net loss of biodiversity and there should be a net gain where possible.
122. Whilst the development would lead to the removal of habitat in the short term, the site is not especially sensitive in terms of ecology and the restoration proposals would increase the biodiversity value of the site. The impacts of the development on ecology could be mitigated through the use of conditions to ensure a phased approach and to address any specific impact on species.
123. Following the submission of further information as requested, there has been no objection from the OCC Ecology Officer. There were queries initially about the application of the Biodiversity Net Gain (BNG) metric, however the Ecologist was ultimately satisfied that, whilst the site is not subject to mandatory BNG as the application was submitted in 2021, the proposals should deliver biodiversity net gain in excess of 10%. Conditions can be used to address protected species.
124. A number of representations have expressed concern about the impacts on wildlife. Although there would be a short-term impact on habitats and species, the proposals are considered to be acceptable in terms of ecological impact as there would be long-term benefits following the restoration of the site, and conditions could be applied to protect wildlife during the operational phase. There would need to be a condition for a Habitat Monitoring and Management Plan for a period of 30 years to ensure that the benefits for ecology were delivered as planned with the provision of an associated monitoring fee through a section 106 Legal Agreement.

125. Due to the length of time between the submission and determination of this application, the ecological surveys submitted as part of the ES are more than three years old at the time of making a decision. However, the applicant's ecologist has provided a letter, informed by a site walkover, confirming that there has been no change in the status of habitats since the previous ecological appraisal. The OCC Ecologist is satisfied with this, subject to pre-commencement conditions for updated surveys.
126. Subject to the conditions recommended by the Ecology Officer and a legal agreement for long term management of the site for 30 years post-restoration, the proposals are considered to be in accordance with OMWCS policies C7 and M10 and SOLP policy ENV2 and ENV3.

### Trees

127. SOLP policy ENV2 specifically protects important hedgerows, ancient woodland or veteran trees. An Arboricultural Report has been submitted with the application which identifies which trees would need to be removed and confirms that these are lower quality. It states that higher quality trees adjacent to the works could be retained with appropriate mitigation measures. It concludes that the implementation of the restoration plan would enhance lost canopy and vegetation cover over time.
128. SODC and the OCC Tree Officers expressed concerns that the Arboricultural Report wasn't consistent with the phasing plans. Updated information was provided to clarify the proposed root protection zones. The OCC Arboricultural Officer has confirmed that the information demonstrates that sufficient distance can be maintained between the trees to be retained and the limits of excavation and bunds. However, updated phasing plans are still required due to some discrepancies in the drawings submitted regarding the exact location of bunds. This could be secured by condition. It is considered that the proposals are acceptable in terms of impacts on trees and hedgerows, subject to conditions to ensure the proposed arboricultural protection measures are implemented.

### **Transport**

129. Policy C5 of the OMWCS expects proposals for minerals and waste development to demonstrate that they will not have an unacceptable adverse impact on the local environment, amenity, and economy including through traffic effects and mud on the road amongst other things. OMWCS policy C10 states that minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps.
130. SOLP policy TRANS2 states that SODC will ensure that the impacts of new development on the strategic and local road network are adequately mitigated. SOLP policy TRANS5 states that proposals for all types of development will provide for a safe and convenient access for all users to the highway network

and be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment.

131. SOLP policy TRANS4 states that applications should be accompanied by a Transport Assessment or Transport Statement, where there would be significant transport implications. It also sets out what these should include. Appropriate provision for works and/or contributions will be required towards providing an adequate level of accessibility.
132. SOLP policy TRANS7 states that proposals leading to significant increases in lorry movements should only be permitted in locations where the increase can be accommodated on the surrounding road network, opportunities for sustainable transport have been maximised and the development does not result in adverse environmental effects on the surrounding area.
133. SOLP policy INF1 states that new development must be served and supported by appropriate infrastructure. Development will also need to take account of existing infrastructure running across development sites.
134. CNP policy T1 states that where appropriate new developments should connect to, and where possible, improve Cholsey's walking and cycling network. Concerns have been raised that this proposal would have adverse impacts on walking routes between Cholsey and Wallingford. However, the impacts would be temporary, and they would be limited. Existing rights of way, including the Thames Path would remain open at all times and there is no formal public access over the wide site in any case.
135. Transport Development Management (TDM) originally objected to the proposals, requesting further assessment work of the proposed new junction and a revised highway impact assessment using more recent survey data. This further information was provided and TDM removed their objection subject to a Traffic Regulation Order to ensure that HGVs do not turn right into our right out of the site, and also conditions to ensure the new access and vision splays are provided as proposed, gates are set back from the highway and a Construction Traffic Management Plan (CTMP) is provided, approved and implemented.
136. The information submitted demonstrates that the proposed new access meets the required technical specifications and would not cause an issue in terms of highway safety. The Transport Assessment shows that the proposed additional HGV movements per day would have less than a 2% impact on the local highway network, which is acceptable to the TDM officer. Although representations have been made expressing concern about traffic impacts, the site is considered to have good access on the strategic road network, with a direct access from and exit to A-roads.
137. The development is considered to be in accordance with relevant transport policies including OMWCS policy C5, SOLP policy TRANS2, TRANS4, TRANS5, TRANS7 and INF1.

## **Rights of Way**

138. OMWCS policy C11 states that the integrity and amenity of the rights of way network shall be maintained and improvements and enhancements to the rights of way network will be encouraged. Where appropriate, provision should be made for this in restoration schemes.
139. CNP policy E2 states that proposals which improve opportunities for residents and visitors to informally enjoy Cholsey's riverside location, or which improve facilities for river-based sport or recreation, and are compatible with CNP E1 and CNP E3 will be supported. CNP policy E3 states that development proposals should respect the landscape, waterscape, cultural heritage and user enjoyment of the River Thames, its tributaries, floodplains, the Ridgeway and the Thames Path.
140. There has been no objection from the Rights of Way team, subject to provision for the periodic inspection and replacement of the straw bales which would provide a visual buffer along the public footpath. This can be secured by planning condition.
141. It is acknowledged that the presence of a quarry could detract from enjoyment of the riverside in this location, and this has given rise to local concern. However, the impacts would be temporary for the five-year duration of extraction and restoration and would be mitigated through phasing and screening. Once the site is restored there would not be any long-term impacts on rights of way. The development is not considered to conflict with OMWCS policy C11 or CNP policies E2 or E3.

## **Flooding and Drainage**

142. OMWCS policy C3 states that minerals and waste development should take place in the areas of lowest flood risk. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted and where a Flood Risk Assessment (FRA) is able to demonstrate that the risk of flooding is not increased from any source. It goes on to state that opportunities should be taken to increase flood storage capacity in the floodplain, particularly through quarry restoration.
143. SOLP policy INF4 states that all development proposals must demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development.
144. SOLP policy EP4 states that the risk and impact of flooding will be minimised through directing new development to areas of lowest flood probability, ensuring effective management of sources of flood risk, ensuring development does not increase the risk of flooding elsewhere and ensuring wider environmental benefits in relation to flood risk. The suitability of development



proposed in Flood Zones will be strictly assessed using the 'Sequential Test' and a sequential approach should be used at site level.

145. CNP policy STRAT1 states that part of the overall neighbourhood plan strategy is to ensure that development does not worsen the extent and frequency of flooding events in the village by siting new development away from areas liable to flood.
146. The submitted Flood Risk Assessment includes a number of mitigation measures, including locating stockpiles, bunds, buildings and the weighbridge in Flood Zone 1, a 30 metre stand off from the River Thames and phased excavation and backfill.
147. The Environment Agency initially objected to this application on the grounds that the flood modelling did not consider climate change allowances and insufficient information had been provided to demonstrate that risks to groundwater resources from which supplies of potable water are obtained, could be managed safely. Further information was provided, however the objection related to modelling was maintained as various issues were found with the model when files were provided for review. They also had a new in-principle objection to the proposed use of inert fill as restoration material, in flood zone 3. Further information was submitted and a concern was raised about a potential increase in flood risk off-site, arising from the modelling work.
148. Ultimately, the Environment Agency removed all their objections, following the provision of further information and amendments to the detailed phasing plan. The in-principle objection was removed as the applicant confirmed that a recovery, rather than a landfill permit was being sought for the restoration activity, and that this activity would be necessary to progressively restore the site. The technical objection relating to flood modelling was also removed once further information adequately demonstrated that there would be no significant increase in off-site flood risk. Conditions were requested to ensure only inert waste is used in restoration, ensure the mitigation measures in the FRA are followed, to require a detailed restoration plan, a monitoring and maintenance plan for groundwater and surface water, a groundwater monitoring plan for the deposit of waste, and a Construction Environmental Management Plan (CEMP).
149. There has been no objection from the Lead Local Flood Authority, subject to a condition for details of the installed drainage scheme to be submitted.
150. On the basis of the information submitted and the advice of consultees with the relevant technical expertise, it is considered that the development would not increase the risk of flooding. The development is considered to be in accordance with relevant policies relating to flood risk, including OMWCS policy C3, SOLP policies INF4, EP4 and CNP policy STRAT1.

Sequential Test

151. PPG 066 Reference ID: 7-066-20140306 Table 2 classifies sand and gravel working as 'water compatible' and Table 3 confirms that this means that it is appropriate in all flood zones, including the functional floodplain.
152. Regardless of the water compatible classification of sand and gravel extraction, the PPG Notes to Table 3 confirm that the sequential test should be applied. OMWCS policy C3 states that mineral development will, wherever possible, take place in areas with the lowest probability of flooding. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted using the sequential test and where a flood risk assessment is able to demonstrate that the risk of flooding is not increased.
153. As set out above, the FRA demonstrates that the risk of flooding is not increased. However, the OMWCS requires that a Sequential Test is undertaken by the County Council to assess whether there are other sites reasonably available for the extraction of sand and gravel in an area of less flood risk. This is contained in Annex 8 to this report and it concludes that the application site fails the sequential test, as there is a potential alternative site in an area of lesser flood risk at Gill Mill Quarry.
154. The proposal is therefore not in complete accordance with OMWCS policy C3, which states that where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted. However, it should be noted that there is currently a Natural England objection to the application at Gill Mill Quarry due to proximity to an SSSI and it is not clear whether the site is suitable for extraction. Even if permission was granted for the Gill Mill extension which would add one million tonnes of sand and gravel to the landbank, there would still be the need for additional permissions for sand and gravel extraction over the plan period. In addition, a site-specific flood risk assessment has demonstrated that there would be no increased risk of flooding as a result of this development. There have been no objections from the Environment Agency or Lead Local Flood Authority following the provision of a site specific Flood Risk Assessment. Therefore, the conflict with OMWCS policy C3 needs to be weighed against the compliance with other relevant policies and the need for the development.
155. SOLP policy EP4 also requires that a sequential approach is taken to flood risk at a site level. The PPG Table 3 classifies sand and gravel processing as 'less vulnerable' rather than 'water compatible' and states 'less vulnerable' development should not be permitted in the functional floodplain (3b). The proposals have been designed such that the temporary plant and stockpiles would be located in flood zone 2, an area of lower flood risk. Development within the areas of highest flood risk would be limited to mineral extraction, which is classed as 'water compatible' development by the PPG. Therefore, the sequential test is passed within the site.

## **Groundwater and Water Quality**

156. OMWCS policy C4 states that proposals must demonstrate that there would be no unacceptable adverse impact or risk to the quantity or quality of surface or groundwater, the quantity or quality of water obtained through abstraction or the flow of groundwater through the site.
157. The Environment Agency initially objected to this application on the basis that it could threaten potable water supplies causing insufficient quantities of water. They identified that the site is located upon a principal and secondary A aquifer, and there is a licensed domestic abstraction 50 metres to the south. However, this objection was removed following the submission of a risk assessment demonstrating that the risks could be safely managed.
158. The dewatering operations have the potential to impact groundwater levels in the area. However, mitigation measures are proposed, including the monitoring of water levels in boreholes around the site and in the private well at Windward House and comparison of these levels with trigger levels in a Water Management Plan, to be submitted pursuant to a planning condition. A clay filled trench is also proposed on the southern boundary of phase 3.
159. The risk of water quality being adversely affected by the inert waste infill is considered to be low as the fill material would be subject to strict acceptable criteria. The applicant would also require an Environmental Permit from the Environment Agency for the deposit of waste which would be the pollution control regime.
160. The proposal is considered to be in accordance with OMWCS policy C4.

## **Amenity**

161. OMWCS policy C5 states that proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, health and safety, residential amenity or the local economy, including from noise, dust, visual intrusion, light pollution, traffic, air quality, contamination or cumulative effects.
162. SOLP policy DES6 states that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, including through noise, dust and external lighting.
163. SOLP policy ENV12 states that development should be designed to ensure that it will not result in significant adverse impacts on human health, the environment or amenity of neighbouring uses. The consideration of the merits of development proposals will be balanced against the adverse impact on human health, the natural environment and local amenity, including from noise, dust, odour, light, air pollution, land instability or any other relevant types of pollution.

164. SOLP policy EP1 states that developments should include measures to minimise air pollution and mitigation should be offered where needed.
165. CNP policy STRAT1 states that part of the overall strategy of the plan is to improve the health and wellbeing of the community.
166. The noise assessment provided with the application recommends that a detailed noise monitoring scheme is required by pre-commencement condition, and routine noise monitoring should be undertaken throughout the life of the development in accordance with the approved scheme. There has been no objection from the Environmental Health Officer in relation to noise, and it is considered that conditions can be used to ensure that noise limits are complied with, therefore protecting nearby noise-sensitive receptors. Conditions would also be used to restrict hours of working.
167. Regarding dust, there has been no objection from the Environmental Health Officer or the OCC Public Health team. A condition should be used to require the submission and implementation of a comprehensive dust management plan including details of air quality monitoring and mitigation measures.
168. The applicant originally proposed that external lighting around the offices would be on during all hours of darkness. It is not clear why this is necessary and given the sensitivity of the landscape in this area, as well as the potential impact on ecology, this may not be acceptable. Therefore, a condition should be added to control the specifications and timing of external lighting, as this has the potential to be a nuisance, impact landscape in the AONB setting and disturb wildlife. The applicant has agreed to this. Subject to adequate controls, it is considered that the limited external lighting necessary for the development is capable of being acceptable.
169. Overall, it is considered that the proposals would not give rise to an unacceptable impact on amenity. There has been no objection from the Environmental Health or the Public Health teams. The site is not in particularly close proximity to residential properties, and conditions could be used to ensure appropriate mitigation measures are applied.
170. Subject to conditions, the proposal is considered to be in accordance with OMWCS policy C5, SOLP policies DES6, ENV12, EP1 and STRAT1

## **Historic Environment**

171. NPPF paragraph 195 states that historic assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 207 states that where a development would lead to substantial harm to a designated heritage asset, consent should be refused. Paragraph 208 states that where the harm would

be less than substantial, the harm should be weighed against the public benefits of the proposal.

172. OMWCS policy C9 states that proposals for minerals and waste development will not be permitted unless it is demonstrated that they would not have an unacceptable adverse impact on the historic environment. Proposals for mineral working shall wherever possible demonstrate how the development will make an appropriate contribution to the conservation and enhancement of the historic environment.
173. SOLP policy ENV6 states that development should be sensitively designed and should not cause harm to the historic environment. SOLP policy ENV7 protects listed buildings and their settings. SOLP policy ENV9 states that development proposals must have regard to any archaeological remains. Relevant assessments must be submitted. The effect of a development proposal on the significance of the remains, either directly or indirectly, will be taken into account in determining the application.
174. CNP policy E4 states that proposals which would affect a listed building or its setting should identify the special interest, character, appearance, importance and significance of the heritage asset and contribution to those of the setting. Proposals should be well designed to conserve, or enhance and respect those attributes.
175. The site is within an area of considerable archaeological interest and the geophysical survey and trenched evaluation already undertaken have recorded archaeological features. There has been no objection from the archaeology team, subject to conditions for the approval of a Written Scheme of Investigation and the implementation of a staged programme of archaeological investigation. This will ensure that the archaeological features are properly recorded and analysed. In terms of archaeology, the proposal is considered to be in accordance with relevant heritage policies.
176. Historic England have not objected to the proposals, but they have expressed concerns about its proximity to the former Carmel College, Mongewell Park, particularly in relation to the grade II\* listed boathouse and grade II listed church. They originally stated that it would be premature to grant planning permission for this development until the Part 2 Plan (Site Allocations Document) has been adopted and sites allocated.
177. The NPPF paragraph 49 states that arguments that an application is premature is unlikely to justify a refusal of planning permission other than in the limited circumstances where both a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process; and b) the emerging plan is at an advanced stage. Neither of these circumstances apply in this case and therefore, the application should not be considered to be premature.
178. Heritage impacts are considered as part of the LVIA submitted to support the application. This assesses various impacts on various assets. Overall, the

report concludes that the development would not physically alter the cultural value of historic assets or indirectly significantly affect the visual setting of identified assets. A minor adverse impact is predicted for the boathouse and a negligible impact at the church, which is set behind vegetation.

179. There would be a 30 metre stand-off between the development and the River Thames, which would mitigate impacts on buildings on the other side of the river. It is also proposed to use straw bales to screen the quarry from the Thames Path, the river and the AONB boundary. This visual screen between the workings and the listed buildings, although it could potentially itself also have a minor impact on the setting of the assets.
180. The NPPF distinguishes between proposals which have or would cause substantial harm to the significance of a heritage asset and those which would cause less than substantial harm. Planning Practice Guidance states that substantial harm is a high test, so it may not arise in many cases. Case law (Bedford Borough Council and the SoS for Communities and Local Government and Nuon UK Ltd) indicates that substantial harm requires such a serious impact on the significance of a heritage asset that its significance is lost or very much reduced. Therefore, I consider that the harm to listed buildings on the other side of the river would be less than substantial at the lower end particularly considering that the impacts would largely be temporary for a relatively short period.
181. NPPF paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
182. Historic England consider that the proposed restoration plan is 'markedly improved' from the previous proposal for a marina. The impacts of this development on the heritage assets at the Carmel College site would be temporary. There would be public benefits from the provision of mineral needed for building materials at a site close to the demand for these materials. This reduces transportation distances and therefore minimises the environmental impact of transportation. The provision of building materials to supply building sites also facilitates the provision of housing and economic growth.
183. Historic England's initial response states that the harm to the boathouse and church cannot be considered to be outweighed by public benefits as the application is premature. However, following the guidance in the NPPF, the application cannot be considered to be premature. It is noted that Historic England have not actually objected to the proposal and there has been no specific objection from a heritage officer at the District Council, only a general comment that SODC support Historic England's comments. The Environmental Statement assesses impacts on designated heritage assets and concludes that no significant impacts are likely. In my view the limited and temporary harm to the significance of listed buildings at the Carmel College site would be outweighed by the public benefits of the proposal.

184. There is also a requirement to take into account section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In my view, the proposal would preserve the listed buildings in close proximity and their settings as there would be no direct impacts on the buildings themselves and no change to the setting following the completion of restoration.
185. Overall, the development is considered to be in accordance with relevant development plan policies protecting heritage assets and archaeology, including OMWCS policy C9, SOLP policies ENV6, ENV7 and ENV9 and CNP policy E4.

### **Agriculture and Soils**

186. OMWCS policy C6 states that proposals must take into account the presence of best and most versatile agricultural land. Provision should be made for the management of soils to maintain agricultural land quality and soil quality. Significant development leading to the permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land and where all options for reinstatement without loss of quality have been considered taking into account other relevant considerations.
187. The proposal would restore the site to agriculture and nature conservation use. This is considered to be an appropriate afteruse in this location and it would preserve the existing BMV agricultural land. There has been no objection from Natural England with regards to soil resources. Conditions should be used to ensure that soils are stored appropriately such as to ensure a high-quality agricultural restoration where required within the site. Subject to those conditions, the development is considered to be in accordance with OMWCS policy C6.

### **Climate Change**

188. The planning system has an important role to play in meeting the challenge of climate change. Paragraph 159 of the NPPF makes this explicit, and states that development should be planned for in ways that:
- (a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
  - (b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the government's policy for national technical standards.

189. OMWCS policy C2 states that minerals and waste proposals, including restoration proposals, should take account of climate change for the lifetime of the development. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.
190. The application did not originally address climate change mitigation. However, further information was provided stating that the development is located close to the market for processed sand and gravel and would therefore reduce HGV distances and therefore emissions compared to importing this material from quarries further away. The restoration proposals include tree and hedgerow planting which would make a modest contribution to mitigating climate change. The drainage systems have been designed to ensure there is no increase in run-off and therefore would not exacerbate climate change driven flood events.
191. SOLP policy DES7 states that new development must make provision for the effective use and protection of natural resources, for example through making efficient use of water, minimising waste and avoiding the development of best and most versatile agricultural land.
192. Overall, the development is considered to be in accordance with policies related to climate change and natural resources, including OMWCS policies C1 and C2 and SOLP policy DES7.

### **Sustainable Development**

193. OMWCS policy C1 reflects the presumption in favour of sustainable development contained in the NPPF. It states that applications in accordance with policies in the plan will be approved unless material considerations indicate otherwise. This application is generally supported by development plan policies, however, there would be temporary harm to a sensitive landscape, which is not supported by relevant landscape policies. It also does not pass the sequential test, as required by OMWCS policy C3. This must be weighed up against the need for the mineral and the fact that the impacts would be temporary for a relatively short period.

### **Weighing Up the Need for Mineral with Landscape Impacts**

194. This application has been before the County Council for three years and in this time the applicant has worked to address various issues raised by consultees. However, it has not been possible to overcome the landscape objection. The Landscape Officer has objected to this application due to the site's sensitive location adjacent to the Chilterns AONB and Thames Path and the introduction of noise, heavy machinery and HGV movements to the site. Although further information was submitted, it has not addressed these



concerns such that the objection can be removed. The Landscape Officer has advised that further mitigation would not make the development acceptable in landscape terms, because of the nature of the development and the sensitive location. Therefore, no further mitigation or further information can be requested that would fully address this fundamental objection.

195. The proposal does not fully accord with OMWCS policy C8, because soil stripping, mineral extraction, the presence of plant, machinery and stockpiles would have an impact on the landscape in this location. Because the site is adjacent to the River Thames and in the setting of the AONB, it is considered to be particularly sensitive. .
196. The impacts on the landscape need to be weighed against other policy considerations, including the need for the mineral. At present, the council's estimate of the landbank is above the seven-year minimum required by the NPPF but it is likely to drop below it assuming ongoing sales during 2024 and given that no other planning permissions for additional sand and gravel reserves have been granted so far in 2024. It should also be taken into account that most impacts would be limited in duration to the 6-year period of extraction and restoration. In the long term, the restored site would be returned to agriculture and therefore landscape impacts would not be significant.
197. The relatively small contribution that this site would make to the landbank (less than one year's additional supply), may be a relevant consideration in balancing the benefits of the proposal with the impacts on the landscape. However, the relatively small amount of mineral is reflected in the relatively short extraction period of five years, following which the site would be restored and impacts would reduce significantly.
198. OMWCS policy C8 does not set out the circumstances when a proposal should be refused due to impacts on the landscape. It states that where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts. The Landscaper Officer has not requested any further compensatory environmental enhancements; however, the development would result in a net gain in biodiversity.
199. Overall, in my view the level of the landbank of sharp sand and gravel reserves of 7.8 years indicates a need for additional reserves of sharp sand and gravel to be granted planning permission which outweighs the landscape impacts of the development. Although the site is in a sensitive location in the setting of the Chilterns CNL/AONB, the impacts would be temporary due to the proposal to restore the site to agriculture. Whilst there would be impacts on recreational visitors to the River Thames, including walkers on the Thames Path, mineral can only be worked where it is found and sand and gravel is found in river valleys. The quarrying would be phased and would only be taking place in close proximity to the Thames Path for part of the operational phase. The applicant has amended the proposal where possible to reduce landscape and visual impacts, including agreeing to conditions to remove the

haul road as part of the restoration and ensure external lighting is time-controlled. The relevant policy in the OMWCS (policy C8) does not set out circumstances where applications should be refused on landscape grounds alone. Therefore, despite the impacts on the landscape, overall, the development is considered to be acceptable subject to conditions.

### **Sequential Test Conclusions**

200. The site is located in an area at risk of flooding and fails the sequential test as there may be an alternative location for sand and gravel extraction within an area of lesser flood risk. However, there is no certainty that this alternative location would be granted planning permission and a site specific flood risk assessment has demonstrated that the development would not lead to an increased risk of flooding. Therefore, the conflict with policy is considered to be outweighed by the current need for additional reserves of sand and gravel.

### **Financial Implications**

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

### **Legal Implications**

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

### **Equality & Inclusion Implications**

203. In accordance with Section 149 of the Equality Act 2010, in considering this proposal, due regard has been had to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
204. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

### **Conclusions**

205. The application site is in a relatively sensitive location, adjacent to the River Thames, Thames Path, AONB and a number of listed buildings. Objections have been received from the District Council, Parish and Town Councils,

Landscape Officer and AONB Board. Historic England have expressed concern. It is within an area at risk of flooding and therefore fails the sequential test, although there has been no objection from technical consultees on flood risk grounds.

206. The development would be temporary, and impacts would be limited to the duration of extraction and restoration activities. It is not considered that there would be any long-term impacts beyond the 6-year temporary period proposed. Conditions could be used to mitigate the impacts during the operational phase.
207. The impacts of the development, particularly on landscape, recreation and heritage, need to be balanced against the need for the mineral. In my view, the need for the mineral outweighs the concerns, particularly in view of the temporary nature of the development for a relatively short duration of six years and the current landbank position.
208. There is a fine balance between the need for the mineral that this proposal would supply, and the impacts that it would have on the local environment. However, in view of the temporary nature of those impacts and the location of the site within the Strategic Resource Area, overall, it is considered that the need for the development outweighs the impacts. Therefore, it is recommended that planning permission is granted, subject to the conditions listed in Annex 1 and legal agreements to cover the points in Annex 2.

## **RECOMMENDATION**

**It is RECOMMENDED that subject to a Traffic Regulation Order to prohibit right-turn movements into the site from the A329 Reading Road and right-turn movements out of the site onto the A4130 Nosworthy Way first being made and a S.106 legal agreement to cover the matters in Annex 2, planning permission for MW.0115/21 be approved subject to conditions to be determined by the Head of Strategic Planning, to include those set out in Annex 1.**

**Nicholas Perrins  
Head of Strategic Planning**

Annexes:

- Annex 1: Conditions
- Annex 2: Section 106 Heads of Terms
- Annex 3: Consultation Responses
- Annex 4: Representations
- Annex 5: Environmental Impact Assessment
- Annex 6: European Protected Species
- Annex 7: Landscape Officer comments
- Annex 8: Sequential Test

## Annex 1 – Conditions

1. Complete accordance with plans and particulars.
2. Commencement within three years.
3. Temporary consent – extraction completed within 5 years of commencement and restoration completed within 1 year of cessation of extraction.
4. No working outside approved hours (7am-6pm Monday to Friday, 7am – 1pm on Saturdays with no working on Sundays or Bank/Public holidays).
5. Restoration in accordance with plans and removal of all associated plant and development.
6. 5-year aftercare, in accordance with an aftercare scheme to be submitted and approved.
7. Screening and soil storage bunds to be constructed and maintained in accordance with plans to be submitted and approved prior to commencement.
8. Soil screening bunds in situ for more than 6 months to be grassed and subject to weed control.
9. Submission, approval and implementation of full details of buildings and structures within the plant site.
10. Implementation of approved final restoration contours.
11. Progressive working and restoration, in accordance with plans.
12. Submission, approval and implementation of a Water Management Plan to protect groundwater levels at the private well at Windward House.
13. Recovery of inert waste only, no landfill.
14. Development to be carried out in accordance with approved FRA.
15. Submission, approval and implementation of detailed restoration plan .
16. Submission, approval and implementation of monitoring and maintenance plan in respect of groundwater and surface water including timetable of monitoring and submission of reports.
17. Submission, approval and implementation of monitoring plan in respect of deposition of waste including a timetable of monitoring and submission of reports for approval which shall include any necessary contingency action.
18. Groundwater monitoring at the perimeter of the site.
19. Provision of site wide drainage scheme and submission of details for Lead Local Flood Authority register.
20. Submission, approval and implementation of a Construction Environmental Management Plan (CEMP).
21. Submission, approval and implementation of Habitat Monitoring and Management Plan to deliver at least 10% BNG for a period of 30 years.
22. Submission, approval and implementation of a Landscape Monitoring Plan.
23. Written scheme of archaeological investigation.
24. Staged programme of archaeological investigation.
25. Maximum noise limits at closest dwellings, as specified in noise assessment.
26. Noise management plan, including details of monitoring, submission of noise monitoring data for inspection, mitigation measures and details of weather conditions during which specified noisy activities would stop.
27. No reversing beepers other than those which use white noise.
28. Servicing and maintenance of plant and machinery.

29. Submission, approval and implementation of a detailed dust management plan covering operational and non-operational hours and incorporating proposed monitoring, mitigation and details of weather conditions that would cause working to stop.
30. Submission and approval of external lighting scheme, compliance with approved scheme.
31. Establishment and maintenance of straw bale barrier to screen the footpath, details to be submitted and approved prior to commencement, including provision for regular inspection and replacement of bales.
32. Management of soils during the aftercare period.
33. Maximum height of temporary storage mounds and mineral stockpiles.
34. Submission and approval of updated protected species surveys prior to commencement of development and commencement of working in a new phase, a revised ecological mitigation scheme should the surveys indicate changes.
35. Submission, approval and implementation of a scheme for bird and bat boxes, including kestrel and/or barn owl. Provision of boxes in accordance with approved scheme.
36. Submission, approval and implementation of a reptile mitigation scheme.
37. Submission, approval and implementation of an appropriate method for felling of silver birch with low bat roost potential.
38. Replacement tree planting to be implemented as proposed, details of bund layout and heights at each stage to be submitted and approved
39. No mud, dust or debris to be deposited on the highway. Submission, approval and implementation of measures for keeping the public highway free of mud, dust and debris.
40. Formation of site access and egress prior to any other commencement of development.
41. Vision splays to be provided and maintained.
42. Any gates to be set back a minimum of 18 metres from carriageway and to open inwards.
43. Submission, approval and implementation of a scheme for the protection of retained trees, including an updated Arboricultural Protection Plan and Arboricultural Method Statement (AMS). Limits of extraction and positioning of boundary bunds and soil mounds in accordance with this.
44. Submission, approval and implementation of details of boundary treatment for the eastern site boundary with the Thames Path.
45. Details of a liaison meeting to be set up and run by the operator, to be submitted for approval and implemented.

### **Compliance with National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for

sustainable development where possible. We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application, for example in this case further information was requested under Regulation 25 and this was provided. Changes were made to the proposed restoration scheme in response to consultation responses. The proposals to retain the haul road post-restoration and for overnight external lighting were withdrawn.

## **Annex 2 – Heads of Terms of Legal Agreement**

- Covering the cost of monitoring implementation of 30 years Habitats Monitoring and Management Plan
- Bird Management Plan to be kept up to date and implemented in perpetuity.

## **Annex 3 – Consultation Responses Summary**

### **South Oxfordshire District Council - Planning**

#### Third Regulation 25 Consultation (June 2024)

1. Object. Fundamental objections as set out in substantive response still stand. This response should be read in conjunction with previous responses. The conclusion remains that the proposed development is not in accordance with Policies ENV1 and ENV7 of the South Oxfordshire Local Plan and Policy E3 of the Cholsey Neighbourhood Plan. The benefits of the proposal do not outweigh the harm.
2. Ecology – Surveys are out of date. The BNG matrix should be re-calculated as it uses an older version. The ecology ES chapter is inadequate.
3. Landscape – The originally proposed planting has been re-instated on the Landscape Masterplan, which is an improvement. However, general comments still stand.
4. Trees – The updated phasing plan addressed some of the conflicts between development and Root Protection Zones, but not all of them. There are still inconsistencies with other plans. An arboricultural method statement and tree protection plan will be needed, should the development be approved.

#### Second Regulation 25 Consultation (April 2024)

5. Object. The additional information does not alter the fundamental objections previously put forwards/ The conclusion remains the same; the development would be contrary to SOLP policies ENV1 and ENV7 and CNP policy E3, and the benefits do not outweigh the harm.
6. Ecology – Careful consideration should be given to direct and indirect impacts on the River Thames. Habitats should be retained where feasible. Restoration provides an opportunity to create positive outcomes for biodiversity.
7. Trees – The latest phasing plan conflicts with the root protection zones of trees shown to be retained. The phasing plan should be consistent with the Arboricultural report to ensure trees are adequately protected.
8. Environmental Protection – No objection subject to implementation of proposed noise mitigation measures.
9. Landscape – The July 2022 Restoration plan appears to show a reduced planting scheme and additional loss of existing vegetation along the central north-south ditch. Black poplar and willow tree planting is no longer indicated and there is no longer a permissive path proposed south of the A4130 linking to the Thames Path.



### Regulation 25 Consultation (May 2022)

10. Object. The submitted information does not change the objection as set out in previous correspondence.
11. Landscape – The development would lead to adverse landscape and visual impacts, contrary to policy. Concerned about safety and appearance of the proposed straw bales.
12. Forestry – The development will require the removal of 7 groups of trees and 6 individual trees. This have low arboricultural value and are not a constraint to the development, but new planting would be required to mitigate the loss. However, there appears to be some conflicts between the information in the phasing plans and the Arboricultural Report regarding excavation limits. The phasing plans should be amended to reflect the arboricultural constraints identified in the Arboricultural Report. A condition should be used to secure an Arboricultural Method Statement.
13. Drainage – No comments other than to note that any changes to the existing on-site ordinary watercourses will need Land Drainage Consent from the District Council.

### Initial Consultation (November 2021)

14. Object. Question whether the development is viable without the marina restoration due to the relatively small amount of mineral to be extracted. This would be a new quarry and priority should be given to extensions. Question the benefits of the restoration given that the site already contains BAP priority habitats. The primary focus of growth in the District is Science Vale rather than Wallingford. Impacts on the AONB and listed buildings in the Carmel College complex.
15. Concerned about landscape impacts and do not agree some of the findings of the LVIA. The development would not be sensitively located and is not designed to minimise adverse impacts on the Chilterns AONB. The proposed earthworks would be contrary to policies protecting landscape.
16. Support the comments made by Historic England.
17. The baseline used in the Noise and Air Quality Assessments are out of date. They assessments include vague mitigation measures which cannot be controlled or enforced against. The Air Quality Assessment incorrectly refers to Elizabeth House as a residential property rather than a nursery. The woodland area in front of the nursery is regularly used by children, which is not recognised in the assessments. Overall, the harm of the proposal significantly outweighs the benefits.
18. Drainage - Only minor information on proposed surface water and foul drainage to proposed buildings and further information would need to be secured by

condition. A condition is required for the phase-by-phase management of the silt created in the washing process, to ensure that silt does not enter the watercourse. A Materials Management Plan would also need to be provided on a phase-by-phase basis to fully demonstrate how the site will be operated to avoid stockpiles being located within flood risk areas.

19. Trees - The submitted Tree Survey Report and Impact Assessment dated April 2016 relates to a previous application, is out of date and is not fit for purpose for this application. Therefore, the report should be updated. Until updated arboricultural information is submitted, the applicant has failed to demonstrate that the proposal could be implemented whilst satisfactory protecting the trees throughout the site and has failed to demonstrate compliance with Policy ENV1 of South Oxfordshire Local Plan Local Plan 2035. The updated arboricultural report should also include an Arboricultural Method Statement and Tree Protection Plan, to demonstrate how the root protection areas of trees will be satisfactorily protected during proposed works.

### **South Oxfordshire District Council – Environmental Protection**

#### Second Regulation 25 Consultation (March 2024)

20. No objection in relation to noise, odour and dust, subject to implementation of mitigation measures and recommended conditions in the noise assessment. Have given specific consideration to the noise assessment, given proximity to noise sensitive receptors.

#### Initial Consultation (October 2021)

21. No objection. The noise assessment was based on sound levels taken during 2016. Noise levels during the pandemic lockdown would have been reduced but traffic levels are rising back to pre-pandemic levels, so I believe the assessment carried out would be representative. Elizabeth House nursery has not been accounted for in the noise assessment.

### **Cholsey Parish Council**

#### Third Regulation 25 Consultation (June 2024)

22. Object. Resubmit comments made jointly with Wallingford Town Council in 2018 on application MW.0033/18, and repeat covering comments made during original consultation.

#### Original Response (2021)

23. Object. Resubmit comments made jointly with Wallingford Town Council in 2018 on application MW.0033/18. Nothing in the new proposals changes the Parish Council's view, other than that it no longer includes a marina. Grundon now have an operational gravel extraction in Cholsey, and this proposal would

further degrade the natural habits, impact on the Thames Path and generate additional traffic and noise pollution in the village.

24. Summary of 2018 comments: Object. Impact on ecology and loss of biodiversity associated with loss/disruption of Biodiversity Action Plan Priority Habits, concentration of human disturbance disturbing the wildlife, fish mortality from low oxygen level during summer in the marina and disturbance of non-target species by the bird management plan. Impact on users of the Thames Path and Rowers. Bird Strike and risk of this impact on the operation of RAF Benson. Impact on Air Quality, especially Nitrogen Dioxide levels from vehicle on the downwind Wallingford AQMA and diesel-powered boats. Visual Impact on the setting of the Chilterns and North Wessex Downs AONB, the setting of Cholsey and Wallingford, the River Thames National Trail and the listed buildings at Carmel College. Traffic, particularly in cumulation with the nearby 70 bed care home. Negative impact on Economy and Tourism as those using the marina are unlikely to shop or use local pub/restaurant as they would take their boat elsewhere, impact on RAF Benson, creation of few jobs, devaluing of Thames River Path.

### **Wallingford Town Council**

Third Regulation 25 consultation (June 24)

25. Support the comments on South Oxfordshire District Council.

Regulation 25 consultation (May 2022)

26. The fundamental reasons for objection to this planning application remain, despite the further information provided. Support the previous objections. The site is within the setting of the AONB, an exceptional landscape which should be safeguarded. Disagree with the statement in the additional information that the site has a limited zone of visual influence. Concerned about impact on Thames Path.

Initial Consultation (2021)

27. No response

### **Crowmarsh Parish Council**

28. Object. The proposed industrial process is inappropriate in this location. It would harm the setting of the River Thames and the Thames Path National Trail and negatively affect the amenity of users of these. It would harm the setting of the Chilterns AONB, the listed buildings at the former Carmel College (notably the Grade II\* listed Julius Gottlieb Gallery and Boathouse designed by Sir Basil Spence) and the church of St John the Baptist - all immediately across the river from the application site. The application site and surroundings are in the Thames Wallingford to Goring Conservation Target Area, where the policy requires restoration and improvement in biodiversity, which would be totally undermined by gravel extraction here. As well as loss of agricultural land, the proposed

development carries risks of damage to the subsurface hydrology of the River Thames floodplain and the release of sediment as well as of water, air and noise pollution from the operations themselves. This is also an area of archaeological interest, with the important late Bronze Age settlement site at Whitecross Farm.

### **County Councillor – Cllr Felix Bloomfield**

29. No response received.

### **Environment Agency**

#### Third Reg 25 consultation (July 2024)

30. Have reviewed amended plans and can confirm previous comments still stand. The proposal would be acceptable if planning conditions are included as previously requested.

#### Second Reg 25 consultation (April 2024)

31. No objection, subject to conditions. Confirm that the comments from the January letter still apply.

#### Informal Consultation (January 2024)

32. No objection, subject to conditions. Previously raised issues regarding fluvial flood risk and offsite detriment have now been addressed and a Waste Recovery Plan has been provided confirming that the restoration would be a recovery operation rather than waste disposal. Conditions are required to ensure restoration material is only inert waste, the mitigation measures detailed in the FRA are implemented, no ground raising above baseline levels, submission, approval and implementation of a groundwater and surface water monitoring and maintenance plan, a restoration plan, a CEMP, a monitoring plan for the deposit of waste, and a Restoration Strategy and Landscape Management Plan.

33. Advises that management of groundwater risk is the responsibility of the LLFA. The proposal may affect groundwater flows by acting as a barrier, therefore the LLFA may need to request further information as to the need for mitigation.

#### May 2023

34. Maintain in-principle policy objection to landfilling in flood zone 3b. Will address technical objection separately.

#### September 2022

35. Maintain objection as Flood Risk Assessment does not comply with NPPF requirements. Model files should be provided for review because the letter from the applicant confirms that modifications were made to the Environment Agency Abingdon Flood Scheme model. It is not clear how the applicant has arrived at a 12% climate change allowance. The development lifespan is stated as five years, but this does not take account of restoration. The sequential test should be

applied by the Local Planning Authority in accordance with Planning Practice Guidance.

Regulation 25 Consultation (May 2022)

36. Maintain objection as Flood Risk Assessment not satisfactory as it fails to consider how a range of flooding events would affect people and property.

Initial Consultation (October 2021)

37. Objection due to inadequate Flood Risk Assessment (FRA) and insufficient information regarding impacts on potable water supplies. The site lies within the functional floodplain, adjacent to the River Thames, over a principal and secondary aquifer and within close proximity to a domestic water abstraction at Windward House. A Climate Change Assessment has not been included, therefore the modelling provided needs to be update. Concerned about impacts on groundwater and the effects on potable water at Windward House.
38. To overcome these objections, a revised FRA and a satisfactory risk assessment demonstrating that risks to potable water can be safely managed, are required.
39. Concerned about the clay barrier proposed as mitigation to protect the Windward House abstraction. This would be dealt with through the Transfer Licence. An Environmental Permit will be required for works close to the river.

**Natural England**

40. Responses received to subsequent consultations confirm

Initial Consultation

41. No objection. The proposed development would not have significant adverse impacts on statutorily protected nature conservation sites. Consideration should be made of the impacts on the AONB, impacts on best and most versatile agricultural land and impacts on the Thames Path and The Ridgeway National Trails.
42. Responses received to subsequent consultations confirmed there is no change to these comments.

**Historic England**

Regulation 25 Consultation (May 2024)

43. No further comments, but the previous advice provided still stand.

Regulation 25 Consultation (November 2022)

44. The proposals would result in some temporary harm to the listed buildings, for the duration of the mineral extraction operation. Beyond the extraction period, the proposed landscape reinstatement would provide a setting that would have a neutral impact on the significance of the listed buildings.
45. Therefore, it is for the Council to determine if, in accordance with NPPF paragraph 200, the temporary harm to the listed buildings is justified and if it is whether the public benefits outweigh this harm, as set out at paragraph 201.

Initial Consultation (October 2021)

46. Concerned about the application on heritage grounds, due to the proximity to the former Carmel College at Mongewell Park. Carmel College closed as a school in 1997 and now has permission for conversion to housing. Mature trees surrounding both listed buildings filter views out from the environs of both listed buildings. However, the proposed development site is clearly visible from both, particularly the grade II\* boathouse, as there is a gap in the trees which allows reasonably clear views across the river. Gravel extraction would dramatically change the character of the development site, causing the open field to become an unattractive industrial landscape for 6 years.
47. The proposed restoration plan is markedly improved from the earlier marina scheme.
48. Due to the timescales, it is not possible to minimise negative change to the setting of the listed buildings through planting, although it may be possible to improve planting along the riverbank at the start of the scheme, rather than waiting until restoration.
49. The harm to the grade II\* boathouse and grade II church of St John the Baptist cannot be considered to have been justified and outweighed by public benefits as required by paragraphs 200 and 202 of the NPPF at present as the OMWLP Part 2 has yet to be prepared and the relative merits of all potential sand and gravel extraction sites properly evaluated.
50. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

**CPRE**

Third Regulation 25 Consultation (June 2024)

51. Object. Previous comments still stand.

Regulation 25 Consultation (2022)

52. Object. The original reasons for objection remain, despite the further information submitted. The site is not suitable for aggregate extraction as it is in the setting of the Chilterns AONB. The LVIA underestimates the impacts of the development and overestimates the impacts of the mitigation. The site is highly visible from the Thames Path. The proposed straw bales would make only a marginal amelioration.

Initial Consultation (October 2021)

53. Object due to loss of amenity in particular the Thames Path and the AONB, loss of biodiversity especially from the removal of vegetation, flooding particularly due to disruption of flood storage through inert infill, traffic due to additional HGVs on the Wallingford bypass and loss of local distinctiveness and green space leading to the inevitable merging of Wallingford, Cholsey and other nearby settlements.

### **Chilterns Conservation Board**

Second Regulation 25 Consultation (April 2024)

54. Object. Endorse the objections raised by other consultees in relation to impacts on the AONB. The development would have a significant adverse impact on the setting of the AONB and on tranquillity. The development would undermine the diverse and resilient nature of the Chilterns AONB, and result in a disconnect between people and nature.

Regulation 25 Consultation (May 2022)

55. Object. Make brief observations in relation to the additional information. Accept that the Ridgeway National Trail is set away from the site. However, the more pronounced impact is on the Thames Path. There would be a highly material change to the peaceful enjoyment of this popular route. The site is not allocated. There would be harm to the AONB setting. One of the special qualities of the AONB is its relative tranquillity.

Initial Consultation (Oct 2021)

56. Object. The proposal would harm the setting of the AONB during the operational and restoration periods. There would be impacts on the Thames Path and also glimpsed views from The Ridgeway National Trail as it passes through Mongewell. Great weight must be given to the protection of the AONB and its setting. The policies in the AONB Management Plan confirm that development visible from the Chilterns escarpment, or noisy developments which affect tranquillity, can affect the setting of the AONB. The application is premature pending the Part 2 plan.

### **Ministry of Defence (MOD)**

Third Regulation 3 Consultation (July 2024)

57. No objection. Repeats comments made in August 2022 response.

First Regulation 25 Consultation – Further Response (August 2022)

58. No objection, subject to design requirements including there being goose proof fencing adjacent to the Thames and a commitment to fence the area of reed and wet woodland to prevent damage by livestock and ensure good plant overage. Welcome the removal of the scrapes. The restoration proposed should not result in exploitable habitats for larger hazardous bird species.

First Regulation 25 Consultation (June 2022)

59. The updated Bird Management Plan does not incorporate all the changes previously requested have not all been made. It should be further amended to include a proposed frequency of monitoring and a commitment to immediate action should trigger levels be met. It should also include failure criteria which would trigger a review of the management plan. The shallow scrapes next to the River Thames have the potential to attract a range of large and flocking birds and should be removed.

Initial Consultation (December 2021)

60. A Bird Hazard Management Plan has been submitted with the application; however, some changes are needed. The trigger levels for geese should be revised, the plan should include a commitment to disperse hazardous birds at the reasonable request of RAF Benson and the plan should be in perpetuity rather than limited to the 5-year aftercare period.

**OCC Transport Development Management**

Second Reg 25 Consultation (March 2024)

61. No further comment.

Final Response (August 2022)

62. Confirm that a routeing agreement is not required to prevent HGVs going through Wallingford, as there is already a Traffic Regulation Order in place to prevent vehicles over 7.5 tonnes routeing along Winterbrook and through Wallingford. A Construction Traffic Management Plan would also not be required for the scheme were planning permission to be granted as it would serve little purpose, considering there would be no construction phase as such and that the development proposal would have less than a 2% impact on the local highway network, which would be acceptable.

First Reg 25 Consultation (May 2022)

63. No objection, subject to conditions, a routeing agreement and a legal agreement to secure a Traffic Regulation Order to prohibit right-turn movements in to the site



from A329 Reading Road and right-turn movements out of the site onto A4130 Nosworthy Way. A Section 278 agreement will also be needed to deliver the works to the site access.

64. Conditions are required to ensure the new access is in place prior to extraction, vision splays are provided and maintained, a Construction Traffic Management Plan is provided and that any gates are set back at least 18 metres from the carriageway and open inwards.
65. Satisfied following receipt of the additional information that there are no highway safety concerns. The Transport Assessment demonstrates that the additional 100 HGV movements per day would have less than a 2% impact on the local highway network, which is acceptable.

#### Initial Consultation (November 2021)

66. Objection. Further information and details are required. Further assessment is needed to demonstrate that the access arrangements would be safe. Details should be provided showing how an acceptable visibility splay would be provided along the A4130. Dimensions and geometry for the left-in junction should be provided. Swept path analysis should be provided. The taper of the left-in junction should be amended. A longitudinal section plan showing proposed levels and gradients should be submitted. A Stage 1 safety audit for the access arrangement is needed. A revised highway impact assessment calculation for both the A329 and A4130 is required.

#### **OCC Rights of Way**

67. No objection. The straw bale visual buffer proposed next to the public footpath may become unstable, be prone to vandalism and/or degrade over time. Provision should be made for regular periodic inspection and replacement of the bales.

#### **OCC LLFA**

##### Third Regulation 25 Consultation (June 2024)

68. No objection, subject to condition as set out in earlier response.

##### Second Regulation 25 Consultation (April 2024)

69. No objection, subject to condition as set out in earlier response.

##### Regulation 25 Consultation (May 2022)

70. No objection subject to a condition requiring details of the installed drainage scheme to be submitted to the Minerals Planning Authority.

##### Initial Consultation (October 2021)

71. Further information required. Concern over the surface water treatment. The applicant should demonstrate whether the lagoon has an overflow mechanism for time of severe cumulative rainfall and prove that the lagoon will be sufficient to provide water quality improvements before discharge into the proposed ditch. Justification is required that any overland flows will be treated before reaching the Thames. Evidence of required permits is required. Groundwater monitoring should be undertaken for the duration of the proposed works. Calculation files demonstrating that surface water flow will be maintained to Greenfield discharge rates for all relevant return periods, including a 40% Climate Change allowance. Further information required regarding mitigated surface water flows post remediation. Evidence of consent to discharge into ordinary watercourses is required to be provided.

### **OCC Archaeology**

72. No objection, subject to conditions for a written scheme of investigation and a staged programme of archaeological investigation including processing, research and analysis and a full report for publication. The site is located in an area of considerable archaeological interest, 260 metres south east of a possible Neolithic hengiform monument and a pit alignment or segmented ditch. Bronze Age barrows have been recorded immediately west of the proposed development from aerial photographs and a geophysical survey. This geophysical survey also recorded a probable Prehistoric or Roman settlement site consisting of clusters of possible pits or tree throws, field boundaries or trackways, possible ditches, hearth or similar burning, possible enclosure and structures. A considerable number of Roman coins have been recorded for this field on the Portable Antiquities Scheme. Trenched evaluation to date has only focused on the western areas of the site and this has recorded a number of archaeological features to be present across its northern extent. This development will therefore impact on these identified archaeological features, potential further associated evidence with which may also be present across the site's eastern extents.
73. Therefore, should planning permission be granted, conditions should be attached for a staged programme of archaeological investigation to be maintained during the period of construction.

### **OCC Ecology**

#### Third Regulation 25 Consultation – Second Response (July 2024)

74. No objection, subject to conditions. A letter from the applicant's ecologist following an ecology site walkover in July 2024 has addressed concerns around the age of survey data. Pre-commencement surveys should still be conditioned.

#### Third Regulation 25 Consultation – First Response (July 2024)

75. Further information needed. The proposals would result in the loss of approximately 2 hectares of the priority habitat coastal floodplain grazing marsh. However, the proposed measures would compensate for the adverse effects of the loss of this habitat. There is a policy requirement that no significant harm should be caused to priority habitats unless the need for and benefits of the proposal outweigh the harm.
76. Given that at least 3 years have lapsed since the ecological surveys supporting this application were undertaken, request that the applicant has their ecologist undertake a site visit to inform a review of the ecological appraisal including whether any surveys need to be updated.
77. Would like clarification on the areas shown as wet woodland in the restoration plan, as the BNG metric does not include this.
78. Conditions and a legal agreement would be required to secure 30 years long term management, including species measures set out in the Ecological Appraisal.

Regulation 25 consultation – Third Response (September 2022)

79. No objection, subject to conditions. Satisfied that the scheme demonstrates an overall net gain in biodiversity in excess of 10%. To ensure that the habitats proposed, and the habitat condition anticipated in the metric, are achieved, habitat management and monitoring should be secured for the site for a 30-year period. An aftercare scheme, and habitat management and monitoring plan will be needed to set out how this will be delivered. This should also include species measures as recommended in the Ecological Appraisal, such as bat and bird boxes and log piles. Conditions are required to ensure that Protected Species are appropriately addressed, including conditions requiring up to date surveys should they become out of date, a revised ecological mitigation scheme should updated surveys suggest this is required, up to date water vole and otter surveys prior to commencement, full details of external lighting, a scheme detailing the location and design of bird and bat boxes, a reptile mitigation scheme, a method for felling silver birch.

Regulation 25 consultation – Second Response (June 2022)

80. Requires a review of the restoration plan, to ensure that the BNH metric trading rules are met.

Regulation 25 consultation – First Response (May 2022)

81. Request for clarifications regarding BNG metric calculations.

Initial Consultation (October 2021)

82. Further information required. The scope of the ecological surveys is satisfactory; however, some clarifications are required before a full response can be provided.
83. The site contains a potential Black Poplar tree; however, it is not clear that it is to be retained. The Ecology Report does not confirm whether there are invasive species on the site. There are some discrepancies between the Ecology Strategy and the Biodiversity Metric.

### **OCC Landscape Advisor**

84. Comments are summarised below and available on the website in full as usual. However, due to the objection from the Landscape Officer and the significance of these comments to the decision on this application, the full comments are also provided in Annex 7 to this report for ease of reference.

#### Third Regulation 25 Consultation (July 2024)

85. No changes to previous comments. The latest version of the Conceptual Restoration Plan includes less agricultural land, which is an improvement. No further information has been provided in relation to queries about the height of the straw bale barrier, the lack of information about circulation areas and access points between phases.

#### Second Regulation 25 Consultation (April 2024)

86. These further comments should be read in conjunction with previous comments. No material change to previous comments. The development would introduce quarrying to an area which is sensitive in landscape and visual terms, causing adverse landscape and visual effects, including on the Thames Path, River Thames Corridor and Chilterns AONB and its setting. These effects would be temporary, which is a mitigating factor. However, this is not considered to justify the impacts. The development does not meet the requirements of national and local policy. However, if permission is given, conditions should be attached to cover a Construction Environmental Management Plan, retention of existing vegetation, lighting, mitigation planting and bunding, details of treatment of the eastern site boundary with the Thames Path, a detailed restoration plan, a landscape management plan, and aftercare scheme and implementation of long-term management.
87. Additional information received includes a Flood Risk Assessment, Waste Recovery Plan and Proposed Phasing Plan. The submitted plans should provide further detail, including on the height of the proposed straw bales, details of internal access points between phases. Concerned that the scrapes and shallow pools have been removed from the restoration plan. Accept that the noise assessment does not suggest that the proposal would result in a significant increase in noise levels. Consider therefore that effects on the tranquillity of the Chilterns AONB would be limited to areas with visibility of the site, such as the eastern bank of the river. Photomontages have not been

provided and might be helpful for committee members in the decision-making process. Section 245 of the Levelling Up and Regeneration Act places on local authorities a duty to further the statutory purposes of AONBs. Therefore, it is important not only that adverse effects on the river corridor are avoided or mitigated, but also that these characteristics elements are actively enhanced in the restoration.

Regulation 25 Consultation (June 2022)

88. Object. Previous comments still stand. Additional information has been considered but does not change previous comments. The development would introduce a highly industrial use into an agricultural area that is considered sensitive in landscape and visual terms due to its location adjacent to the Chilterns AONB, the River Thames and the Thames Path National Trail.
89. Whilst operational impacts would be temporary and the site would be restored to agriculture and nature conservation in the medium-term, restoration would only deliver a slight to moderate uplift in landscape and visual terms compared to the current situation, not justifying the operational impacts of the development on landscape character, views and the AONB.
90. The approach to tree protection appears suitable and should be secured by condition. The current phasing plans show extraction boundaries close to retained vegetation, so updated drawings will be required and this may affect the quantity of mineral. Further detail on mitigation measures have been provided. The combination of existing boundary vegetation and the proposed bunds is expected to be effective in mitigating impacts of operations within the site on low-level views from the west and northwest. Visibility of operations would increase when bunds are removed to allow extraction from beneath them. Views will also be possible from the entrance and exit points. Occasional views will be possible from the A4130 where it is elevated over the Thames. Visibility will increase in winter months. Remain unconvinced about the use of straw bales and note that full details have still not been provided. Use of bales as a linear feature as proposed would look incongruous in the landscape. It is suggested that a blar bankside route closer to the edge of the River Thames could be delivered to further mitigate views from the Thames Path. This has the potential to adversely impact riverside vegetation and biodiversity and such a measure would need to be discussed with OCC Rights of Way, Thames Path National Trails officer, the Parish Council and other interest groups.
91. It is noted that the site would be progressively restored, but it should be remembered that restoration of habitats takes time. Progressively restored areas would not deliver immediate landscape and visual benefits. Do not believe that the proposed mitigation measures would be fully effective in mitigating adverse effects of the development on users of Nosworthy Way and the Thames Bridge, the River Thames, the Thames Path or the Chilterns AONB.
92. Still consider the LVIA to understate impacts on local landscape character and views. Consider overall sensitivity levels of the site to be high rather than

medium. Consider the magnitude of impact during operation to be higher than stated, high adverse during operation, resulting in a notable adverse (significant) overall effect on the local landscape character.

93. The site already comprises land uses, structure, vegetation, habitats, views and recreational value that are characteristic for this landscape character area so that the restoration will only offer a small improvement in landscape character terms. The restoration will also only result in a minor visual improvement in the long-term through strengthened boundaries, water bodies and wetland habitats. Therefore consider that the restoration would only offer a 'low beneficial magnitude' resulting in a slight to moderate beneficial effect in the long-term. This benefit would heavily depend on the adequate long-term management of habitat, for 25+ years, which would need to be secured should the development be approved.
94. Also consider that some of the operational visual effects have been underestimated and that the overall impact on the Chilterns AONB is at least medium, resulting in a notable adverse (significant) effect during operation. Consider the development would adversely affect the setting of the AONB, through the loss of tranquillity through the introduction of lighting, noise, or traffic movement, and the introduction of significant or abrupt changes to landscape character. The development would also adversely affect the perception, tranquillity and enjoyment of users of the Thames Path and the River Thames, and by doing so adversely affect the Chilterns AONB and its setting.
95. Consider that the proposal is contrary to NPPF paragraph 176 and OWMCS policy C8 as the development is not sensitively located by choosing a site that is sensitive in landscape and visual terms, nor is it able to effectively mitigate adverse impacts on the local landscape character, on users of the Thames Path and the AONB during operation.
96. OWMCS policy C8 offers the opportunity for compensatory measures in situations where significant impacts cannot be avoided or mitigated. The application proposals do not include any compensatory measures, and such measures are also unlikely to be appropriate in this case as the development will not result in residual landscape or visual effects in the long-term. Proposal not considered in accordance with SOLP policy ENV1 or the Chilterns AONB Management Plan.
97. A number of landscape conditions would be required should the development be approved

#### Initial Consultation (October 2021)

98. Object. Do not agree with the conclusions of the LVIA. Consider some of the landscape and visual impacts would be greater than stated. For example, I consider that insufficient consideration has been given to the site's role as a setting to the Chilterns AONB and to users of the Thames Path National Trail. The effects of noise, dust and traffic movements caused by quarrying on the

landscape resource (including the AONB) and its users have been insufficiently taken into account. The LVIA relies heavily on mitigation, but although new planting is welcomed it will take time to mature. Existing planting will assist in softening views, but would not be fully effective in winter. It is not clear how existing vegetation would be protected from excavations and material storage. Further detail should be provided on the 3-5-metre-high bunds as they can adversely impact character and views.

99. The submitted tree survey has not been updated from the previous application. It contradicts the planning statement which suggests that the hedgerow and trees in the centre of the site would be retained. Further information is required on root protection areas, buffers and how vegetation will be protected.
100. The site is in an area that is already subject to a high number of developments, which cumulatively have put pressure on the existing local road network, and which affect the tranquillity and experience of the AONBs. I am concerned that the proposed development will further adversely affect tranquillity by introducing an industrial use into the area and adding further HGV movements onto the local road network.
101. Users of the Thames Path will have uninterrupted views of the development and their experience will be adversely affected by the quarrying operations through views, noise and dust. The proposed straw bales are not an appropriate measure in this location as straw bales don't tend to last well and often look unsightly even after short periods of time. In addition, they are also unlikely to be very effective in keeping people away from the quarry void as they often attract people to climb on them, which in turn poses a potential risk to injury.
102. Overall, the proposed restoration to agricultural land and nature conservation looks acceptable in landscape terms.
103. The application is an improvement from the previous proposals and the impacts would be temporary. However, the proposal will by its nature adversely affect the local character and views including the AONB and will significantly affect the views and experience of users of the Thames Path during the operational phase. I consider the development to be in conflict with national and local landscape policies, and I can therefore not support the application.
104. I therefore do not consider these to be an effective measure in mitigating adverse effects on users of the Thames Path and the AONB.

### **OCC Tree Officer**

#### Third Reg 25 Consultation – Third Response August 2024

105. The updated plans address previous concerns. A tree protection condition should be added to any permission granted.

#### Third Reg 25 Consultation – Second Response July 2024

106. Amended plans should be provided prior to determination, as the plans currently show bunding within Root Protection Zones and the restoration and working plans also show works within the RPZ of tree T70. This should not be left to condition. Comments in relation to T33 are noted, OCC will seek compensation for the removal of this tree through the s278 process.

#### Third Reg 25 Consultation – First Response June 2024

107. Further information required. There should be justification of why the access can't be relocated slightly to the east, avoiding the loss of tree T33. There are inconsistencies in the bund locations shown on current plans. Plans show works in the Root Protection Zone of tree T70. These plans should be amended. In its current form the application is contrary to SOLP policy ENV1. If these amendments are made and permission is granted, this should be subject to a tree protection condition requiring a Tree Protection Plan and Arboricultural Method Statement.

#### First Reg 25 Consultation - August 2022

108. No objection, subject to conditions. The Arboricultural Impact Assessment (AIA) includes a Draft Arboricultural Protection Plan. This does not include details of the location of tree protection fencing, though it does identify general construction exclusion zones. Taken together the new Root Protection Zones and Cross Section Plans indicate that sufficient distance can be maintained between the trees to be retained and the limits of excavation / proposed bunding. However, the plans are not comprehensive and consistent. More detailed, final drawings are required, however these can be secured by pre-commencement condition.

#### **OCC Public Health**

109. No objection, subject to a condition for a comprehensive dust management plan including details of air quality monitoring at nearby receptor sites and proposals for mitigating harm from dust, including from vehicles that transport materials. The plan should also include explicit criteria describing when action should be taken, a clear mechanism for monitoring and responding to complaints, and plans for what happens outside of working hours.



## Anex 4 – Representations

1. A total of 352 letters have been received from local residents. The points raised are summarised below. One was a letter of the support and the others were objections. 252 of these were received during the first consultation, a further 99 was received during the second consultation period, 1 further letter of objection was received during the third consultation period and none were received during the fourth consultation period. Objectors were informed that they did not wish to write again if their views hadn't changed, and their original comments would still be taken into account.
2. Cllr Sue Roberts, SODC Councillor for Wallingford objected to the proposals on the basis of it being an inappropriate site due to proximity to the AONB and the leisure uses of the field, Thames Path and river.
3. Other representations are reported anonymously, and the issues raised by objectors are summarised below.

### Environmental Destruction

- Impact on species including grass snakes, barn owls, otters, beavers, deer, rare butterflies and snails
- Impact on habitats, including BAP priority habitats
- Impact on land which is in a Conservation Target Area
- Impact on beautiful, wild area adjacent to Thames
- Not possible to restore flood meadows which have developed over centuries
- Economic benefits do not outweigh environmental cost
- Net gain is required – this would be hard to demonstrate

*Officer response – There has been no objection from the OCC Ecology Officer and net gain has been demonstrated. Therefore, although there would be temporary disturbance to habitats, in the long term, the scheme would be beneficial for habitats and species. Conditions could be used to ensure that mitigation measures are implemented to protect wildlife.*

### Industrial development in countryside/ near residential properties

- Noise, including reversing beepers
- Dust, including fine silica dust
- Will look unattractive
- Concern that it would be permanently developed after extraction complete

*Officer response – The proposals are for a temporary development and the site would be restored after extraction was complete. There is the potential for visual, noise and dust impacts during the operational period, however, the application was supported by an Environmental Statement which sets out that these impacts can be mitigated to acceptable levels. There has been no objection from the Environmental Protection Officer and conditions could be attached to any consent*

*granted to ensure that relevant mitigation measures are implemented. Once restored the site would have greenfield site status in planning terms.*

### Landscape and Visual Impacts

- Impacts on Thames and AONBs
- Loss of pastoral landscape which is distinctive and rare remnant of agricultural heritage
- Impacts on people approaching across the river bridge from west – elevated position
- Would destroy green fields which are pleasant to look over
- Visual impacts on people driving past
- Concerned visual impacts have been understated in the application

*Officer response – There would be impacts on the landscape during the operational and restoration periods, and this is considered in detail in the report.*

### Need for mineral

- No need for further gravel extraction in Wallingford – another gravel site very close
- Site should not be allowed to be worked concurrently with nearby site at New Barn Farm
- Mineral wouldn't be used locally
- Demand for building materials likely to fall soon when inflation rises
- Recycled aggregate should be used instead of digging new quarries
- Recycled glass should be used in concrete
- Need assessment fails to recognise that increased sales in this area are due to the existing quarry, rather than an increase in general demand.

*Officer response – The need for the mineral is addressed in the report. The Oxfordshire Minerals and Waste Local Plan contains policy M1 stating that there is a preference for mineral to be supplied from recycled materials rather than primary aggregates, however, there is still a need for primary minerals.*

### Impacts on Leisure and Recreation

- Loss of pleasant, tranquil, green, open landscape for walking and picnicking, impacts on physical and mental health
- Noise impacts from machinery
- Impacts on people using boats on river
- Impacts on rowing on this particularly wide stretch of river
- Site connects Wallingford and Cholsey and is well used
- Impacts on anglers
- Impacts on swimmers
- Proximity of site to urban settlement makes its retention more important – site is well used by the community

- Impact on high profile running and rowing events in the area which attract tourists and visitors
- Negative economic impacts as walkers and tourists will be discouraged from the area

*Officer response – There would be some impacts on users of the River Thames and Thames Path. However, there would be a buffer zone between the river and the workings, which would mitigate impacts. There is no formal public access to the application site other than along the Thames Path, which would remain in place.*

#### Impact on Thames Path

- Visual, noise and dust impacts on this National Trail, used by locals and tourists
- Currently the only path out of Wallingford not hemmed in by construction
- Tranquil part of the Thames
- Concern about access to riverbank and path
- Bunds and bales would disturb enjoyment and obscure views
- Proposed fence and straw bales will not provide adequate protection/ will not create a pleasant walking environment
- Prevailing winds would make dust impacts on Thames Path worse

*Officer response – The Thames Path would remain open and there would be a buffer between the path and the workings, but there would still be some impact on this part of the Thames Path in terms of noise and visual impacts. Conditions could be used to ensure that impacts were minimised to acceptable levels and the development would be temporary.*

#### Flood Risk

- Concern that inert fill will change groundwater flows
- Concern that bunds and earthworks would lead to flooding upstream and cause floodwater to divert around the site
- Concern that lagoons would lead to flooding downstream
- Concern that ground stabilisation techniques would be needed on the A4130 embankment and additional flood storage capacity would be needed to compensate for the additional embankment required
- Concern that development in floodplain would cause flooding in Wallingford
- Threat to human life on the site due to fluvial flooding
- Alteration to floodplain in this location will drive flood water into Carmel College site, putting lives at risk

*Officer response – Detailed assessment work has been submitted with the application and there has been no objection from the Environment Agency, or the Lead Local Flood Authority.*

#### Water Quality

- Receding flood water taking fuel from plant and sediment from stockpiles into the Thames
- Concerned about pollution from landfilling beneath adjacent to river in floodplain
- Pollution of river/aquifer through infilling
- Sediment from gravel washing could contaminate river
- Water will be lost from aquifer through evaporation from waterbody
- Impacts on river stability
- More detail is needed about waste infill to ensure there is no water pollution

*Officer response – Detailed assessment work has been submitted with the application and there has been no objection from the Environment Agency, or the Lead Local Flood Authority.*

#### Impacts from HGVs

- Congestion
- Noise
- Dust
- Air pollution, particularly considering cumulatively with other new developments in Wallingford
- Concern about impacts on Reading Road
- Materials should be imported and exported via the River Thames
- Dangerous for walkers and cyclists on Reading Road
- Congestion on Wallingford bypass
- Even if mineral is used locally, HGVs will still be required to import inert fill from elsewhere for restoration
- Safety along the route to Didcot
- Danger to children at nursery and parents collecting them
- Concern that stone falling from lorries would damage cars and create a mess on the road
- Cumulative traffic impacts with other development in area

*Officer response – There has been no objection from Transport Development Control. The site would have direct access onto A-roads and it is considered that there is capacity on the network to accommodate the additional movements proposed.*

#### Impacts on the A4130 in particular

- Concern that the A4130 embankment is weak and subsiding and main egress from the development would run up the weak section of the embankment
- Concern that the road is dangerous for cyclists due to inaccurate road markings
- Concern about impacts of HGVs on road surface
- Concern about cyclist safety due to OCC Highways actions – poor signage etc

*Officer response – The concerns about the A4130 embankment and road markings and signage appear to be a wider issue which are not directly related to this planning application.*

#### Inadequacies in application/ES (prior to Reg 25 request)

- The application ignores the impact on the 550 houses that are currently planned to be constructed on 'Site E' at Wallingford and the impact on the recently constructed houses at the CABI development on the other side of the river
- Concerned that vibration measurements are not credible due to poor field practices
- Question the conclusions regarding the quality of the gravel resource
- Does not mention invertebrates
- Further detail is required on the infill material
- Arboricultural report is from a forestry perspective and does not take account of biodiversity value
- Plans do not show the mature trees in centre of field
- More detail should be provided on how the Thames Path will be fenced and maintained
- Plans are out of date and don't show recent surrounding development

*Officer response – Following the first period of consultation, a request for further information was made and further information was submitted. Following a consultation, there were no objections amongst technical consultees, other than the OCC Landscape Officer, which is addressed in the report.*

#### Inadequacies in application/ES (following the Reg 25 submission)

- Disagree with assessment of tranquillity – it is a highly tranquil site
- Disagree with assessment of visual impacts – site is visible from surroundings
- Response on groundwater is not based on data or modelling. More should be done.

*Officer response – As set out in the report, the OCC Landscape Officer also had queries on parts of the Landscape and Visual Impact Assessment. These concerns have to be balanced with other policies and the temporary nature of the harm. There has been no objection from either the EA or the LLFA on groundwater.*

#### Contrary to Policies

- Contrary to Wallingford Neighbourhood Plan Reg 15 version – as it would not improve biodiversity and would lead to traffic, noise and air pollution
- Contrary to SOLP and OMWLP policies due to landscape impacts
- Site not in the South Oxfordshire Core Strategy
- Premature as Part 2 plan not been prepared yet
- Site not allocated in OMWLP
- The sequential test and exception test should be applied to the landfill element
- Disposal of waste in the functional floodplain is contrary to NPPF technical guidance

- Contrary to Green Belt policies

*Officer response – Relevant planning policies are addressed in detail in the report. It should be noted that the site is not within the Green Belt. The site lies within Cholsey Parish and is covered by the Cholsey Neighbourhood Plan, rather than the Wallingford Neighbourhood Plan.*

#### Concern about impacts on specific properties

- Impacts on properties on the other side of Windward, which are not mentioned in ES
- Concern that development would increase the flood risk at White Cross (one of closest houses)
- Impact on vulnerable babies and elderly people at Elizabeth House day nursery and Waterside Court care home, including air quality as pollution is already high
- Concern about impacts on Windward House – noise, dust, vibration and water supply. Only water supply is via a well, the aquifer is only a few metres down, concerned about reduction in water supply and contamination
- Own land immediately adjacent to the site area, concerned about noise, dust and visual impacts on land and that the application site cuts across access to their land
- Wallingford Rowing Club – concerned about air pollution from dust as athletes are more vulnerable
- Concerned about noise and dust at residential properties in Carmel College
- Dust impacts on adjacent solar farm
- Close to new areas of housing

*Officer response – The Environmental Statement has assessed the impacts on relevant sensitive receptors. The Environmental Protection Officer has considered the ES and has no objections to the proposals.*

#### Opposed to further development in Wallingford

- Loss of local distinctiveness as gaps between villages are filled with housing and industry
- Wallingford already doing its part in building houses and industrial units
- Challenge the assumption that economic growth is unquestionably good and that housing need and major capital developments should go unchallenged
- Wallingford is a market town – not suitable development
- Wallingford has been over developed and infrastructure cannot keep up
- No benefits for the local area
- If permission is granted it should be subject to an order to restrict the future use of land

*Officer response – Points raised about development around Wallingford appears to be general concerns rather than a specific objection to these proposals, which would be temporary. The land would be restored to green field agricultural land following the mineral extraction.*

### Restoration

- Is there any guarantee the restoration proposals would be implemented?
- Ponds and reedbeds would be preferable to the agricultural restoration
- Concern that it will be left unrestored and end up with a marina by stealth
- Restoration proposals show a lack of understanding of current habitat – should not be destroyed and replaced with something different

*Officer response – The restoration proposals would be secured by condition. The site would be progressively restored as it is worked. Whilst ponds and reedbeds might be preferable from an ecological perspective, the MOD has concerns about bird strike risk at this site therefore the extent of water habitats has been minimised.*

### Process

- Site notices on the gate was facing away from town
- Inadequate consultation with the community
- Conditions should be used to control the timescale of each phase and the restoration
- Waste use for infill should be monitored
- Stringent conditions should be imposed if development is approved

*Officer response – The correct planning process has been followed in determining this application. Conditions would be used to control the timeframe of the development. Waste fill imported to the site would be subject to an Environment Agency permit. OCC would monitor compliance with conditions on the planning consent.*

### Impacts on heritage assets

- Impacts on listed buildings within the Carmel College site
- Site is of archaeological importance and do not believe contractor would take enough care

*Officer response – The impact on heritage assets was assessed through the EIA process. There has been no objection from OCC archaeology and although Historic England have raised concerns about listed buildings in Carmel College, they have not objected.*

### Climate Change

- Climate change and carbon – construction industry is a major contributor
- Destruction of grass, shrubs and trees will reduce area's ability to absorb CO<sub>2</sub>.
- Climate change impacts - floodwater plain captures more carbon than trees

*Officer response – The ES contains a section on climate change, which concludes that there would be a minor positive contribution to offsetting the wider effects of climate change.*

#### Better uses for the site

- Site would be better used for housing or a marina
- Limited economic benefits – would not create many jobs
- Site should be developed as a nature reserve or riverside park

*Officer response – The application that has been submitted needs to be determined on its merits. There is not currently a proposal for an alternative development which would deliver a marina, housing, a park or more jobs.*

#### Support

- In the long term it will provide better habitat for wildlife and green space for people

#### Other Impacts

- Air quality – dust from operations
- Impacts on high quality agricultural land

*Officer response – The ES assesses air quality and there has been no objection from the Environmental Health Officer or the Public Health team. The site contains 45% best and most versatile agricultural land, however, this would be restored following mineral extraction. There has been no objection from Natural England.*



## Annex 5 – Environmental Impact Assessment

1. An Environmental Statement has been submitted with this application, setting out the findings of the Environmental Impact Assessment. This is summarised below.
2. Sections 1-4 introduce the development and the site. Section 5 considers alternative methods, sites and forms of development. This concludes that if the mineral was not worked the site would remain agricultural and not contribute towards the rebalancing of supply towards the south of Oxfordshire. It considers working the site over a shorter timeframe and concludes that this would lead to greater traffic impacts. It concludes that alternative sites nearby are constrained by the AONB or highways access. It states that as the site is in the floodplain it does not have potential for many other types of development.
3. Section 6 covers surface water and flood risk. This states that the Flood Risk Assessment (FRA) modelling show a decrease in water levels during the operational period as additional flood storage capacity is created. Following restoration there would be a reduction in water levels upstream, but an increase downstream. The increase is considered to be small and not significant. No further mitigation is proposed, other than that incorporated into the design of the scheme.
4. Section 7 covers hydrogeology and covers the impacts of dewatering. It concludes that there would be no significant impacts on the local hydrogeological regime either during operations or after restoration, subject to the proposed mitigation measures. This states that any lowering of the water table would be temporary and reversible. A clay filled trench is proposed on the southern boundary to Phase 3, along with water level monitoring.
5. Section 8 covers highways and traffic and concludes that the proposed additional HGV movements would not be significant compared to existing traffic flows.
6. Section 9 covers noise. Ten noise sensitive locations are identified, and the findings of baseline monitoring results are provided. It states that background noise levels are high due to the proximity of roads. It predicts the noise at these locations during normal quarry operations and concludes that in all cases noise levels would be less than 55 dB. A cumulative noise assessment with New Barn Farm quarry was also carried out, cumulative noise levels were also predicted to be less than 55 dB. Noise mitigation measures are outlined including working within standard hours only, using silencers on machinery and minimal noise on reversing beepers, starting up machinery sequentially, minimising drop heights, maintaining haul routes and maintaining perimeter bunds.

7. Section 10 provides details of the air quality assessment that was undertaken. This concludes that predicted PM10 and PM2.5 emissions from the site would not result in exceedances Air Quality Objectives and that it is unlikely that the proposals would lead to a significant reduction in air quality. Mitigation and monitoring measures are proposed to help ensure that any dust and air quality impact is limited in scale and duration. These measures include minimising drop heights, controlling vehicle speeds, seeding restored areas as soon as possible, sheeting lorries, using water to reduce dust in the processing area, routing HGVs to avoid AQMAs and use of a road sweeper.
8. Section 11 covers landscape and visual amenity. A Landscape and Visual Impact Assessment (LVIA) has been undertaken which concludes that there would be medium adverse impacts on landscape during the operational phase but following restoration the impact would be medium to high beneficial. No significant adverse impacts are identified on any receptor, although a moderate adverse impact is identified at four receptors (Boat House, Thames Path, Elizabeth House day nursery and Barchester Waterside Court Care Home) during the operational period. There would be no long-term visual effects following restoration.
9. Section 12 covers soils and agriculture. This states that the site is poor quality agricultural land with only one field suitable for crops. However, 48% of the site is classified as Grade 2 or 3a. This part of the site would be restored to agricultural land.
10. Section 13 covers RAF Benson Safeguarding. This explains that areas of open water would be designed to mitigate bird strike hazard. A bird management plan is provided, and the section concludes that there would be no significant impacts on aerodrome safety.
11. Section 14 covers geology and geotechnical impacts. This confirms that the temporary extraction slopes would be stable for the period between excavation and backfilling.
12. Section 15 covers ecology and nature conservation, including details of ecological surveys, a tree survey and a biodiversity metric calculation. It includes details of mitigation measures including maintaining a 30-metre margin from the River Thames, retention of boundary features and a large part of the ditch in the north eastern part of the site. Specific mitigation measures for reptiles would be undertaken prior to soil stripping, lighting would be minimised to minimise impacts on bats. It concludes that the proposal would create new habitats following restoration and there would be biodiversity net gain.
13. Section 16 covers cultural heritage and archaeology. This concludes that it is unlikely that there is any unrecorded archaeology within the site. The Cultural Heritage assessment concludes that the proposed development and restoration scheme are likely to result in no significant impact upon the heritage assets within the Wallingford area.

14. Section 17 covers cumulative and combined effects, including in relation to new residential development in the area and New Barn Quarry. It concludes that there would be very few significant cumulative impacts on the local environment.
15. Section 18 concludes that the proposals have evolved in response to the technical work and environmental protection measures have been incorporated into the scheme design.

## **Regulation 25 Information**

16. Further environmental information was requested and provided, following the first period of consultation.
17. Section 1 contains information on the need for sand and gravel and referenced the Local Aggregate Assessment 2021 (LAA 2021). It concludes that there is an increase in demand for aggregate and this site would assist in meeting the planned provision level to meet demand and deliver growth.
18. Section 2 contains further information on landscape. This confirms the intention to use straw bales and provides confirmation of the proposed bunds, root protection, vegetation to be retained, details of fill material (construction waste sourced from the local area). Figures are provided to show views to/from the AONBs, further information is provided on impacts on the River Thames and users of the Thames Path. An Arboricultural Assessment and a Landscape Masterplan is provided.
19. Section 3 contains an updated Transport Assessment, addressing the requests for further information. This includes the results of new traffic surveys and updated access drawings showing the highway extent. A new Road Safety Audit is provided and identifies no issues. The report concludes that the development is compliant with policy and there are no existing highway issues.
20. Section 4 contains additional ecological information, including that the Black Poplar tree will be retained, that no invasive plant species were found on site and clarification on the biodiversity metric calculation. A Proposed Habitat Plan is provided.
21. Section 5 contains a revised Flood Risk Assessment. This concludes that phases 1 and 2 are wholly within the functional floodplain and phase 3 is partly within it. However, sand and gravel working is water compatible. Hydraulic modelling has indicated no material change in flood extent and a negligible increase in off-site water levels. There is no need for flood storage compensation as land levels will be restored to existing or below. It sets out recommendations including ground levels to be no higher than existing, stockpiles to be located outside of floodplain, a Flood Response Plan, Excavation Method Statement and Drainage Plan to be developed and provided.

22. Section 6 covers the potential impact on private water supply. It includes mitigation measures, including the placement of clay overburden against the quarry face as a barrier between the extraction area and private water supply. It explains that it was not possible to access the well as the owner did not permit this. On the basis of the information available it concludes that the potential for the development to adversely affect the well is insignificant.
23. Section 7 covers further drainage information, as requested. This confirms that all surface water run off would be collected within the quarry sump and pumped to the silt lagoon prior to flowing into the clean water lagoon. An overflow would connect this to the ditch on the northern boundary.
24. Section 8 covers impacts on Elizabeth House day nursery and concludes that the outcome of the original assessment is unchanged.
25. Section 9 covers climate change. This states that the quarry would provide material close to the markets in south Oxfordshire which would reduce HGV movements associated with development around Wallingford. The restoration would ensure that run-off is properly managed and the additional tree and hedgerow planting would help offset climate change. It concludes that in the long term there would be a minor positive contribution to offsetting the wider effects of climate change.

### **Second Regulation 25 Request**

26. Further documentation explaining the approach to flood modelling was provided, explaining the methodology that was used and addressing the risk of flooding off-site, confirming that the modelling demonstrates that any increase or decrease to risk is so negligible that is beyond the mathematical tolerance of the models.

### **Second Regulation 25 Consultation**

27. The third Regulation 25 consultation was held because an updated set of application plans was submitted, following the identification of inconsistent plans in the previous consultation.

## **Annex 6 - European Protected Species**

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

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

The habitat on and around the proposed development site and ecological survey results indicate that there is a low likelihood of European Protected Species (bats and otter) to be present.

It is considered that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

## **Annex 7 – Full Consultation Responses from OCC Landscape Officer**

### **Third Regulation 25 Consultation (July 2024)**

1. In my previous consultation response I commented on the drawings in the Waste Recovery Plan, which includes previous versions of the Concept Restoration Plan (ref KD.WLF.D.010B in this document) and the Phasing Plan (ref KD.WLF.D.003 RevB), as well as other plans relating to phasing. I noted the limited information on levels (including the height of the straw bale barrier), the lack of information on internal access points/circulation areas between phases, and the concept restoration potentially delivering fewer ecological benefits. No further information has been provided on these points.
2. The latest revision of the Conceptual Restoration Plan v3 includes less agricultural land, which is an improvement to the previous version (V2).
3. The latest revisions of the plans don't change my previous advice and my previous comments still apply. It is important that the comments of the Council's ecological officer are also taken into account.

### **Second Regulation 25 Consultation (April 2024)**

4. The following comments should be read in conjunction with my previous comments and those of my colleagues and other interested parties.
5. I have the following observations on the Waste Recovery Plan:
  - the phasing plans and concept restoration plans within the Waste Recovery Plan include limited information on levels. Information on the height of storage bunds is provided in the notes but not for the strawbales. Information on this should be included on the drawings.
  - the phasing plans don't show internal access points between phases to help understand how excavation and restoration is achieved without disturbing the existing vegetation or the Restored Land areas (e.g. for phase 3). This information should be provided.
  - the Concept Restoration Plan (dwg KD.WLF.D.010B) no longer includes scrapes/shallow pools providing fewer ecological and landscape benefits. It is important that the restoration seeks to achieve significant enhancements.
  - the phasing drawings state under 5) that all restored land will be managed under a 5-year aftercare period before being handed back to the landowner. As mentioned previously, long-term management is required to ensure the proposed restoration habitats get established and deliver the envisaged ecological and landscape benefits. It is my understanding that long-term management of 30-years is required from a biodiversity gain point of view. The County ecologist should be consulted on this.

- I note from the District Council comments that the plans might not accurately show the Root Protection Areas (RPA). I recommend that the Council's tree officer is consulted.

Supplementary comments to my previous response:

6. Following my previous response I have been made aware that the noise assessment submitted as part of the application does not suggest a significant increase in noise levels on receptors in the area. This is also reflected by the Environmental Health Officers' comments, who is not objecting to the scheme.
7. Tranquillity is 'a state of calm and quietude' and not just about noise levels, however, noise is a contributing factor. I accept that the operational noise will be lower than I had envisaged and therefore that selected receptors, especially on those further away, will be less affected.
8. As such I consider that effects on tranquillity of the Chilterns National Landscape (Chilterns NL) would be limited to nearby areas that also offer some level of visibility of the site such as the River Thames corridor and locations on the eastern bank of the river (e.g. St. John the Baptist).
9. The information does not materially change my view about effects on tranquillity on receptors within or in close proximity of the site.
10. It should be noted that no visualisations were submitted as part of the application. SODC mentioned the lack of photomontages in their comments (Oct '21). I, like the applicant and others have based my judgements on the information in front of me and my knowledge of the locality. However, photomontages or wireframe images for selected viewpoints (e.g. the Thames Path, Nosworthy Way, Reading Road) usually form part of an Environmental Statement (GLVIA3, TGN 06/19), and planning committee members might find these helpful in the decision-making process in the light of differing views.
11. It should also be noted, that the recently passed Levelling Up and Regeneration Act 2023 (Section 245) has placed a strengthened 'duty to further' the statutory purposes of the National Landscapes on local authorities. This replaces the previous 'duty of regard' local authorities had under Section 85 of the Countryside and Rights of Way Act 2000.
12. It is anticipated that the government will provide further guidance on how this duty should be applied, however, interim advice from Natural England is that the duty has been strengthened, and that it is an active duty rather than a passive one. This means that developments are not only required to avoid and mitigate effects but to explore what can be done in addition, to further the purposes and qualities of the National Landscape.
13. This is of relevance to this development in so far that the site directly adjoins the Chilterns NL. It is therefore important that adverse effects on the river corridor and the Thames Path are not only avoided or mitigated, but that these characteristic elements are actively enhanced in the restoration.

14. The information discussed above does not materially change my previous comments. As previously stated, the development would introduce quarrying into an area that I consider sensitive in landscape and visual terms due to its location adjacent to the Chilterns NL, the River Thames and the Thames Path National Trail. The proposal would cause adverse landscape and visual effects, including adverse effects on the Thames Path, the River Thames Corridor and the Chilterns NL and its setting.
15. I recognise that these effects would be temporary and that the site would be progressively restored to biodiversity and landscape, which is a mitigating factor in LVIA terms. However, I don't consider this to justify the impacts, and judge the development not to meet the requirements of national and local planning policy. My previous recommendation still applies.
16. Conditions covering the following aspects will be required should the development be approved:
- Construction Environmental Management Plan (CEMP)
  - Retention of existing vegetation - I assume that conditions suggested by the County's Arboricultural Officer will cover this
  - Lighting
  - Mitigation planting and bunding
  - Details on treatment of the eastern excavation boundary with the Thames Path
  - Detailed Restoration Plan
  - Landscape Management Plan - This can usually combined with a Landscape and Ecological Management Plan condition put forward by my ecology colleagues
  - Aftercare scheme
  - Long-term management

### **Regulation 25 Consultation (June 2022)**

17. Objection
18. The key landscape planning policies and landscape character context are outlined in my previous comments, which should be read in conjunction with these comments.
19. Additional information relating to landscape and visual matters has been provided. This includes further information on mitigation, the appearance of the proposed bunds, HGV movements and an updated tree survey as requested in my previous comments. It also provides further detail on a number of other issues including impacts on the AONB and its setting, tranquillity and policies.
20. Tree survey and Arboricultural Impact Assessment (AIA) - An updated tree survey has been provided which concludes that the proposal will result in the loss of six relatively low-grade trees and seven groups of trees.



21. Most of the vegetation within the centre of the application site will be lost with the exception of the linear vegetation feature that runs in north-south direction across the application site (groups G12 & G13), which will be retained.
22. Boundary vegetation along the western, northern and eastern boundary is largely retained with the exception of the access and exit points, and a group of blackthorn scrub (G14) at the southern end of the site.
23. It considers that the creation of construction exclusion zones through appropriate approved fencing can ensure adequate protection and prevent lasting damage of retained trees, and that the restoration plan will restore and enhance lost canopy and vegetation cover over time.
24. I am not an arboriculturist but this approach seems acceptable to me subject to appropriate replacement planting and subject to the trees and their root protection areas (RPA) being adequately protected from both excavation and storage of material including bunds.
25. I note that the proposed phasing plan shows the extraction areas and the bunds tightly drawn around the existing vegetation suggesting that RPAs might be encroached upon. This will need to be addressed on the drawings and any mineral calculation, and a condition will be required to ensure adequate tree protection is put in place should the development be approved.
26. Mitigation Measures - The additional information includes further detail on the mitigation measures proposed in the LVIA:
27. Retention of existing periphery vegetation and additional planting - Existing boundary vegetation is proposed to be retained and to be strengthened with additional planting to help screening quarrying operations from nearby roads and properties. New planting along the periphery will help to strengthen the landscape structure along the boundaries post restoration but as planting takes time to mature it is unlikely to be effective during operation.
28. Grass-seeded bunds - Bunds are proposed along the western boundary and near the Reading roundabout to mitigate views from the West of the site. Bunds are commonly used in connection with quarries but can be uncharacteristic elements in the landscape in their own right. Additional information has been provided on the height, make-up and location of screening bunds.
29. Both topsoil bunds (3m) and subsoil bunds (5m) are proposed to be placed alongside the existing boundary vegetation along the western boundary and near the roundabout. Care will need to be taken that these are placed outside the RPAs as required by the AIA. The bunds will be reasonably well screened during the summer months but are likely to become more visible through the vegetation during the winter months when vegetation is not in leaf.

30. The combination of existing boundary vegetation together with bunds is expected to be largely effective in mitigating impacts of operations within the site on low-level views from the West and Northwest. Visibility of operations within the site is likely to increase when bunds are removed to enable the extraction of the material from underneath the bunds. The 10m high raised stockpile might also be visible in views above the boundary in selected local views.
31. Views of the development from the entrance and exit points will be possible. The Proposed Phasing Plan suggests that no bunding is proposed immediately north of the site entrance so that the HGV parking, office and welfare facilities, as well as the 10m high 'as raised stockpile' mound are likely to be visible in glimpsed and intermittent views through the existing boundary vegetation, especially during the winter months when the vegetation is not in leaf.
32. Occasional views into the site will also remain possible from Nosworthy Way at the proposed exit point and east of it, where the A4130 runs on an embankment towards the River Thames bridge. Existing trees and scrub will provide some screening from this elevated position but occasional views into the site are likely to remain possible through gaps in the trees. Visibility will also increase during the winter months when trees are not in leaf.
33. Straw bales - These are proposed to mitigate the visual impacts of the development on users of the Thames Path, the River Thames and the AONB. I have not been able to find any information on the height and type of the quarry safety fence or the straw bales. The typical cross-section on sheet 17 indicates the fence to be lower than the height of the straw bales and I'm not clear how this will overcome safety concerns. The location and alignment of the cross-section is also not clear as phase 2 is located further South than the plant site.
34. It is not clear how high the bales are proposed to be stacked, what the proposed size of the individual bales is, how they will be secured, nor what the expected functional lifespan is and replacement period.
35. Even if they were to be stacked to a height that provides low-level screening of the machinery and processing equipment in views as suggested, I remain unconvinced that they will be fully effective in filtering out noise and activity associated with the quarrying operations.
36. Despite being a natural material that is associated with agriculture I expect that the straw bales will look incongruous in the landscape when used as a long linear barrier as proposed. Straw bales also have a tendency to deteriorate and become unsightly, which will increase their impact on views. As the screen will be in sections, views into the site from the north and south might also remain possible.
37. The straw bales are proposed to be set back by 30 metres from the bank of the River Thames. The Thames Path runs roughly in parallel to the river bank

but its distance from the bank varies with the path running in closer proximity to the straw bale bund and excavation areas in places.

38. In order to provide further mitigation to views from the Thames Path, the additional information suggests delivering a clear bankside route closer to the edge of the River Thames. This will require creating a passage through existing dense vegetation, which has the potential to adversely affect riverside vegetation and biodiversity. If such a measure was to be considered, it is important that its acceptability is discussed with the Public Rights of Way officer, the Thames Path National Trail officer, the Parish Council and other interest groups associated with this long-distance national path.
39. I remain unconvinced that the straw bales will be effective in mitigating views from the East and believe that the Thames Path will be highly impacted upon during operation due to its proximity to excavation areas and the intrusive nature of the development, which will adversely affect the tranquillity and perception of the wider area, including users of the Thames Path, the River Thames and residents or visitors to the Carmel College on the other side of the river.
40. Progressive restoration - It is recognised that the site will be worked in phases and that only parts of the site will be worked at any one time. The additional information (sheet 3) suggests that 40% (the eastern part) of the land would be restored by phase 3 reducing the impact on users of the Thames Path. No timescale is given on when this point might be reached. Whilst progressive restoration will assist in gradually mitigating visual effect from the Thames Path over time, adverse impacts caused by the nature of the development (e.g. heavy machinery, noise, dust, HGV movements) will remain, and will continue to adversely affect the perception and the enjoyment of the local area.
41. It is also important to remember that the restoration of habitats will take time. Progressively restored areas will not deliver immediate landscape and visual benefits but will take years to establish and to achieve a similar landscape and visual condition.
42. I note that the information suggests a maintenance period for five years. A longer-term management will be required for habitats associated with achieving Biodiversity Net Gain.
43. Proposed mitigation measures will assist in reducing effects on some visual receptors, but I don't believe that they will be fully effective in mitigating adverse effects of the development on users of Nosworthy Way and the Thames Bridge, the River Thames, the Thames Path or the Chilterns AONB.
44. LVIA / Impact of the development: The LVIA concludes that the development will not cause any significant adverse landscape or visual effect. As stated in my previous response I believe that the LVIA is understating impacts on the local landscape character and selected views. The following examples provide further detail why I consider this to be the case.

45. Landscape effects: I believe that the landscape effect for the site has been underestimated during operation due to a combination of underestimating the value and related sensitivity of the site, and the magnitude of impact. I consider the sensitivity level of the local area (site level) to be higher than medium as assessed in the LVIA as I judge the scenic quality, the recreational value, tranquillity and the cultural and historic aspects to be greater than stated.
46. Scenic quality: The LVIA assesses the scenic quality of the site to be medium but I consider it to be higher. The scenic quality can be appreciated from the Thames bridge, the Thames Path National Trail, the River Thames, Nosworthy Way and in glimpsed views from across the river. The river and its riparian context of floodplain agricultural uses on one side and the parkland character with listed buildings and boat houses on the other side add interest and scenic quality to the site. The Wallingford bypass is visible in sections but partly screened by vegetation, the bridge itself is functional but not intrusive and it still allows connectivity along the river underneath it. I therefore judge the scenic quality to be high rather than medium.
47. Recreational value: The site is very popular for informal recreation by people walking the Thames Path, dog walkers or by people enjoying water related activities such as fishing, paddling, boating and rowing. Some of the university boat clubs are located a short distance north of the site and regularly use this stretch of the river for training purposes. Unlike some other areas along the River Thames this stretch of the river also offers several opportunities for easy access into the water. I therefore consider the recreational value as high rather than medium to high as stated in the LVIA.
48. Tranquillity: tranquillity has been assessed as being low to medium. The Thames Path runs along the River Thames underneath the Nosworthy bypass bridge. Being lower lying than the bypass, and being accessed via a long ramp that is framed by vegetation the site feels somewhat detached from the road even though traffic on Nosworthy Way is audible and partly visible. Although the site is not tranquil as such, the river and its riparian landscape setting (including the site) offer relative calmness. I do not consider Nosworthy way as intrusive in views as suggested, and noise levels also decrease with increasing distance from the roads. I would therefore judge tranquillity levels to be at least medium to high rather than low to medium.
49. Cultural and historic aspects: The site is set in a context that increases the sensitivity of the site. Not only does the site include a section of the Thames Path National Trail and directly abuts the River Thames and the Chilterns AONB, but it is also only a short distance from the Ridgeway National Trail, three conservation areas, the NWD AONB and located opposite three listed buildings set in parkland. Whilst the eastern bank of the river is largely vegetated with parkland trees, glimpsed views from historic buildings such as the Grade II\* listed St John's the Baptist church are possible during winter months adding interest and offering a sense of time depth. The importance of the river setting on the historic interest within the Carmel College site is also

highlighted in the Historic England response. I consider the cultural and historic context to be at least high rather than medium-high.

50. Rarity: The site is not rare but it is characteristic. The site can be recreated but it will take time for it to reach similar character and condition.
51. Based on the above I consider overall sensitivity levels of the site to be high rather than medium.
52. The LVIA considers the overall magnitude of impact on the landscape character of the site to be medium adverse during operation (table 2).
53. The proposal will introduce quarrying activity and therefore movement of heavy quarrying equipment, stockpiles, noise, dust, lighting and HGV movements into a rural area next to the River Thames and which directly adjoins the AONB.
54. The site shows many of the characteristics outlined in the SODC LCA. Even though the majority of the boundary vegetation is proposed to be retained, quarrying operations will result in the loss of characteristic agricultural land uses (including pasture and some best and most versatile agricultural land) and habitats, and it will also adversely affect the tranquillity, and enjoyment of the River Thames and the Thames Path. Operations are proposed to last five to six years but it will also take several years for habitats to reach a similar character and quality as existing. I consider the magnitude of impact during operation to be higher than stated, i.e. as high adverse during operation, resulting in a notable adverse (significant) overall effect on the local landscape character.
55. Notwithstanding that the restoration will deliver biodiversity benefits, the creation of habitats will only offer a limited uplift in the landscape character and visual terms. The site already comprises land uses, structure, vegetation, habitats, views and recreational value that are characteristic for this landscape character area so that the restoration will only offer a small improvement in landscape character terms. The restoration will also only result in a minor visual improvement in the long-term through strengthened boundaries, water bodies and wetland habitats.
56. I therefore suggest that the restoration will only offer a 'low beneficial magnitude' resulting in a slight to moderate beneficial effect in the long-term. This benefit would heavily depend on the adequate.
57. implementation and long-term management of habitat, i.e. 25+ years, which would need to be secured should the development be approved.
58. Visual effects: As with the landscape character I consider that some of the operational visual effects have been underestimated, due to an underestimation of the sensitivity and/or magnitude of impact of some visual receptors.

59. • Users of the Thames Path National Trail (VP1/5): The LVIA assessed users of the Thames Path to have high sensitivity and the magnitude as low to medium adverse.
60. The Thames Path National Trail is one of the special qualities of the Chilterns AONB as outlined in the Chilterns AONB Management Plan. The value of National Trails has also been recognised in the Glover Review on Protected Landscapes. Based on this and the immediate proximity of the Thames Path to the development I believe that the Thames Path National Trail should be given the same level of sensitivity as AONBs, i.e. very high.
61. Views from the Thames Path will be directly impacted on by the line of straw bales a short distance from the path restricting the view, or, where views past the straw bales exist, by the introduction of detracting elements of quarry plant equipment and stockpiles into the site. The bales themselves will look incongruous in the view and will adversely affect the extent and character of the views currently experienced from the path. These effects will be further accentuated by the nature of the development (e.g. noise) which will change the perception of the area and the viewer. I would judge the magnitude of impact at least as medium to high resulting in a notable (significant) effect.
62. • Users of the River Thames (VP1/6):
63. The LVIA assess users of the river as medium sensitive and the magnitude as low resulting in a slight adverse effect.
64. Users of the river do not only comprise boats and rowers but also people engaging in less transient water-related activities such as paddling, swimming, fishing or by people sitting on the bank. The Chilterns AONB boundary runs along the western bank of the River Thames and as such the river forms part of the Chilterns AONB. In reflection of this and the importance of the River Thames corridor in landscape character and visual terms, and that the majority of the recreational activities focus on the enjoyment of the outdoors and surrounding landscape I believe that the sensitivity of the receptors should be at least high.
65. The magnitude of visual impacts is likely to vary with receptor groups but will for some users be similar to those experienced on the Thames Path. I consider the magnitude of impact to be at least medium resulting in a notable/moderate effect.
66. • Users of Nosworthy Way at the River Thames Bridge (VP 4/24)
67. Table 4 (Assessed significance of visual effects) only appears to cover motorists at this viewpoint with pedestrians being addressed as part of in VP 4/25 further West on Nosworthy Way. However, I consider it important that not only the impact on motorists but also on cyclists and pedestrians are assessed for this viewpoint as it is an important crossing point across the river.

68. The bridge offers a partial view of the site in the context of the River Thames from the elevated position, which will be particularly appreciated when travelling from East to West. The LVIA considers both motorists and pedestrians to be low sensitivity for this elevated position but I believe that it should be low to medium for motorists and medium to high for pedestrians, as the latter tend to take in more of their surroundings. The bridge is used by a large number of vehicles, and motorists will experience the opening up of views across the river and the site at this point. With regard to pedestrians, the bridge it is a key connector between two National Trails, the Ridgeway on the East side of the river and the Thames Path West side of the river, and it is therefore an important pedestrian route.
69. Users of the bridge will experience partially restricted views across the site looking south. The proposed plant site together with areas of excavations and storage piles will introduce uncharacteristic intrusive elements. I consider the magnitude of impact for motorists and pedestrians to be medium. This would result in a slight to moderate effect for motorists and moderate-notable effect for pedestrians.
70. • St John's the Baptist church in Carmel College (VP 1/2) - I agree with the LVIA that sensitivity of this listed building is high. The LVIA considers the magnitude of impact to be very low, however, I believe it should be slightly higher to reflect the greater availability of views during the winter months. The impact on tranquillity will also affect the experience of visitors to the site and listed buildings. Similar concerns have also been outlined in the Historic England response. I would therefore suggest the impact to be at least low resulting in a moderate adverse effect.
71. • Elizabeth House nursery and pre-school (VP 5/29) - I agree with the LVIA that sensitivity of this receptor as high. The LVIA considers the magnitude of impact to be low to medium, however, I believe this should be higher to reflect the greater visibility during winter months and that the pre-school uses the garden on the side of the building as a forest school. The retained boundary vegetation and additional 5m bunding will assist in mitigating effects but will be less effective from upper floor windows and once the bunding is removed. This receptor is also close to the entry point to the site and is therefore likely to experience HGVs turning into the site, which might cause additional impact. The magnitude of impact should in my view be at least medium, which would result in a notable/moderate effect.
72. • Residents / visitors to the Wet Boat House (VP 1/1) - I agree that the sensitivity level of the receptor is high but consider that the magnitude of impact will be greater than low. Users of this house currently have clear views across the river. Riverside vegetation along the western bank of the Thames partially screens views into the site but uncharacteristic elements of straw bale screen or quarrying machinery might be partly visible especially during the winter months. Viewers from this viewpoint will also experience a change in tranquillity caused by the development. I therefore consider the magnitude of impact to be slightly higher, i.e. medium rather than low, which would result in a notable/moderate effect.

73. Impact on the Chilterns AONB - With regard to the impacts on the Chilterns AONB the LVIA considers the sensitivity level of the AONB to be very high and the magnitude to be low adverse resulting in a moderate adverse effect.
74. Tranquillity is one of the special qualities of the AONB. The introduction of quarrying activity into the site will abruptly change the landscape character and perception within the application site. It will also adversely affect the tranquillity beyond the site boundaries including the River Thames and areas on the eastern side of the river, latter of which form part of the AONB. The AONB and its setting is also experienced from the Thames Path, which will be adversely impacted by the proposals.
75. Whilst I agree with the very high sensitivity level, I consider the magnitude of impact on the Chilterns AONB, which includes the River Thames to be at least medium, resulting in a notable adverse (significant) effect during operation.
76. LVIA summary: Based on the above assessment the development will significantly affect the landscape character of the site, the Chilterns AONB and users of the Thames Path during operation. Users of the River Thames, the Thames bridge, Elizabeth House, the Wet Boat House and other buildings in the Carmel College site are also expected to be more affected than stated in the LVIA.
77. AONB and setting: The Chilterns AONB Management Plan Policy DP4 and the board's position statement on 'Setting' offer the following guidance on development in the setting of the AONB: CCB Policy DP4 states: "In the setting of the AONB, take full account of whether proposals harm the AONB." CCB Position statement on setting states: The Board considers that, although it does not have a defined geographical boundary, the setting of the Chilterns AONB is the area within which development and land management proposals, by virtue of their nature, size, scale, siting, materials or design could be considered to have an impact, either positive or negative, on the natural beauty and special qualities of the Chilterns AONB. ... Adverse impacts might not be visual. The special qualities of the Chilterns AONB include tranquillity. A development which is noisy may well impact adversely on tranquillity even if not visible from the AONB."
78. Examples of adverse impacts on the setting of the AONB are given under 15) and include amongst other things the loss of tranquillity through the introduction of lighting, noise, or traffic movement, and the introduction of significant or abrupt changes to landscape character particularly where they are originally of a similar character to the AONB. I consider both of these impacts to apply to the proposed development on this site during operation, and therefore consider the development to adversely affect the setting of the AONB.
79. The special qualities of the AONB are outlined in the AONB Management Plan and include amongst other things relative tranquillity and the extensive public rights of way networks including National Trails, i.e. the Ridgeway and the



Thames Path. Both of these qualities are relevant to this site and will be adversely affected by the proposed quarrying operations.

80. The Chilterns AONB Management Plan further states in policy PD1 that planning decisions should take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF. It states further in the supporting text that:
81. “Planners must assess impacts on natural beauty which are both direct, like loss of habitat for construction or a proposed new building of unsympathetic design, and indirect, like a new development affecting traffic levels, air quality, chalk streams and tranquillity in the AONB.” (my underlining).
82. The proposal will introduce quarrying activity and therefore heavy machinery, noise, lighting, HGV movement into a rural area adjacent to the River Thames and the Chilterns AONB that is popular for informal recreation.
83. Impacts of noise and activity from the development will not only be experienced within the site boundary but are also expected to adversely affect levels of tranquillity beyond the site itself including the river (which forms part of the AONB) and other nearby sensitive locations in the AONB such as the heritage interest in the Carmel College site.
84. The Thames Path runs along the river and the boundary with the AONB. The Thames Path is one of the special qualities of the Chilterns AONB but is in this case also part of the setting, from which the special qualities of AONB can be experienced (e.g. tranquil river environment, views across the river). Although views from the Thames Path towards the AONB will remain possible, the extent and character of views from the path will be impacted by the development and associated mitigation measures. The development will also by its nature adversely affect the perception, tranquillity and enjoyment of users of the Thames Path and the River Thames, and by doing so adversely affect the Chilterns AONB and its setting.
85. Planning policy considerations - The applicant makes the case that there is a need for quarrying the mineral of this site. It is for my policy colleagues to advise on this, but it is important to note that the site is not an allocated minerals site and that the Mineral & Waste Plan (MWP) Site Allocation process is ongoing.
86. NPPF (2021) - Paragraph 176 of the NPPF requires that great weight is given to the landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection on these issues. It also states:
87. “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.” (my underlining).

88. The policy requires development within the setting of AONBs to be sensitively located. This includes avoiding sites that are sensitive in landscape and visual terms, and where development would adversely affect the AONB.
89. Mitigation should be used where impacts cannot be avoided through appropriate site selection, or where no other options exist. The applicant is seeking to minimise the impacts and I believe that proposed mitigation measures will assist in reducing effects on selected receptors, however, I don't consider them fully effective in mitigating adverse effects on the local landscape character, the Thames Path, or the AONB as it is demonstrated in the paragraphs above. This is due to the site's sensitive location next to the River Thames, the Thames Path and the Chilterns AONB, and the intrusive and industrial nature of the development.
90. I do not consider the development to satisfy the requirements of this policy as the development is not sensitively located by choosing a site that is sensitive in landscape and visual terms, nor is it able to effectively mitigate adverse impacts on the local landscape character, on users of the Thames Path and the AONB during operation.
91. Policy C8 requires proposals for minerals to demonstrate that they respect and where possible enhance the local landscape character, and to include adequate and appropriate measures to mitigate impact on the landscape, which should include careful "siting, design and landscaping". It also states that where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts".
92. In its second paragraph the policy requires that great weight is given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and to the enhancements of the natural beauty. It further states 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."
93. The supporting text (para 6.44) states that setting of and views associated with the Chilterns, Cotswolds and North Wessex Downs AONBs should also be taken into account in considering development proposals. Footnote 103 further states that the relevant AONB Management Plan should inform the consideration of proposals for development within or in proximity of an AONB.
94. The requirement that adverse impacts on the landscape should be avoided or mitigated through appropriate siting is similar to the requirement in the NPPF. As outlined above I consider the development not to be sensitively located by choosing a site that is sensitive in landscape and visual terms, and where adverse landscape and visual effects have been found not to be effectively mitigated during operation.

95. The policy offers the opportunity for compensatory measures in situations where significant impacts cannot be avoided or mitigated. The application proposals do not include any compensatory measures, and such measures are also unlikely to be appropriate in this case as the development will not result in residual landscape or visual effects in the long-term.
96. The second paragraph of the policy requires that great weight to be given to conserving the landscape and scenic beauty of the AONB, which again is similar to the requirement of the NPPF.
97. The policy further recognises the importance of the AONB and its setting, and refers to the Chilterns AONB Management plan for developments that would significantly affect the AONB. Significant effects on the site's landscape character, users of the Thames Path and the AONB have been identified during operation. Relevant Management Plan policies and the impact on the AONB are outlined under the 'AONB and setting' heading above.
98. SOLP Policy ENV1 states that development affecting the setting of an AONB will only be permitted where it conserves, or where possible, enhances the character and natural beauty of the AONB. It also states that South Oxfordshire's landscape countryside and rural areas will be protected against harmful development. Development will only be permitted where it protects, and where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular... the landscapes, waterscapes, cultural heritage and user enjoyment of the River Thames... areas or features of cultural and historic value... aesthetic and perceptual factors such as tranquillity, wildness, intactness, rarity and enclosure."
99. The development will not conserve or enhance the character and natural beauty of the AONB during operation. It will also not protect the countryside including the landscape and enjoyment of the River Thames or conserve or enhance perceptual factors such as tranquillity.
100. Conclusion: The additional information does not change my previous comments. The development would introduce a highly industrial use into an agricultural area that is considered sensitive in landscape and visual terms due to its location adjacent to the Chilterns AONB, the River Thames and the Thames Path National Trail.
101. The introduction of noise, heavy machinery and HGV movements would significantly affect the site's landscape character and users of the Thames Path during operation, adversely affecting the AONB and its setting.
102. Whilst operational impacts would be temporary and the site would be restored to agriculture and nature conservation in the medium-term, restoration would only deliver a slight to moderate uplift in landscape and visual terms compared to the current situation, not justifying the operational impacts of the development on landscape character, views and the AONB.

103. I consider the development not to satisfy the requirements of para 176 of the NPPF, policy C8 of the MWPCS, policy ENV1 of the SOLP and the Chilterns AONB Management Plan and can therefore not support this application.

104. A number of landscape conditions will be required should the development be approved

### **Initial Response Consultation (June 2022)**

105. Objection

106. The site is located south of the A4130 Wallingford bypass, southwest of where the road crosses the River Thames. The western boundary of the site is defined by the Reading Road (A329), whilst the River Thames and a woodland belt define the eastern and southern boundaries respectively.

107. The site comprises 19 ha of predominantly agricultural land of coastal grazing marsh with some arable use being found on the slightly higher-lying southwestern part of the site. The northern, western and southern boundaries are vegetated with trees and hedgerows, a section of hedgerow and a number of individual trees are also found within the site. With the exception of the vegetated boundaries the site is largely open allowing views across the site.

108. Despite traffic noise from nearby roads being audible (especially the A4130) I consider the application site to be rural in character and to reflect many of the characteristics outlined in relevant landscape character assessments. Most built development appears to take place north of the ring road except for a solar farm west of Reading road, which is reasonably well screened.

109. The site is in close proximity of two national designated landscapes, the Chilterns AONB and the North Wessex Downs AONB. The boundary of the Chilterns AONB runs along the western bank of the River Thames and as such the application site directly adjoins the Chilterns AONB. The Planning statement also highlights that a minor part of the site falls into the Chilterns AONB. The North Wessex Downs AONB can be found only a short distance to the West and South of the site.

110. Landscape and Visual Impact Assessment (LVIA) - An LVIA by KEDD Limited has been submitted as part of the application to assess the landscape and visual impacts of the proposal. It concludes that the proposed development will not result in any significant adverse landscape or visual effects. It also concludes that the proposed development will not result in any likely cumulative adverse effects in combination with either existing or proposed developments (LVIA, para. 8.21).

111. I don't agree with the conclusions of the LVIA and consider that some of the landscape and visual impacts to be greater than stated. This is due to a

combination of the LVIA underestimating the sensitivities of the landscape or visual receptors, and/or an underestimation of the magnitude of impacts.

112. For example, I believe that insufficient consideration has been given to the site's role as a setting to the Chilterns AONB and to users of the Thames Path National Trail. I also believe that the effects of noise, dust and traffic movements caused by quarrying on the landscape resource (including the AONB) and its users have been insufficiently taken into account.
113. The LVIA also heavily relies on proposed mitigation measures. The retention and proposed strengthening of the existing boundary vegetation is welcomed but new planting will take time to mature. Existing planting will assist in softening views but is unlikely to be fully effective especially during winter months when trees and hedges are not in leaf. It is also unclear how existing vegetation will be adequately protected from excavations or storing of materials (including bunds). The phasing drawing suggests that excavation comes close to vegetation potentially adversely affecting the root protection areas of trees and mature hedges.
114. The use of 3-5 m high bunds along the western boundary and northwestern corner are proposed to screen the development in views. This can assist in mitigating views and noise from some locations (e.g. West of the site), but bunds are also often uncharacteristic elements in the landscape and have the potential to adversely affect character and views in their own right depending on their height, gradient and treatment. Further detail on the bunds is required should the development be approved.
115. Tree survey - A tree survey to BS5837:2012 standard from 2016 has been submitted but this appears not to have been updated from the previous application. The tree survey states that the central hedgerow will be removed to enable extraction, but the planning statement suggests that the hedgerow and trees within the centre of the site will be retained. Clarification is required.
116. It is also important that the root protection areas (RPA) of trees and mature hedgerows are not adversely impacted on by excavations and/or the storage of materials (including bunds) Further information is required on root protection areas, buffers and how vegetation will be protected.
117. Impact on the Chilterns AONB - The boundary of the Chilterns AONB runs along the western bank of the River Thames and therefore directly adjoins the application site. A small section in the northeastern corner of the site is also located within the AONB. The development seeks a 30m buffer between the extraction boundary and the River Thames, which will avoid development within the AONB boundary and which will also enable the retention of the Thames Path during operation.
118. AONBs are nationally important landscapes and the NPPF requires that great weight is given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty (para. 176).

119. Policy ENV1 of the SODCLP gives highest level of protection to the landscape and scenic beauty of the Chilterns and the North Wessex Downs AONB. It requires that development in an AONB or affecting the setting of an AONB should only be permitted where it conserves, and where possible, enhances the character and natural beauty of the AONB.
120. The importance of the AONBs and their settings is also reflected in MWP Core Strategy policy C8 and its supporting text (para. 6.44), which states: The setting of and views associated with the Chilterns, Cotswolds and North Wessex Downs AONBs should also be taken into account in considering development proposals.
121. Details of potential impacts affecting the AONBs are outlined in the Chilterns AONB Management Plan (policy DP4) and in the Chilterns AONB position statement on Setting. The setting of an AONB is not a fixed geographical boundary but is the area within which a development by virtue of its nature, size, scale, siting and materials could be considered to have an impact on the natural beauty and special qualities of the AONB (Chilterns AONB position statement).
122. The Chilterns AONB Position statement highlights further the importance of views in and out of the AONB but also the need to give consideration to the loss of tranquillity caused by the introduction of lighting, activity and noise. It also highlights the impact of changes in land use that are of sufficient scale to cause harm to the landscape character, and the introduction of abrupt changes to the landscape character particularly where they are originally of a similar character to the AONB.
123. The site is in an area that is already subject to a high number of developments, which cumulatively have put pressure on the existing local road network, and which affect the tranquillity and experience of the AONBs. I am concerned that the proposed development will further adversely affect tranquillity by introducing an industrial use into the area and adding further HGV movements onto the local road network.
124. I note that the Transport Assessment suggests that the development will result in only a very minor increase in vehicle movements on the local road network overall. I am no expert in this and am guided by the comments of my highway colleagues. However, as HGVs tend to have a greater impact on the landscape resource than cars it would be good to understand how the increase in HGVs compares with the current level of lorry movements. I am also not clear about the routing of the HGVs and the potential impacts they might have on the AONBs.
125. Thames Path - The Thames Path, a national long-distance trail, runs along the western bank of the River Thames and therefore within the site boundary. The path is proposed to be retained throughout the development, with the quarry being set back by 30m from the western bank of the river.

126. The importance and value of National Trails has been highlighted in the findings of the Glover Review, which recommends the integration of National Trails into a family of National Landscapes, which also contain AONBs and National Parks. If the recommendations were to be adopted by the government, National Trails could be given the same status and protection as AONBs.
127. Users of the Thames Path will have uninterrupted views of the development and their experience will be adversely affected by the quarrying operations (views, noise and dust). As a way of mitigating these adverse effects the LVIA suggests the use of straw bales to mitigate impacts on views. I don't consider this to be an appropriate measure in this location as straw bales don't tend to last well and often look unsightly even after short periods of time. In addition, they are also unlikely to be very effective in keeping people away from the quarry void as they often attract people to climb on them, which in turn poses a potential risk to injury.
128. I therefore do not consider these to be an effective measure in mitigating adverse effects on users of the Thames Path and the AONB.
129. Restoration - Overall, the proposed concept restoration to agricultural land and nature conservation looks acceptable in landscape terms. The scheme appears to also aim for a net increase in biodiversity, which would be welcomed in landscape and policy terms, but this should be confirmed by the County Council's ecologist.
130. Further information on the type and source of the infill material and on a detailed landscaping scheme will be required should the development be approved.
131. Conclusion: The development would introduce a highly industrial use that is associated with noise, dust, heavy machinery and HGV movements into an area that is currently rural in character and which provides a setting to the Chilterns AONB. I consider that the proposal will by its nature adversely affect the local character and views (including the AONB) and will significantly affect the views and experience of users of the Thames Path.
132. I am also concerned about the indirect impacts the development might have on the nearby AONBs with regard to affecting the tranquillity of the Chilterns AONB and NWD AONB e.g. through operational noise and increases in HGV traffic.
133. Whilst I recognise that the application is an improvement from the previous proposals and that impacts would be temporary, I consider the development to be in conflict with national and local landscape policies, and I can therefore not support the application.
134. Without prejudice, if the development was to be approved further information and conditions will be required. I also recommend that SODC, the

Chilterns AONB and NWD AONB Conservation Boards are also consulted on this application.



## Annex 8 – Sequential Test

### Introduction

1. The National Planning Policy Framework (NPPF) paragraph 167 states that a sequential, risk-based approach should be taken to the location of development, taking into account all sources of flood risk and the impacts of climate change. The sequential test should be applied. Paragraph 168 confirms that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
2. NPPF paragraph 173 states that where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exception tests as applicable) it can be demonstrated that: within the site, the most vulnerable development is located in the areas of lowest flood risk, unless there are overriding reasons to prefer a different location, the development is appropriately flood resilient, it incorporates sustainable drainage systems, residual risk can be safely managed and safe access and escape routes are included where appropriate, as part of an agreed emergency plan. The exception test does not apply as sand and gravel working is classified as 'water compatible' development in Annex 3 to the NPPF. NPPG Table 2 (Paragraph: 079 Reference ID: 7-079-20220825) confirms that the exception test is therefore not required.
3. OMWCS policy C3 states that development will, wherever possible, take place in areas with the lowest probability of flooding and that where development takes places in an area of identified flood risk this should only be where alternatives in areas of lower flood risk have been explored and discounted, using the sequential test and exception test as necessary and where a flood risk assessment is able to demonstrate that the risk of flooding is not increased from any source.
4. As part of the application site falls within Flood Zones 2 and 3 and the site has not previously been sequentially tested through a development plan allocation, it is necessary to undertake a sequential test exercise to establish whether there is an alternative site in an area of lesser flood risk which could accommodate the proposed development and also to establish whether the most vulnerable development is located in the areas of lowest flood risk within the site.

5. NPPG paragraph 030 (Reference ID: 7-030-20220825) states that, 'planning authorities should apply the sequential approach to the allocation of sites for waste management and, where possible, mineral extraction and processing. It should also be recognised that mineral deposits have to be worked where there is no scope for relocation (and sand and gravel extraction is defined as 'water-compatible development' in the NPPF Annex 3, acknowledging that these deposits are often in flood risk areas). However, mineral working should not increase flood risk elsewhere and needs to be designed, worked and restored accordingly. Mineral workings can be large and may afford opportunities for applying the sequential approach at the site level. It may be possible to locate ancillary facilities such as processing plant and offices in areas at lowest flood risk. Sequential working and restoration can be designed to reduce flood risk by providing flood storage and attenuation. This is likely to be most effective at a strategic (county) scale.'
6. The NPPF paragraph 168 indicates that the Local Planning Authority Strategic Flood Risk Assessment (SFRA) will provide the basis for applying the Sequential Test. Oxfordshire County Council Minerals and Waste Level 1 Strategic Flood Risk Assessment was published in August 2015.

#### Potential Alternative Sites

7. Local Plan evidence base documents have been used to identify possible alternative sites. The sand and gravel sites nominated for inclusion in the Part 2 plan, whilst it was still in the process of preparation, were listed and sites which had since been granted planning permission, or sites for which the nomination had been withdrawn, were removed from the list prior to work commencing on the sequential test.
8. The full list of sand and gravel sites assessed including details of their yield is set out in Table 1.
9. The proposed quarry would provide approximately 550 000 tonnes of sand and gravel. Sites containing a significantly (25% or more) lower yield were eliminated at stage 1 of the sequential test. Therefore, only sites with 412 500 tonnes or more potential yield were taken forward for further assessment.

#### **Table 1**

Site Name and Location	Site Nomination Ref.	Estimated Yield (tonnes)	Comparable yield?
Land adjacent to Benson Marina	SG-03	70 000	No
Land at Lower Road, Church Harborough	SG-08	250 000	Yes
Land north of Drayton St Leonard	SG-09	4 500 000	Yes
Land South of Chazey Wood, Mapledurham,	SG-12	3 000 000	Yes
Land at Shillingford	SG-13	5 300 000	Yes
Dairy Farm, Clanfield	SG-15	5 40 000	Yes
Land at Culham	SG-17	400 000	No
Bridge Farm, Appleford	SG-19	500 000	No
Land between Eynsham & Cassington	SG-20	1 500 000	No
Wharf Farm, Cassington	SG-20a	1 600 000	No
Land at Eynsham	SG-20b	1 900 000	Yes
Sutton Farm, Sutton	SG-29	5 000 000	Yes
New Barn Farm, South of Wallingford	SG-33	4 000 000	Yes
Land at Friars Farm, Stanton Harcourt	SG-36	400 000	No
Land at Grandpont	SG-37	1 500 000	Yes

North of Lower Radley	SG-41	1 500 000	Yes
Chestlion Farm, Clanfield	SG-58	500 000	Yes
Manor Farm, Clanfield	SG-58a	12 000 000	Yes
Stadhampton	SG-59	1 000 000	Yes
White Cross Farm, Wallingford	SG-60	500 000	Yes
Appleford, Didcot,	SG-62	1 100 000	Yes

10. As shown in Table 1, following the elimination of sites which could not provide a comparable yield, there were 15 potential alternative sites remaining:

1. SG08 Land at Lower Road Church Hanborough
2. SG09 Land North of Drayton St Leonard
3. SG11 Land north east of Sonning Eye (Caversham phases D and E)
4. SG12 Land South of Chazey Wood
5. SG13 Land at Shillingford
6. SG15 Dairy Farm, Clanfield
7. SG20 Land between Eynsham & Cassington
8. SG20a Wharf Farm, Cassington
9. SG20b Land at Eynsham
10. SG29 Sutton Farm
11. SG37 Land at Grandpont
12. SG41 North of Lower Radley
13. SG58 Chestlion Farm
14. SG58a Manor Farm Clanfield

11. Flood Risk status was categorised using a Red, Amber, Green (RAG) approach, as used in the Oxfordshire Minerals and Waste Plan Background Paper: Flooding and Minerals, to enable a comparative appraisal of flood risk at different sites. The criteria for the RAG approach was as follows:

- RED: up to 25% deliverable area in Flood Zone 1 (FZ 1) and more than 75% deliverable area in Flood Zone 3 (FZ 3).

- AMBER: 20-50% deliverable area in Flood Zone 1 (FZ 1) and 30-75% deliverable area in Flood Zone 3 (FZ 3).
- GREEN: more than 50% in Flood Zone 1 (FZ 1) and less than 30% in Flood Zone 3 (FZ 3).

12. Not all of the sites fit neatly into these three categories. Where a site does not fit any of the definitions exactly the RAG rating has been assigned on the basis of the percentage of land in flood zone 3 and this has been noted.
13. For the application site, the percentage of the application area in each flood zone was not provided in the Flood Risk Assessment. This information has been provided by the applicant by email.

**Table 2**

	<b>Site</b>	<b>Site Ref</b>	<b>% FZ1</b>	<b>% FZ2</b>	<b>% FZ3</b>	<b>RAG</b>
1.	Land at Lower Road Church Hanborough	SG-08	66.63	1.91	31.46	Amber (on basis of FZ3)
2.	Land North of Drayton St Leonard	SG-09	52.24	19.39	28.37	Green
3.	Land north east of Sonning Eye (Sonning Quarry phases D and E)	SG-11	0	3.75	96.25	Red
4.	Land South of Chazey Wood	SG-12	0	8.18	91.83	Red
5.	Land at Shillingford	SG-13	42.47	45.59	11.94	Green (on basis of FZ3)
6.	Dairy Farm	SG-15	40.46	8.71	50.84	Amber
7.	Land between Eynsham & Cassington	SG-20	0.43	1.52	98.05	Red
8.	Wharf Farm, Cassington	SG-20a	0.57	3.76	95.67	Red
9.	Land at Eynsham	SG-20b	0	9.37	90.63	Red
10.	Sutton Farm	SG-29	43.9	8.33	47.77	Amber
11.	Land at Grandpont	SG-37	0.81	1.45	97.74	Red
12.	North of Lower Radley	SG-41	25.09	6.29	68.62	Amber
13.	Chestlion Farm	SG-58	94.29	0.67	5.04	Green

14.	Manor Farm Clanfield	SG-58a	65.4	6.16	28.43	Green
	Application site – White Cross		16%	6%	78%	Red

14. Following the assessment of potential alternative sites against flood risk status, it can be seen that none of the sites have a higher flood risk than the application site, because the application site has itself been scored as red. Therefore, none of the sites can be eliminated as potential alternatives and all 15 sites need further consideration.

#### Further Assessment

15. There is no certainty that any of the potential alternative sites identified in Table 2 above are capable of being delivered. Only SG-11 is the subject of a current planning application, however this is not ready to be determined and a higher proportion of SG-11 lies in flood zone 3, compared to the application site so it can be eliminated on that basis.
16. There is a current application for an extension to Gill Mill Quarry. It would provide an additional 1 million tonnes, which is therefore a comparable yield. A significant proportion of the Gill Mill site is in Flood Zone 1, and approximately half is in Flood Zone 2, therefore it is in an area of lower flood risk than the application site. This site was not identified through the process above as the area had previously been excluded from applications at Gill Mill due to the proximity to a SSSI which is sensitive to changes to the hydrological regime and has not been nominated as a potential site. There is an outstanding Natural England objection to the planning application and further information has been requested to allow the impacts on the SSSI to be fully assessed.
17. None of the other sites listed in the table above have been the subject of a planning application and so would first have to go through the planning process. It typically takes months to years for an applicant to compile a new planning application and the Environmental Impact Assessment for a large minerals development. Ecological survey work can often only take place at certain times of year and data from a number of years of groundwater monitoring work can be required. It would then typically take a number of months to determine an application of this type after it has been submitted by the applicant. Therefore, it is considered that the potentially

alternative sites would not be capable of providing a genuine alternative to the application site, as they could only be provided on a different timescale.

18. The extension to Gill Mill Quarry could potentially be delivered on a comparable timeframe as the application site, as there is an application in the system for it. It has a comparable yield and is in an area of lower flood risk. Therefore, it is considered that there is a potential alternative site and the sequential test is not passed.

### Conclusions

19. Having considered the constraints on the potentially available alternative sites, it is concluded that the alternative extraction sites identified cannot be demonstrated to be capable of delivery within the same timescale as the application site. In addition, further assessment work is needed in each case and should this work be undertaken in the future it is possible it could find the alternative sites to be unsuitable, or significantly reduce the area of the site which could be worked.
20. The application site fails the sequential test; there is at least one reasonably available site appropriate for the proposed development in areas with a lower probability of flooding; the proposed extension area at Gill Mill Quarry.

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## Contents

- Part 1 -Facts and Background
- Part 2 -Other Viewpoints
- Part 3 -Relevant Planning Documents
- Part 4 –Analysis and Conclusions

## Recommendation Summary:

**The report recommends that applications MW.0004/20 and MW.0008/20 be approved.**

## Part 1 – Facts and Background

### Location

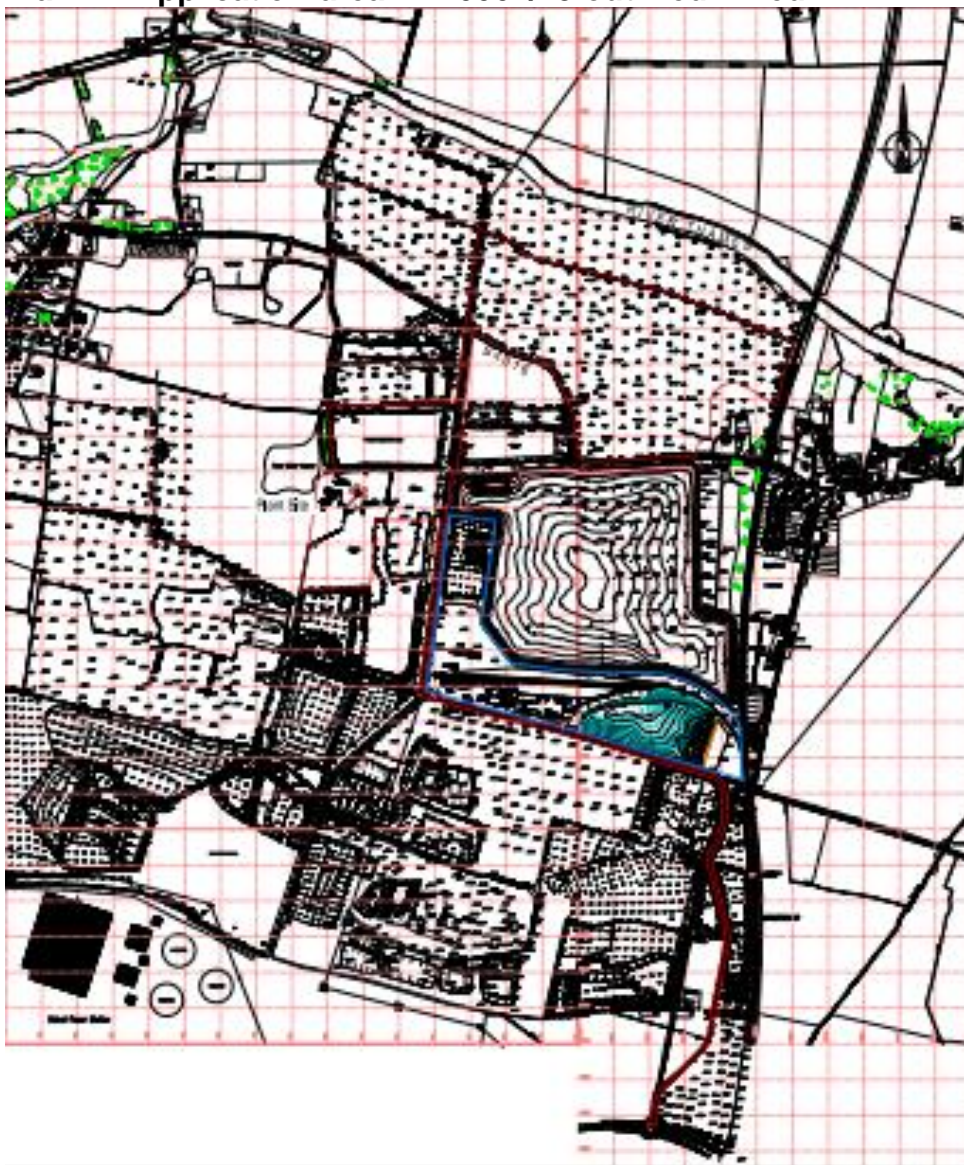
1. Bridge Farm Quarry lies to the north of the B4016 between the villages of Appleford and Sutton Courtenay. The quarry and the access from the plant site to the highway network contain land in both parishes. Phases 1 to 4b and 7 are in both Sutton Courtenay and Appleford parishes. Phases 5 and 6 are within Sutton Courtenay parish.

### Site and Setting (Plans 1 and 2)

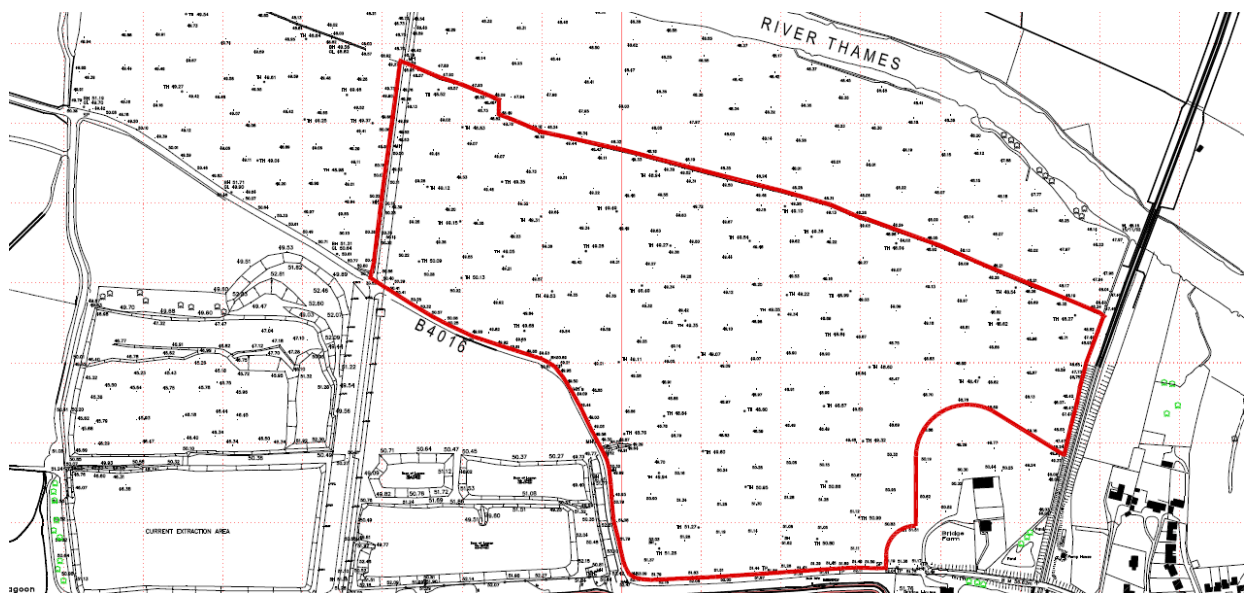
2. The site is a quarry which was previously agricultural land. Application 2 relates to phases 1-4b as approved under planning permission no. MW.0001/16. The stockpile area in Application 1 is confined to the western side of phase 1.
3. The River Thames lies immediately north of the quarry. The B4016 lies on the southern boundary and the railway line lies on the eastern boundary. Open agricultural land lies to the west.
4. Didcot Power Station lies approximately 2km (1.2 miles) south west of the quarry.
5. The closest dwelling to the quarry is Bridge Farm itself, which is immediately south east of phase 4b separated from the workings by a 100-metre buffer. Phase 4b has been worked and restored along with the other phases of the original quarry (phases 1-4). Bridge House is near Bridge Farm, on the other side of the road. A new residential development lies approximately 400 metres to the west, on the other side of the B4016. The quarry is located between the villages of Sutton Courtenay 700 metres to the west, and Appleford located approximately 150 metres to the south east.
6. There is a mineral processing plant 650 metres south of the quarry, south of the B4016 in the main Sutton Courtenay complex. This is connected to the extraction area by conveyor, which runs beneath the road. Processed mineral was exported from the plant site via an access to the south onto the A4130 Didcot Perimeter Road.
7. The safeguarded land for the Culham to Didcot Thames River Crossing in the Vale of White Horse District Local Plan passes through phases 1 to 4 and 7. The route of this development as proposed in planning application no. R3.0138/21 also passes across phase 1 to 4 and 7. This application has been called-in for the determination of the Secretary of State and is yet to be determined.



**Plan 1 – Application area MW.0004/28 outlined in red**



**Plan 2 – Application area MW.0008/20 outlined in red**



**Plan 3 – Application area MW.0008/20 - detailed boundary of mineral extraction area phases 1 to 4B**

### Planning History

8. Planning permission for the extraction of sand and gravel from Bridge Farm quarry (phases 1 to 4b) was originally granted in August 2008. The application had been considered by Committee in December 2003, but there was a delay in issuing the consent as legal agreements were required. Operations commenced at the site in 2009. A Section 73 application (MW.0126/12) was made in 2012 to extend the timescales for extraction and restoration, as a result permission P12/V1729/CM was issued in September 2015 after the legal agreements had been updated.
9. An application to continue the development with changes to some conditions, including allowing an additional year for the completion of extraction and restoration, was issued in May 2016 (MW.0001/16).
10. The original quarry is subject to a routing agreement which requires that HGVs use the Didcot Perimeter Road and not travel through the villages of Sutton Courtenay, Appleford and Long Wittenham. It is also subject to a section 106 legal agreement including providing for long term management of the restored quarry. Both of these agreements have clauses in them such that they apply to any subsequent section 73 applications to planning permission no. MW.0001/16. There is a separate section 106 Agreement relating to the use of the conveyor running through the culvert under the B4016 for the conveyance of extracted mineral.
11. Planning permission MW.0127/16 (P16/V2694/CM) was granted in June 2018 for the extension to the quarry into a new area to the north and west of the original quarry area. This permission covers phases 5, 6 and 7. Extraction in this area commenced in June 2018. Extraction commenced initially and has only taken place in phase 7. Permission MW.0127/16 allows the removal of all mineral from the extension area (phases 5, 6 and 7) via an existing conveyor under the B4016 to the processing plant and the movement of excess soils and overburden from phase 7 to phase 5, to be used in restoration.
12. In August 2018, four further applications were submitted in relation to the quarry. The first (MW.0093/18) was for a new stockpile area to be used in conjunction

with the mineral extraction permitted by MW.0127/16, to allow continuous supply in case of flooding. This was approved in May 2019 for a temporary three-year period.

13. MW.0094/18 was a Section 73 application and was approved in May 2019. This extended the time period for restoration of phases 1-4b (permitted under MW.0001/16) so that they have the same completion date as the phases permitted under MW.0127/16 (i.e. within 3 years of the date of commencement of MW.0127/16).
14. MW.0095/18 was a Section 73 on permission MW.0127/16 seeking to amend the order of phased working and allow removal of material by road from phase 7. This application was withdrawn by the applicant when application MW.0049/19 was submitted for i) mineral to be removed from phase 7 via stockpile and haul road as permitted by planning permission no. MW.0093/18 (P18/V2145/CM); ii) mineral to be removed from phases 5 and 6 by road subject to separate grant of full planning permission, iii) amendments to order of phased working and restoration, iv) amendments to final restoration scheme to either a) restoration including importation of inert fill to phase 5 by road subject to separate grant of full planning permission or b) no mineral extraction from either phases 5 or 6 and replacement of stripped soils to original ground levels. This was submitted in May 2019 and approved in March 2020.
15. Planning application MW.0048/19 was made in May 2019 in order to move the mineral via HGV across the B4016 rather than use the existing conveyor under the highway and for the importation of inert fill material by road to phase 5. Planning application MW.0049/19 was approved in March 2020 and is subject to a separate section 73 application, MW.0067/22. Planning applications MW.0048/19 and MW.0067/22 are considered in a separate report to today's committee meeting.
16. MW.0096/18 was the final application submitted in August 2018. This was a full application for the installation of a temporary bailey bridge to allow plant to cross the fibre optic cable and other services running between phases 6 and 7. This was withdrawn in January 2019 as it was not possible to reach agreement with the owner regarding crossing the cable and services.

## **Details of the Proposed Developments**

### Application 1

17. Application 1 seeks permission to move the remaining stockpiled sand and gravel permitted under planning permission MW.0093/18 (Dist. Ref. P18/V2145/CM) using HGV movements instead of by the permitted conveyor tunnel beneath the B4016. There is no reference in conditions to the mode by which the material is to be taken to the processing plant, but it is stated in the documentation (Drawing No. S3/HAN/14/3A) that the material would be moved by conveyor.
18. The applicant states that the conveyor has suffered a major breakdown which will cost in the region of £30,000 to repair. The amount of mineral remaining in the stockpile is only around 10,000 tonnes and there is no other material to be removed from this part of the site, therefore no further requirement for the conveyor. Therefore, the applicant states it is impractical and uneconomic to expend thousands of pounds repairing the conveyor for the remaining mineral



to be moved to the plant site. The applicant states it is estimated to take approximately 12 days to move the remaining stockpile. It is intended that final restoration would then be completed by December 2025.

19. The permission for the wider area within which the stockpile is located (MW.0094/18) expressly permits vehicles to enter and leave the area, but only in relation to vehicles loaded with either clay or soil. The permission allowed the applicant to export topsoil to FCC's landfill site in exchange for clay coming the other way. The applicant states the principle of transportation of material across the B4016 from Bridge Farm and down the corridor road has therefore been established.
20. Therefore, the application seeks to vary condition 1 of permission MW.0093/18 to enable vehicles to transport the remaining sand and gravel from the stockpile to the plant site.
21. Condition 3 of the permission would be amended to require completion of restoration in line with that now proposed for the wider quarry in which it is situated in December 2025.

#### Application 2

22. Application 2 seeks permission to move the same remaining stockpiled sand and gravel in phase 4 as Application 1, but to vary the development permitted under planning permission MW.0094/18 (Dist. Ref. P18/V2171/CM) using HGV movements instead of by the permitted conveyor tunnel beneath the B4016.
23. The application seeks to vary condition 1 to allow for the completion of restoration by December 2025.
24. As mentioned above the existing conveyor is broken and the applicant states it is uneconomical to repair considering the amount of material needed to move. Planning permission MW.0094/18 covers the wider area within which the stockpile is located. The permission allows for loading of clay and soil but not sand and gravel. Therefore, the section 73 application seeks to vary condition 16 of permission MW.0094/18 to enable vehicles to transport the remaining sand and gravel from the stockpile to the plant site.
25. The applicant seeks to vary condition 16 as follows:  
Condition 16 current wording:  
*"No lorries shall enter the working area unless loaded with clay and none shall leave the working area unless loaded with soil."*
26. Proposed amended wording of Condition 16:  
*"No lorries shall enter the working area unless loaded with clay and none shall leave the working area unless loaded with soil. The exception shall be to allow for vehicles to transport remaining sand and gravel from the temporary stockpile located in the south western corner of Phase 4 across the B4016 and via the Corridor Road to the plant site for processing."*
27. The proposals would result in additional HGV movements across the B4016 (Appleford Road). The two applications would create 42 HGV movements per day if carried out over 12 days.

28. The applicant has also submitted an updated restoration plan to reflect actual surveyed shorelines and landform created predominantly during earthworks in 2019, together with actual vegetation development and aftercare works implemented since this time along with a commensurately amended aftercare scheme. This will result in the variation of condition 2, which lists the approved plans and condition 32 which also references the plans and documents to be superseded. The proposed revised restoration of the entire Bridge Farm Quarry is attached as Annex 5.
29. In addition to the above, and following consultation with the Highway Authority the applicant would also accept the following conditions:
- Construction Traffic Management Plan
  - The submission of a plan to show Stopping Sight Distances based upon the 85th percentile speed between a predicted end of queue on both arms of the Appleford Road (B4016).
  - The provision of suitable temporary traffic control signals and associated signage at the cross roads junction of the B4016 Appleford Road with the haulage roads serving the minerals sites
  - Haulage movements are restricted between the hours of 0930hrs and 1530hrs during weekdays and between 0800hrs and 1300hrs Saturdays, with no Sunday working.
  - The implementation of temporary traffic control at the cross roads junction of the mineral site's north and south haulage roads with that of the B4016 Appleford Road. The traffic control is required to be during off peak hours only, therefore between the stipulated hours of 0930hrs and 1530hrs during weekdays and between 0800hrs and 1300hrs Saturdays, with no Sunday working.
30. In terms of the condition of the road, the applicant considers this would be covered by the reiteration of the existing condition 30 which reads as follows:” *A survey of the road surface at the point of crossing of the B4016 shall be undertaken and submitted to the Mineral Planning Authority within 1 month of the completion of restoration.*”

## **Part 2 – Other Viewpoints**

### **Third Party Representations**

31. Three letters of representation have been received in response to application no. MW.0008/20 commenting as follows :
- Need cycle lane between Sutton Courtenay (SC) & Appleford to protect cyclists from heavy trucks
  - Need a small bus service regularly from Didcot to Abingdon, through Appleford and SC and/or the bridge to Culham to mitigate traffic.
  - concerns about the impact of heavy vehicles on the B4016, including potential damage to the highways and disruption.
  - Nothing should be allowed to jeopardize the original requirement for the restoration design, landscaping and aftercare scheme to create a wildlife reserve. Work to do this has been already well advanced. Such a reserve is badly needed in this area.

### **Consultation responses**

32. The consultee responses received are summarised in Annex 1.

## **Part 3 - Relevant Planning Documents**

### **Relevant Development Plan and other policies**

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

### **Development Plan Documents**

34. 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 Vale of White Horse Local Plan 2031 Part 1 (VLP1)
  - The Vale of White Horse Local Plan 2031 Part 2 (VLP2)
35. 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 sets out the strategic and core policies for minerals and waste development, including a suite of development management policies.
36. The Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) was adopted in July 1996 and covered the period to 2006. Most OMWLP policies were replaced following adoption of the OMWCS in 2017, but 16 policies continue to be saved.

### **Emerging Plans**

37. Work had commenced on the OMWCS Part 2 – Site Allocations, although it was at an early stage. However, in December 2022, the Oxfordshire Minerals and Waste Local Development Scheme (13th Edition) (OMWDS) was approved at Cabinet. This sets out a process for pursuing a new Minerals and Waste Local Plan which will combine Part 1 and Part 2, and upon adoption will replace the OMWCS. The emerging OMWLP is scheduled for submission in March 2025 and there are no draft policies to consider at this time. The OMWCS remains part of the Development Plan, until the adoption of a new OMWLP.
38. South Oxfordshire and Vale of White Horse District Councils are working together to prepare a new Joint Local Plan 2041. Once adopted, the Joint Local Plan 2041 will replace The South Oxfordshire Local Plan 2035. As the draft plan progresses it will begin to carry some weight in decision making, according to its stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency with policies in the National Planning Policy Framework. A ‘Preferred Options’ consultation took place in early 2024. The Preferred Options document includes draft policies; however, these have very limited weight due to the stage that the plan is at. It is anticipated that a full draft plan will be published for a further consultation in autumn 2024.

### **Other Material Considerations**

39. Other documents that are relevant to determining these applications include:



- National Planning Policy Framework 2023 (NPPF)
  - National Planning Policy for Waste 2014 (NPPW)
  - Planning Practice Guidance (PPG)
  - Didcot Garden Town Delivery Plan (DGTDP)
  - Sutton Courtenay Neighbourhood Plan (SCNP) (Referendum Version)
40. Sutton Courtenay Neighbourhood Plan (CNP) was made (adopted) in May 2024 and includes the majority of the areas of the application sites within the CNP boundary.
41. There is a current consultation on a revised NPPF. This is a material consideration which carries very limited weight and full weight should be given to the current version of the NPPF pending the completion of the consultation period and any revisions then made to it.
42. Relevant sections of the Planning Practice Guidance (PPG) include specific advice on matters including flood risk, minerals, determining a planning application and natural environment.

### **Relevant Policies**

43. The relevant development plan policies are:

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

- M10 (Restoration of Mineral Workings) □
- C1 (Sustainable development)
- C2 (Climate change)
- C5 (Local environment, amenity and economy)
- C10 (Transport)

#### Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996

SC3 – Routeing agreements in the Sutton Courtenay area

#### Vale of White Horse Local Plan 2031 Part 1 (VLP1)

Core Policy 1 – Presumption in favour of sustainable development

Core Policy 17 – Delivery of Strategic Highway Improvements within the South East Vale Sub-Area

Core Policy 18 - Safeguarding of Land for Transport Schemes in the South East Vale Sub-Area

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

Core Policy 18a - Safeguarding of Land for Strategic Highway Improvements within the South-East Vale Sub-Area

Development Policy 23- Impact of Development on Amenity

Development Policy 25- Noise Pollution

44. There is only one OMWLP saved policy relevant to the consideration of this application:

- Policy SC3: Routing agreements in the Sutton Courtenay Area

45. Although Neighbourhood Plans cannot cover minerals and waste development, the most relevant Sutton Courtenay Neighbourhood Plan policy is:

- SC11 (Former Mineral Workings)

## **PART 4 – ASSESSMENT AND CONCLUSIONS**

### **Comments of the Head of Strategic Planning**

46. Although two planning applications have been made, they cover what is essentially one development and therefore have been considered together below. The key policy issues to consider in determining these applications are:

- i. Need for the development and restoration of the site;
- ii. Traffic impacts
- iii. Amenity impacts;

#### **Need for the development and restoration**

47. OMWCS policy M10 states that mineral workings will be restored to a high standard in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. It goes on to list a number of criteria which must be taken into account in the restoration and after-use of mineral working. OMWCS policy C7 seeks that proposals for mineral working shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats & biodiversity. These should include a commitment to ecological monitoring and remediation. Biodiversity net gain should be delivered where possible. OMWCS policy C1 and VLP1 Core Policy 1 support sustainable development. OMWCS policy C2 requires climate change to be taken into account in the lifetime of minerals developments including the minimisation of greenhouse gas emissions.

48. Sutton Courtenay Local Plan policy SC11 covers afteruses on minerals and waste sites and supports development proposals for nature conservation and/or recreation following restoration. Criteria are then listed. Therefore, this policy only applies following the end of minerals and waste development and restoration of the site and is not (and cannot be) directly relevant to an application to extend the duration of a mineral or waste use, as minerals and waste developments are 'excluded development' which cannot be covered in Neighbourhood Plans.

49. The proposed changes to both applications are in order to allow transport of 10,000 tonnes of stockpiled mineral by HGV in order to complete the restoration of phases 1 to 4b which would take an estimated 12 days. The changes proposed to the restoration plans and aftercare scheme are limited and reflect the fine detail of the restoration that has already been carried out on the ground to phases 1 to 4b.

50. In terms of the amendments to conditions to allow until December 2025 to complete the proposed amended restoration, the applicant had stated that the date was chosen to reflect the high likelihood of the construction of the road bridge in relation to HIF1 and the use of the stockpiled material in the HIF1 proposal. The HIF1 planning application was called in for the determination of the Secretary of State following a public inquiry before an inspector appointed by him; the public inquiry closed in May 2024. At the public inquiry, the county council as applicant for HIF 1 presented its projected programme for the development should it be granted planning permission. This programme

projects the commencement of construction in January 2026 based on planning permission being granted by the end of September 2024. The application is yet to be determined and it is not known when the Secretary of State may make a decision on the application. The applicant has advised that whilst the justification for the extended time period proposed was initially based on planning permission being granted to the HIF1 planning application, as it is now known that the projected commencement date will be later than expected should planning permission be granted by the Secretary of State, the applicant advises it will explore other commercial opportunities for the extracted materials.

51. Even if the HIF 1 planning application were to be granted planning permission, then a further planning application would in any instance then need to be submitted to amend the restoration of Bridge Farm Quarry phases 1 to 4b and 7 to reflect the presence of the HIF 1 scheme and the merits of such an application cannot be taken into consideration at this time in the determination of the current applications. There is no guarantee that the HIF1 application will be granted planning permission and so it carries limited weight as a material consideration albeit that land crossing Bridge Farm quarry is also safeguarded under VLP1 Core Policy 18 and VLP2 Core Policy 18a in order to deliver such development in accordance with VLP1 Core Policy 17.
52. Considering phases 1 to 4b are largely restored and that restoration was required to be completed by June 2021, the applications would arguably not be in accordance with policy M10 although the amendments to the restoration are considered acceptable and in compliance with OMWCS condition C7. The very limited time that would be required for the removal of the limited amount of stockpiled mineral by road should facilitate the completion of the remaining restoration of the area where the stockpile is situated earlier than December 2025. It would seem to be more sustainable for the mineral that is already extracted and stockpiled to be permitted to be removed for use elsewhere rather than refusing planning permission and so requiring it to remain on the site which would also potentially conflict further with the completion of the restoration of the area where it is situated. It is therefore recommended that if planning permission is granted to these applications that it is subject to conditions requiring the completion of the developments and restoration by 30<sup>th</sup> June 2025 and conditions to this effect are proposed in the schedules of conditions attached to this report.

### **Amenity Impacts**

53. OMWCS policy C5 states that proposals shall demonstrate that there will be no unacceptable adverse impacts on the environment, human health or residential amenity including from noise, dust and visual intrusion and traffic.
54. VLP2 development policy 23 states that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses.
55. VLP2 development policy 25 states that noise generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation. Development will not be permitted if mitigation cannot be provided within an appropriate design or standard.
56. It is not anticipated that the proposals would have any significant impacts on amenity. The Environmental Health Officer at the Vale of White Horse District

Council has no objections to either application. The impacts of the removal of the stockpiled mineral by road over a period of around 12 days would be relatively intense in the short term but acceptable in the context of delivering the final restoration. The two applications are considered to be in accordance with OMWCS policy C5 and VLP2 development policies 23 and 25.

### **Traffic Impacts**

57. OMWCS policy C10 states that minerals and waste development must make provision for safe and suitable access to the advisory lorry routes, in ways which maintain and where possible lead to improvements in the safety of road users, the efficiency and quality of the road network and residential and environmental amenity including air quality. OMWCS policy C5 states that proposals for minerals development shall demonstrate that they will not have an unacceptable impact on the environment or amenity in terms of traffic. Saved policy SC3 of the OMWLP 1996 states that planning permission will not be granted unless there is a routing agreement to encourage HGVs to use the Didcot Perimeter Road, prevent HGVs from entering local villages and limit HGV use of Culham Bridge.
58. The proposals would not increase the HGV movements leaving the development via the southern access once having been processed which would continue to be bound by the existing routing agreement. HGVs would only briefly cross the B4016, therefore there would be limited impacts on local residents and other road users.
59. OCC Transport Development Management (TDM) has no objections to either application, subject to conditions as set out in Annex 1 to include traffic controlled signals where the haul road would cross the B4016. These conditions should be attached to any planning permission granted to Application 1 (no. MW.0004/20).
60. Subject to these conditions, the applications are considered to be in accordance with OMWCS policies C5 and C10.

### **Climate Change**

62. The planning system has an important role to play in meeting the challenge of climate change. Paragraph 159 of the NPPF makes this explicit, and states that development should be planned for in ways that:
  - (a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
  - (b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the government's policy for national technical standards.
63. OMWCS policy C2 states that minerals and waste proposals, including restoration proposals, should take account of climate change for the lifetime of the development. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas

emissions and provide flexibility for future adaptation to the impacts of climate change.

64. The applications are not for new development but rather for the completion of development previously permitted in amended terms with regard to the time periods for completion and minor amendments to the final proposed restoration scheme. It is not considered that this raises any additional issues in terms of the impacts of the developments in terms of climate change.

### **Sustainable Development**

65. Policy C1 of the OMWCS takes a positive approach to minerals and waste development in Oxfordshire, which reflects the presumption in favour of sustainable development contained in the NPPF. Policy C1 states that planning applications which accord with the policies in this plan will be approved unless material considerations indicate otherwise. Core Policy 1 of the VLP1 makes similar provision.
66. The applications involve the movement of a relatively small quantity of minerals over the B4016 for period of 12 days which can be conditioned such as to limit any impacts on amenity and highway safety. It is the officer view that the required restoration of phases 1 to 4b can then be completed in accordance with the limited amendments to details proposed within the more limited time period of 30<sup>th</sup> June 2025. Subject to this, the applications are considered to constitute sustainable development in accordance with the NPPF and adopted Development Plan policies.

### **Conclusion**

67. Planning applications MW.0004.20 and MW.0008/20 should be granted conditional planning condition as set out in Annexes 2 and 3 respectively.

### **Financial Implications**

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

### **Legal Implications**

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

### **Equality & Inclusion Implications**

70. In accordance with Section 149 of the Equality Act 2010, in considering this proposal, due regard has been had to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010



## **Annex 1 - Consultation Responses Summary**

### **County Councillor**

Former County Councillor for the Division, Richard Webber, called the applications in for determination by the Planning and Regulation Committee.

### **Vale of White Horse District Council – Planning**

No observations on either application, the application should be determined in accordance with the development plan and all consultation comments and comments from neighbours should be taken into account.

### **Vale of White Horse District Council – Environmental Health Officer**

No objection to either application.

### **Appleford Parish Council**

*NB, comments made collectively with regard to these and applications MW.0048/19 and MW.0067/22 which are subject to a separate report to today's committee meeting*

Appleford-on-Thames Parish Council (APC) discussed the applications at a meeting on 11 March and resolved to submit its concerns and expand on objections raised in previous correspondence dated 7 July 2022 and 16 May 2023. APC had no objection in principle to the proposed extraction works in 2022, however, the increased scale of activity and the HIF1 development (if approved) will both cause significant disruption for local residents and communities.

The applications are complex and interconnected with a history over many years. APC has repeatedly asked for connected applications to be dealt with by a single Case Officer. It is further concerned that the Case Officer for MW.0067/22 is representing OCC as LPA at the Planning Inquiry. This could potentially give rise to possible conflicts between the two applications.

We request the consultation is extended for the reasons below: -

APC is actively involved in the HIF1 Planning Inquiry which is not due to complete until end of April / early May.

Our local Councillor is indisposed and is standing down as Councillor in Oxfordshire County Council (and at the Vale). In the circumstances we are not able to liaise with him on this important matter for the local community.

The scale of activity proposed (e.g. 75,000 m3 infill in addition to extraction) is greater than originally proposed.

We request that the consultation is deferred for at least two months until a new Councillor takes office for the division. We also request that the application should ultimately be called in for consideration by the Planning & Regulation Committee (P&RC).

Departure Form - No exceptional circumstances exist to justify the assessment made in June 2022 and APC contend this should be reassessed in 2024.

EIA Screening Form - We contend that an EIA should be conducted given the scale of works proposed and time proposed to complete the extraction and rectification works by Dec. 2025.

Impact all the people of Appleford – more noise and dust.

Impact of increased incidence of flooding due-to climate change (river and general localised flooding with high ground water levels).

Disruption to Appleford residents and east west traffic on the B4016. Many people will be affected by prolonged and ongoing work (see d below).

The impact of a large volume of HGV movements for gravel extraction and stockpile transfers (7 per hour) plus over 6,000 lorry movements for infill.

The danger of conflict with the HIF1 development including long term disruption.

#### Conditions

APC is concerned that Heidelberg (Hanson) along with other commercial operators have consistently failed to meet planning conditions, particularly completion deadlines. These seem to slide indefinitely and result in a new but different application.

Condition 2 – Remove all equipment by 31 May 2021 The Applicant is in breach of the deadline of 31 May 2021 (& previous legacy deadlines). Condition 39 We see no reason to extend timescale for aftercare and restoration of the land.

APC were advised by David Wilmington (then Manager) that Hanson did not intend to extract any remaining gravel from Sites 5, 6 or 7. Why then was rectification not undertaken?

Condition 42 – Planning Permission Phases 5 & 6 by 31 May 2021. This date has passed with Hanson in breach of this condition.

#### HIF1 Application

The proximity of the quarry for the HIF1 development is a spurious claim as material extracted will be of mixed quality and will need to be sorted, graded and washed offsite.

Objection - APC object to the application on the grounds that planning permission should not be granted to allow road movement across the B4016 given the volume of HGV traffic (overall movement and movements per hour).

Permission should only be considered if the applicant reinstates the conveyor traveller to transport all material (gravel extraction and infill) under the B4016 and the Applicant offers and provides a surety to meet relevant conditions and completion deadlines. The conveyor traveller has been allowed to fall into disrepair and must be reinstated or replaced if planning is to be granted.

All works and restoration should be concluded by December 2025. If these works cannot be completed in time, they will conflict with the HIF1 scheme (if approved). The latter currently before a Planning Inspector is due to be completed by December 2026 and if there is a risk of conflict with the HIF1 scheme or a risk that HIF1 cannot realistically be completed by that date on its own account or because of the parallel extraction or rectification works, then OCC as LPA has a duty to advise the Planning Inquiry accordingly.

APC has had sight of the concerns expressed by Sutton Courtenay Parish Council and is in agreement with them.

#### **Sutton Courtenay Parish Council**

*NB, comments made collectively with regard to these and applications MW.0048/19 and MW.0067/22 which are subject to a separate report to today's committee meeting*

SCPC has reviewed the additional information provided by Hanson in the above Bridge Farm applications. In its view there is nothing further in these applications to change its earlier objections dated 19 January 2023.



### **MW.0067/22 and MW. 0048/19**

Additionally, re-examining the applications has highlighted the statement in Hanson's letter to OCC dated 5 April 2023, which was not available when SCPC objected in the earlier consultations. This has led to SCPC firming its position into one of **strongly** objecting to these planning applications. In its letter Hanson states that:

*“There are three relevant points related to this latter point regarding the infill. Firstly, the estimated 70 to 75,000 cubic metres that will be required for infill was originally to have been sourced from phase 7, but as material is no longer able to be moved from this phase, the inert material needs to be sourced and imported which may take a longer time period than the use of onsite overburden”.*

That is in addition to the problems Hanson mentions of the length of time it would take to get EA determination and the seasonal constraints, which are likely to extend the timeframe for completion beyond Hanson's expectation of end 2025, which was originally meant to be August 2012! SCPC does not consider this acceptable, especially as Hanson is in breach of conditions imposed on the earlier applications, which have not been enforced.

A construction expert has indicated that using 12 cu metre lorries, importing 75,000 cu metres would involve 6,250 lorry loads. This would be in addition to the vehicles transporting the gravel, first across to the Hanson plant site, which would also require the additional access onto the B4106, and then on to uses such as HIF 1 and OFAS.

Application MW.0048/19 seeks to create a new access into Phase 5 which will be used to haul mineral across the road to the plant site, and to bring in inert fill material to supplement that available on site. We note the Applicant agrees to cease the use of this access upon completion of the restoration works and states that this can be controlled by a condition. Given the numerous s73 applications submitted over the years requesting suspension or modification of planning conditions – it is difficult to give any credence to the statement by Hanson. This strengthens the Parish Council's position into a recommendation that the application to extract further gravel from 5 and 6 in MW.0067/22 and MW. 0048/19 be robustly rejected.

### **MW.0004/20 and MW.0008/20**

That rejection would leave the issue of hauling the existing stockpile across the B4016. For too long OCC and Hanson have prevaricated over this decision. SCPC's view is that Hanson should reactivate the original conveyor rather than transport the gravel across the B4106. Had that been done earlier, these applications would not have been necessary, and the Hanson breaches of conditions avoided.

However, providing the applications to extract gravel from 5 and 6 are rejected, SCPC is prepared to agree to the stockpile being moved across the B4016, to speed up the restoration of the site and ensure that is completed by the end of 2024.

**Summary.** SCPC asks that the Planning Committee agrees that it is time for the Bridge Farm site to be restored and that therefore MW.0048/19 and MW.0067/22 be rejected and MW.0008/20 and MW.0004/20 adjusted to ensure that the site is restored by the end this year.

SCPC also supports Appleford Parish Council's request dated 23 March 2024, for a deferment of at least two months for very valid reasons.

If the Officers, however, are minded to recommend, approval of these applications, the Parish Council requests that the Planning Committee calls them in for formal consideration.

### *Comment on application MW.0008/20*

Concerned that the route the spoil would take was not clear. A number of local roads had already suffered significant damage from heavy vehicles associated with construction and other projects locally. Concerned that the route to be taken should be clearly defined and that the number and times of lorry movements should be kept to a minimum and be in social hours so as not to disrupt residents further.

### **Environment Agency**

No objection to either application.

### **Natural England**

No comment to make on either application.

### **OCC Transport Development Control**

Section 73 applications MW.0004/20 and MW.0008/20

No objection to either application subject to conditions.

Should OCC be minded to grant permission, the following conditions should be met:

- The Applicant is required to provide a Construction Traffic Management Plan (CTMP) to be approved by the Local Highway Authority (LHA) prior to development.  
*Reason: to avoid damage to the highway and demonstrate that minimal disruption would occur to the network.*
- The Applicant is required to provide a plan, demonstrating that Stopping Sight Distance (SSD), based on surveyed 85th percentile speed, is achievable between a predicted end of queue on both arms of the Appleford Road (B4016); This in order to ensure safe forward visibility for vehicles approaching stationary queuing traffic or primary signal heads.  
*Reason: In the interest of highway safety in accordance with Government Guidance laid down in the NPPF (2018)*
- The Applicant is required to provide suitable temporary traffic control signals and associated signage at the cross roads junction of the B4016 Appleford Road with the haulage roads serving the minerals sites. Suitable plans/details are to be submitted to the Council for approval.  
*Reason: In the interest of highway safety in accordance and convenience with Government Guidance laid down in the NPPF (2018)*
- Haulage movements are restricted between the hours of 0930hrs and 1530hrs during weekdays and between 0800hrs and 1300hrs Saturdays, with no Sunday working.  
*Reason: In the interest of highway safety and convenience in accordance with Government Guidance laid down in the NPPF (2018)*

### **Detailed comments:**

Upon further consideration, the **Page 100** Highway Authority (LHA) are of the view/acceptant that the following provision can be secured by way of a suitable

planning condition rather than through a formal S106 legal agreement as previously stipulated:

- The implementation of temporary traffic control at the cross roads junction of the mineral site's north and south haulage roads with that of the B4016 Appleford Road. The traffic control is required to be during off peak hours only, therefore between the stipulated hours of 0930hrs and 1530hrs during weekdays and between 0800hrs and 1300hrs Saturdays, with no Sunday working.

### **OCC Biodiversity**

No objection but recommends conditions/informatives with regard to application no. MW.0008/20 for the aftercare scheme to be updated to define noxious weeds and that works take into account legal obligations with regard to protected species and breeding birds..

### **OCC Landscape**

*MW.0004/20*

Understand the rationale of why the stockpile has not yet been moved, however, there is no certainty over whether or when HIF1 will be given planning permission. As such the moving of the stockpile and the finalisation of the restoration scheme might potentially be delayed for considerable time. Looking at the images provided I am satisfied that a large part of the restoration has already been carried out. I also don't consider the stockpile to cause additional unacceptable effects. Having said this, I recommend that consideration is given to setting a time limit to when the stockpile has to be moved and the restoration be completed, taking account of progress and timings of the HIF1 application.

*MW.0008/20*

I do not envisage this S73 application to cause any significant landscape or visual impacts.

### **OCC Rights of Way**

No objection to either application.

### **OCC Public Health**

No response received to either application.

### **OCC Lead Local Flood Authority**

No objection to either application.

## Annex 2 - Conditions – MW.0004/20

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letter/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application Forms dated 1st August 2018 and 19<sup>th</sup> December 2019
- Covering letters dated 31st July 2018, 19<sup>th</sup> December 2019, 21<sup>st</sup> December 2022, 5<sup>th</sup> April 2023 and 19<sup>th</sup> February 2024
- Hydro-Logic Services Flood Risk Assessment, Ref: K0915/pw dated 4th April 2019
- Application Plan - Drawing No. S3/HAN/14/4 dated 27/06/2018
- Covering Letter dated 19/12/19
- Application Form dated 19/12/19
- Proposed Gravel Stockpile Plan - Drawing No. S3/HAN/14/3 Rev B dated 19/12/19

Reason: To ensure that the development is carried out as proposed.

2. No further mineral shall be transported via the haul road and stockpiled other than mineral extracted following the lawful commencement of planning permission P16/V2694/CM (MW.0127/16) or any subsequent planning permission which may be granted for that development subject to different conditions.

Reason: To ensure that the development is carried out solely in association with mineral extraction which has the benefit of planning permission such that its environmental impacts are limited in accordance with the requirements of planning conditions (OMWCS policies C4, C5, C6, C7, C8 and C9).

3. The development shall cease, and the site shall be restored in accordance with the details approved pursuant to planning permission no. MW.0008/20 no later than 30<sup>th</sup> June 2025.

Reason: To ensure restoration takes place in accordance with the underlying mineral permission when working has ended (OMWCS policy M10).

4. Subject to the requirements of condition 13 of this planning permission, no operations authorised or required by this permission shall be carried out and plant shall not be operated, other than during the following hours:

- 0700 and 1800 hours Mondays to Fridays;
- 0800 hours to 1200 hours on Saturdays.
- No such operations shall take place on Sundays or bank or public holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: In the interests of the amenities of the residents of Bridge Farm, Bridge House and the residential development approximately 400 metres to the west of the application area (OMWCS policy C5).

5. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than beepers that use white

noise.

Reason: to protect the residents of Appleford and Sutton Courtenay from noise intrusion (OMWCS policy C5).

6. No plant, machinery or vehicles shall be used on site unless fitted with effective silencers.

Reason: To safeguard the amenity of the area and of local residents. (OMWCS policy C5).

7. The equivalent continuous noise level, LAeq, 1 hour, free field at noise sensitive premises including Bridge Farm and Bridge House and the residential properties approximately 400 metres to the west shall not exceed 50dB(a) (freefield and at a measurement height of 1.5 metres, at a point 1 metre from the face of the dwelling.) Any measurement taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: To safeguard the amenity of the area and of local residents. (OMWCS policy C5).

8. No vehicle shall exceed 25 kph on site

Reason: To aid in dust suppression in the protection of the amenities of local residents (OMWCS policy C5).

9. Material shall not be handled and moved if conditions are such that this creates a visible dust cloud.

Reason: To aid dust suppression in the protection of the amenities of local residents (OMWCS policy C5).

10.A Construction Traffic Management Plan (CTMP) shall be submitted and approved by the Mineral Planning Authority prior to moving the mineral stockpile by HGV. The approved CTMP shall be implemented thereafter for the duration of the development.

Reason: to avoid damage to the highway and demonstrate that minimal disruption would occur to the network (OMWCS policy C10).

11. Prior to the stockpiled mineral being moved by HGVs, a plan demonstrating that the Stopping Sight Distance (SSD) based on surveyed 85th percentile speed, is achievable between a predicted end of queue on both arms of the Appleford Road (B4016) in order to ensure safe forward visibility for vehicles approaching stationary queuing traffic or primary signal heads shall be submitted to and approved in writing by the Mineral Planning Authority.

Reason: In the interest of highway safety (OMWCS policy C10 and NPPF (2023)).

12. Prior to the stockpiled mineral being moved by HGV, details of the temporary traffic control signals and associated signage to be provided at the crossroads junction of the B4016 Appleford Road and the haulage roads to the north and south of the B4016 over which the stockpiled mineral will be transported shall be

submitted to and approved in writing by the Mineral Planning Authority.

Reason: In the interest of highway safety (OMWCS policy C10 and NPPF (2023)).

13. No haulage of the stockpiled mineral all take place other than between the hours of 0930 hours and 1530 hours Mondays to Fridays and between 0800 hours and 1200 hours on Saturdays. No haulage of the stockpiled mineral shall take place on Sundays or bank or public holidays or on Saturdays immediately following Bank Holiday Fridays.

### **Compliance with National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible. We work with applicants in a positive and creative manner by:

- offering a pre-application advice service
- updating applicants and agents of issues that have arisen. Concerns around highway safety raised in the processing of the applications were addressed through amendments proposed following discussions with the Transport Development Control officer.

## Annex 3 - Conditions – MW.0008/20

1. The development shall cease, and the site shall be restored in accordance with the approved details no later than 30<sup>th</sup> June 2025.

Reason: To ensure restoration takes place in accordance with the underlying mineral permission when working has ended (OMWCS policy M10).

2. The development shall take place only in complete compliance with the approved plans and particulars except as they are modified by conditions of this permission. The approved plans and particulars comprise:

- Application forms dated 19/07/12,
- Planning Statement S55/P15 dated July 2012,
- Borehole Summary Plan and Mineral Resource Area A and B Drawing Ref S55m/85,
- Working Proposals Drawing Ref S55m/86,
- Cross Sections Drawing Ref S55m/88,
- Assessment Area Plan Drawing No S55m/89,
- Application Plan Drawing No S55m/90,
- Cross Sections A-A & B-B Drawing No: S55m/91,
- Cross Sections C-C & D-D Drawing No: S55m/92,
- Layout of Proposed Conveyor from Bridge Farm to Plant - Drawing No: S55m/105, Supporting Statement 2003,
- Application Form 2003,
- Drawing S1234,
- 'Sutton Courtenay Quarry Bridge Farm– Dust Control Scheme' dated 10/07/07.
- 'Hanson Aggregates Sutton Courtenay Sand and Gravel Project Sightline data on 90 deg Bend on B4016 SC to Appleford',
- Drawing No. 25033-01N 'General Arrangement and Long Section' and 'Hansons Aggregates Bridge Farm,
- Written Scheme of Investigation for an Archaeological Strip, Map and Record Exercise.
- Revised working scheme for phase 4B (stage 1) Drawing No S3/HAN/10/11A
- Revised working scheme for phase 4B (stage 2) S3/HAN/10/12B
- Revised working scheme for phase 4B (stage 3) S3/HAN/10/13B
- Bridge Farm and River Fields Revised Landscaping and Restoration Plan – S55m/217 dated Feb 2024
- Bridge Farm and River Fields Revised Restoration Design NMA – S55m/209 dated Aug 2023
- Sutton Courtenay Quarry Bridge Farm Phases 1 to 4 Amended 5 year outline aftercare scheme - S055/a Bridge Farm 1-4 outline aftercare dated Feb 2024.
- Cross Sections B-B through typical excavation and restoration profiles in Area 4B (Revised Scheme) S3/HAN/10/08D
- Application form dated 15<sup>th</sup> November 2015
- Document titled 'Details of Soil Storage, Required by Condition 24 of

Planning Permission MW.0126/12'

- Document titled 'Scheme of Soil Movements Required by Condition 25 of Planning Permission MW.0126/12'
- Hydrogeological impact assessment for the proposed deepening of the southern phase 4b extension area of Sutton Courtenay Quarry – v2
- Water Monitoring Borehole Location Plan with Replacement Boreholes Drawing No S3/HAN/10/15
- Supporting Statement 'Application to OCC to vary planning permission Application number MW.0126/12 (District Ref P12/V1729/CM)' dated December 2015
- Application form dated 1st August 2018
- Covering letter dated 31st July 2018
- Application Form dated 14<sup>th</sup> January 2020
- Covering letters dated 14<sup>th</sup> January 2020, 31<sup>st</sup> May 2022, 21<sup>st</sup> December 2022, 5<sup>th</sup> April 2023 and 19<sup>th</sup> February 2024
- Additional Info June '22 - Covering Letter dated 31/05/22

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. No development shall take place other than in complete accordance with the approved Hydrogeological Impact Assessment for the proposed deepening of the southern phase 4b extension area of Sutton Courtenay Quarry – v2 including the mitigation measures set out in section 5.

Reason: To ensure that the working of mineral beneath the water in phase 4b does not put groundwater quality at risk (OMWCS policy C4).

4. No working shall take place except in accordance with approved working plans S55m/86A, S3/HAN/10/11A, S3/HAN/10/12B and S3/HAN/10/13B, except as modified by other conditions of this permission.

Reason: For the avoidance of doubt and to ensure that the development is carried out as proposed (OMWCS policy C5).

5. No operations authorised or required by this permission shall be carried out and plant shall not be operated, other than during the following hours:
  - 0700 and 1800 hours Mondays to Fridays;
  - 0800 hours to 1200 hours on Saturdays.
  - No such operations shall take place on Sundays or bank or public holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: In the interests of the amenities of the area. (OMWCS policy C5).

6. No development shall take place other than in complete accordance with the approved Written scheme of Investigation for an Archaeological Strip, Map and Record Exercise approved pursuant to condition 6 of planning permission no. P16/V0077/CM (MW.0001/16).



Reason: To safeguard the recording and inspection of matters of archaeological importance on the site (OMWCS policy C9 and NPPF chapter 16).

7. A full report for publication based on the staged programme of archaeological evaluation and mitigation carried out in accordance with the approved Written Scheme of Investigation approved pursuant to condition 6 of planning permission no. P16/V0077/CM (MW.0001/16) shall be produced and submitted to the Minerals Planning Authority within 3 months of it being produced.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021) (OMWCS policy C9).

8. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than beepers that use white noise.

Reason: to protect the residents of Appleford and Sutton Courtenay from noise intrusion (OMWCS policy C5).

9. No plant, machinery or vehicles shall be used on site unless fitted with effective silencers.

Reason: To safeguard the amenity of the area and of local residents (OMWCS policy C5).

10. Noise levels from site activities during the 'temporary operations' of stripping the overburden and construction and removal of the southern and eastern bunds shall not exceed 57dBLAeq(1 hour.) The 'temporary operations' shall not occur for more than 28 days at one time with a gap of at least 28 days between 'temporary operations.'

Reason: To safeguard the amenity of the area and of local residents (OMWCS policy C5).

11. Noise levels from site activities during the 'temporary operations' of stripping the overburden and construction and removal of the southern and eastern bunds shall not exceed 57dBLAeq(1 hour.) The 'temporary operations' shall not occur for more than 28 days at one time with a gap of at least 28 days between 'temporary operations.'

Reason: To safeguard the amenity of the area and of local residents (OMWCS policy C5).

12. Except for the defined temporary operations, the equivalent continuous noise level, LAeq, 1 hour, free field at noise sensitive premises, Bridge Farm and Bridge House, as marked on approved plan S55m/86A, shall not exceed 50dB(a) (freefield and at a measurement height of 1.5 metres, at a point 1 metre from the face of the dwelling.) Any measurement taken to verify compliance

shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: To safeguard the amenity of the area and of local residents (OMWCS policy C5).

13.No vehicle shall exceed 25 kph on site

Reason: To aid in dust suppression in the protection of the amenities of local residents (OMWCS policy C5).

14.No development shall take place other than in accordance with the approved scheme for the minimisation of the emission of dust 'Sutton Courtenay Quarry Bridge Farm – Dust Control Scheme' dated 10/07/07. The approved scheme shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturer's instructions for the duration of the permission.

Reason: To protect the amenities of local residents (OMWCSP policy C5).

15.Material shall not be handled and moved if conditions are such that this creates a visible dust cloud.

Reason: To aid dust suppression in the protection of the amenities of local residents (OMWCS policy C5).

16.No lorries shall enter the working area unless loaded with clay and none shall leave the working area unless loaded with soil other than to allow for vehicles to transport the remaining sand and gravel from the temporary stockpile located in the south western corner of Phase 4 across the B4016 and via the Corridor Road to the plant site for processing.

Reason: To reduce the number of vehicle movements across the B4016 (OMWCS policy C5).

17.No HGVs shall cross the B4016 from and to the site unless temporary traffic lights and associated signage are installed and operated in accordance with the requirements of planning permission no. MW.0004/20.

Reason: In the interests of highway safety (OMWCS policies C5 and C10).

18.Sight lines shall be maintained in accordance with approved details 'Hanson Aggregates Sutton Courtenay Sand and Gravel Project Sightline data on 90 deg Bend on B4016 SC to Appleford' until the bund is removed.

Reason: In the interests of highway safety (OMWCS policy C5).

19.No import of clay to the working area or export of soil from it shall take place except during the months of June, July and August.

Reason: To reduce the potential for mud on the road and limit the duration of HGV's crossing the B4016 (OMWCS policies C5 and C10).

20.All work of soil stripping, stockpiling and reinstatement should be carried out when the material is in a dry and friable condition.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site (OMWCS policies M10 and C6).

21. Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by the Minerals Planning Authority, or to the overburden/infill surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: To minimise structural damage and compaction of soil and to aid the final restoration of the site (OMWCS policies M10 and C6).

22. All topsoil, subsoil, and soil making material which is not to be exported to the adjoining FCC landfill site for beneficial use in agricultural restoration shall be retained on the site.

Reason: Soils are required on site to ensure a satisfactory restoration of the land. (OMWCS policies M10 and C6).

23. Soil storage bunds shall not exceed 3m in height and all bunds intended to remain in situ for more than 6 months or over the winter shall be grassed over/vegetated and kept weed free.

Reason: To reduce the impact of the development on the locality (OMWCS policy C5).

24. No development shall take place other than in accordance with the approved Document titled 'Details of Soil Storage, Required by Condition 24 of Planning Permission MW.0126/12'.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity (OMWCS policy C4).

25. All soil movement shall be carried out in complete accordance with the approved Document titled 'Scheme of Soil Movements Required by Condition 25 of Planning Permission MW.0126/12'.

Reason: To ensure the development is carried out in a manner that minimises impact on the environment and amenities of the local area (OMWCS policy C5).

26. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Minerals Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be submitted to and approved in writing by the Minerals Planning Authority.

Reason: To ensure that the final landform is acceptable (OMWCS policy C5).

27. The access road, visibility splays and manoeuvring provision shall be laid out, constructed, surfaced, retained and maintained in accordance with the approved scheme Drawing No. 25033-01N 'General Arrangement and Long Section'.

Reason: To ensure the access road is constructed with due regard to highway safety and the local environment (OMWCS policies C5 and C10).

28. The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until such time as it is no longer required for these operations or the completion of site restoration and aftercare, whichever is sooner.

Reason: In the interests of highway safety and safeguarding the local environment (OMWCS policies C5 and C10).

29. All reasonable steps shall be taken to ensure that all vehicles leaving the site are in such condition as not to create dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.

Reason: In the interests of highway safety and to prevent mud and dust getting on the highway (OMWCS policies C5 and C10).

30. A survey of the road surface at the point of crossing of the B4016 shall be undertaken and submitted to the Mineral Planning Authority within one month of the completion of restoration.

Reason: In the interests of highway safety and safeguarding the local environment (OMWCS policies C5 and C10).

31. Signage shall be maintained alongside the B4016 warning of vehicles crossing, for the duration of the operation.

Reason: In the interests of highway safety (OMWCS policies C5 and C10).

32. Restoration of the site shall be in complete accordance with approved plans Bridge Farm and River Fields Revised Landscaping and Restoration Plan – S55m/217 dated Feb 2024, Bridge Farm and River Fields Revised Restoration Design NMA – S55m/209 dated Aug 2023 and approved Sutton Courtenay Quarry Bridge Farm Phases 1 to 4 Amended 5 year outline aftercare scheme - S055/a Bridge Farm 1-4 outline aftercare dated Feb 2024.

Reason: To ensure that the site is restored in an orderly manner to a condition capable of beneficial afteruse and in the interests of the amenity of local residents. (OMWCS policy M10).

33. Notwithstanding condition 32 no hedgerow restoration shall take place along the B4016.

Reason: In the interests of highway safety (OMWCS policies C5 and C10).

34. At any one time no more than two phases as shown on approved plan S55m/86A, as amended by the approved amended working schemes for phase 4B, shall be other than restored or not yet worked.

Reason: To reduce the impact of the development on the amenities of local residents and to ensure the progressive working and restoration of the site (OMWCS policies C5, C6 and M10).

35. No later than three months from the date of this permission, the approved aftercare scheme Sutton Courtenay Quarry Bridge Farm Phases 1 to 4 Amended 5 year outline aftercare scheme - S055/a Bridge Farm 1-4 outline aftercare dated Feb 2024 shall be updated to define the noxious weeds to be controlled and submitted to and approved in writing by the Mineral Planning Authority. The approved aftercare scheme shall be fully implemented for a 5 year period following the completion of restoration.

Reason: To comply with the requirements of Schedule 5 of the Town & Country Planning Act 1990 and to ensure that the reclaimed land is correctly husbanded and to bring the land to the standard required for agriculture and nature conservation (OMWCS policies C6 and C10).

36. There shall be no raising of existing ground levels on the site.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity (OMWCS policy C4).

37. No spoil or materials shall be deposited or stored on that part of the site lying within the area of land liable to flood.

Reason: to prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity (OMWCS policy C4).

38. Groundwater monitoring shall take place in accordance with approved plan Water Monitoring Borehole Location Plan with Replacement Boreholes Drawing NoS3/HAN/10/15 and 'Bridge Farm Sutton Courtenay Groundwater Monitoring Scheme in accordance with condition 38'.

Reason: To assess the risk of effects arising from changes in groundwater levels (OMWCS policy C4).

39. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the bund.

Reason: To minimise the risk of pollution of watercourses and aquifers (OMWCS policy C4).

### Informatives

#### **Protected Species**

If any protected species (e.g. reptiles, amphibians, bats, badgers, dormice, otters, water voles, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

**Breeding Birds** All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

### **Compliance with National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible. We work with applicants in a positive and creative manner by:

- offering a pre-application advice service
- updating applicants and agents of issues that have arisen. Concerns around highway safety raised in the processing of the applications were addressed through amendments proposed following discussions with the Transport Development Control officer. Amendments to the proposed restoration end date were also made following discussions with officers.

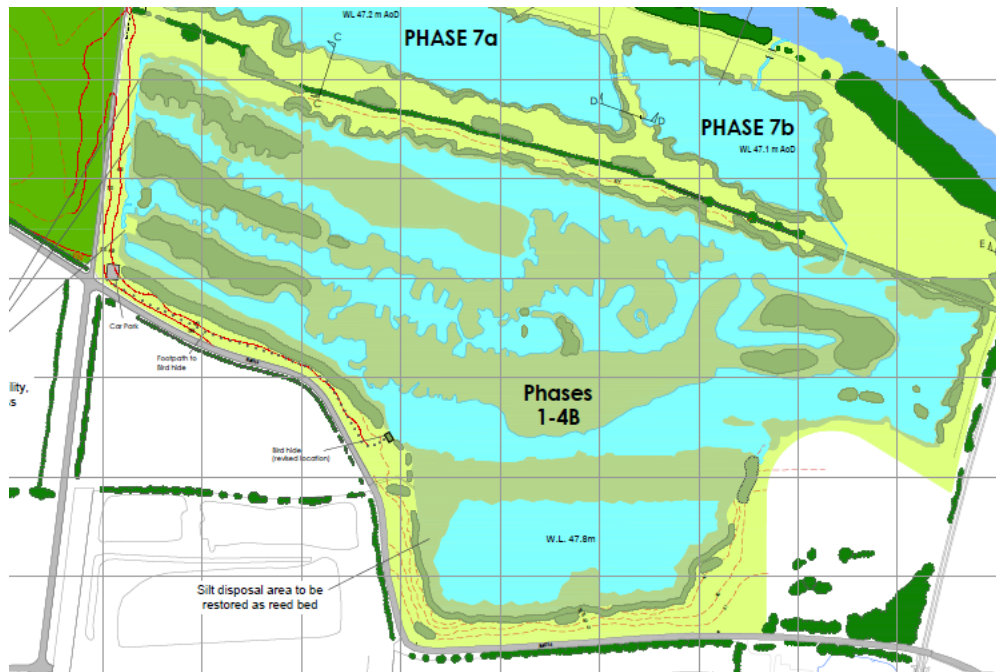
## **Annex 4 – European Protected Species**

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; orb) 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 set out in these applications.

# Annex 5 – Proposed revised restoration of Bridge Farm quarry phases 1 to 4B





## Divisions Affected – Sutton Courtenay & Marcham

### PLANNING AND REGULATION COMMITTEE

Date 2nd September 2024

#### Developments proposed:

- 1) To haul phase 5 and 6 mineral across B4016 and to import inert fill to effect approved restoration scheme in phase 5.
- 2) Section 73A application to continue the development permitted by planning permission no. MW.0049/19 (P19/V1273/CM) (for Small extension to Bridge Farm Quarry to extract sand and gravel and restoration to agriculture and lakes with reed fringes) without complying with conditions 2, 39 and 42 to extend the date for final restoration and to reflect the relevant amended restoration design.

#### Report by Head of Strategic Planning

**Contact Officer:** David Periam      **Tel:** 07824 545 378

**Location:** Land at Bridge Farm Quarry, Sutton Courtenay

**Application 1 OCC Ref:** MW.0048/19

**Application 2 OCC Ref:** MW.0067/22

**Application 1 District Ref** P19/V1271/CM

**Application 2 District Ref** P22/V1444/CM

**District Council Area:** Vale of White Horse

**Applicant:** Hanson Quarry Products Europe Limited

**Applications Received:** 2<sup>nd</sup> May 2019 and 1<sup>st</sup> June 2022

**Application 1 Consultation Periods:** 30<sup>th</sup> May - 20<sup>th</sup> June 2019, 13<sup>th</sup> June – 11<sup>th</sup> July 2022, 29<sup>th</sup> December 2022 – 19<sup>th</sup> January 2023, 20<sup>th</sup> April – 15<sup>th</sup> May 2023 & 7<sup>th</sup> March – 28<sup>th</sup> March 2024

**Application 2 Consultation Periods:** 16<sup>th</sup> June – 7<sup>th</sup> July 2022, 30<sup>th</sup> December 2022 – 21<sup>st</sup> January 2023, 19<sup>th</sup> April – 12<sup>th</sup> May 2023 & 7<sup>th</sup> March – 28<sup>th</sup> March 2024

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Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

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

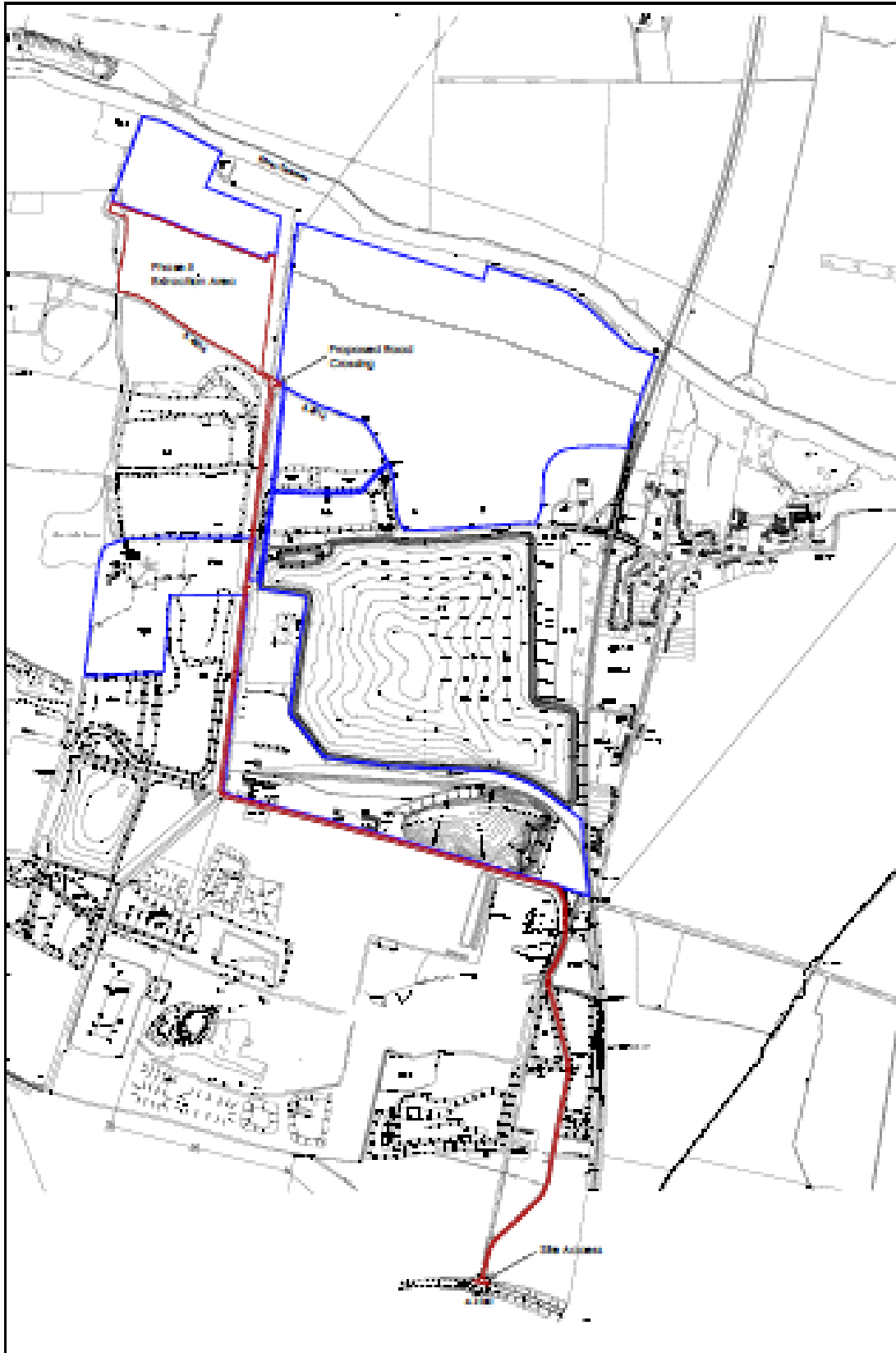
### **Location (see Plan 1)**

1. Bridge Farm Quarry lies to the north of the B4016 between the villages of Appleford and Sutton Courtenay. The quarry and the access from the plant site to the highway network contain land in both parishes. Phase 5 is entirely within Sutton Courtenay parish.

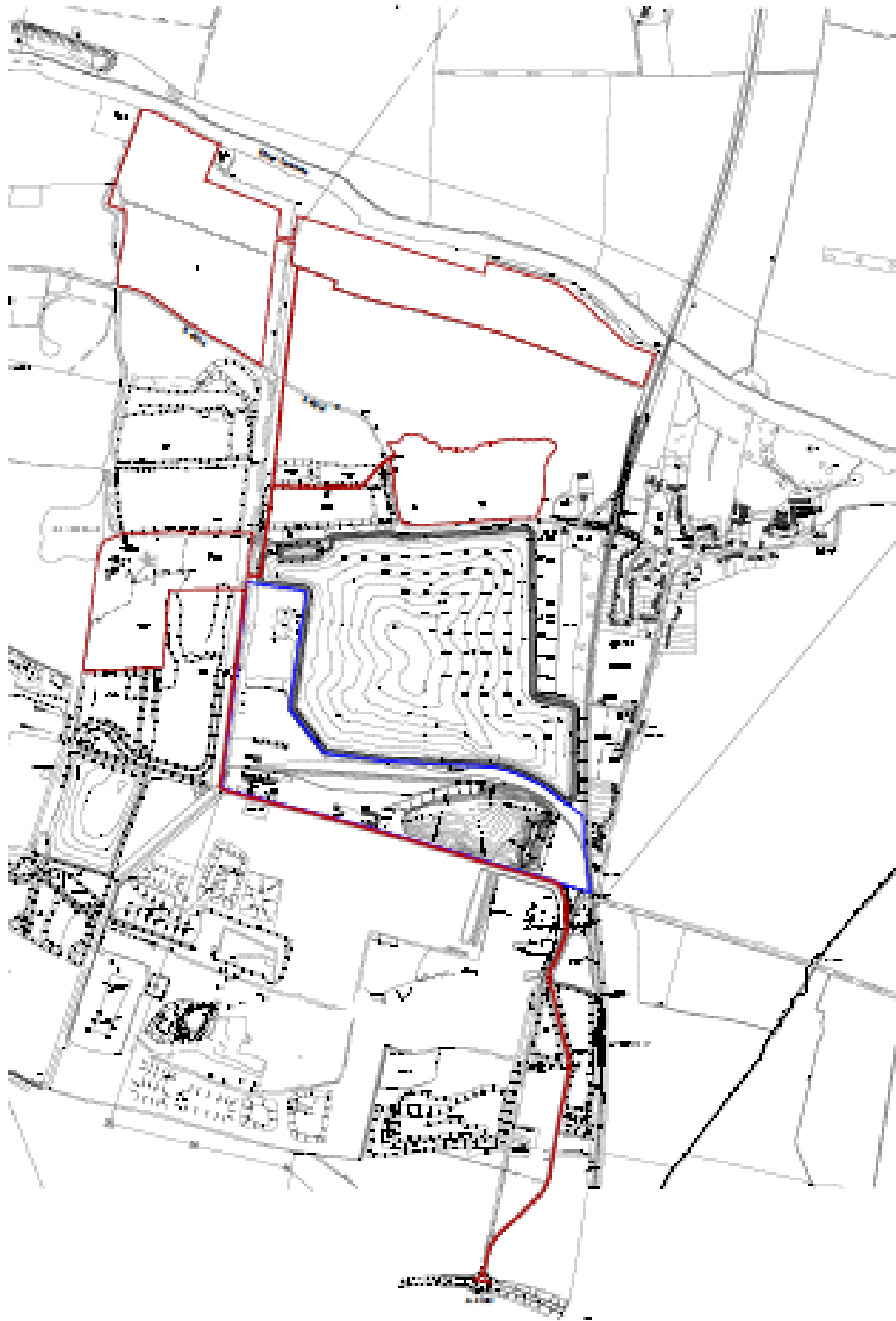
### **Site and Setting (see Plan 2)**

2. The site is a quarry which was previously agricultural land. These applications affect phases 5, 6 and 7 as originally approved under planning permission no. MW.0127/16 and then MW.0049/19. Phase 7 has largely been worked and restored and phases 5 and 6 have not yet been worked although some soil stripping has occurred. Earlier phases of the quarry (1 to 4b) have been worked and largely restored to waterbodies under separate planning permissions.
3. The River Thames lies immediately north of the quarry and the operational area for both applications lies largely within Flood Zone 3. The B4016 lies on the southern boundary and the railway line lies on the eastern boundary. Open agricultural land lies to the west.
4. Didcot Power Station lies approximately 2km (1.2 miles) south west of the quarry.
5. The closest dwellings are Bridge House and Bridge Farm, on the other side of the road. These properties are around 350 metres and 450 metres respectively from phase 7. A new residential development has been constructed approximately 50 metres west/south-west of phase 5, on the other side of the B4016. The quarry is located between the villages of Sutton Courtenay 300 metres to the west of phase 5, and Appleford located approximately 850 metres to the south east of phase 5 and approximately 300 metres to the south-east of phase 7.
6. There is a mineral processing plant 650 metres south of the quarry, south of the B4016 in the main Sutton Courtenay complex. This is connected to the extraction area by conveyor, which runs beneath the road. Processed mineral

was exported from the plant site via an access to the south onto the A4130 Didcot Perimeter Road. The processing plant is within the red line area for permission MW.0049/19 and therefore also for the current Section 73 application (MW.0067/22).



Plan 1 – Application area MW.0048/19 outlined in red



**Plan 2 – Application area MW.0067/22 outlined in red**

## Planning History and Background

7. Planning permission for the extraction of sand and gravel from the original part of Bridge Farm quarry was granted in August 2008. The application had been considered by Committee in December 2003, but there was a delay in issuing the consent as legal agreements were required. Operations commenced at the site in 2009. A Section 73 application (MW.0126/12) was made in 2012 to extend the timescales for extraction and restoration, as a result permission P12/V1729/CM was issued in September 2015 after the legal agreements had been updated.
8. An application to continue the development with changes to some conditions, including allowing an additional year for the completion of extraction and restoration, was issued in May 2016 (MW.0001/16).
9. The original quarry is subject to a routing agreement which requires that HGVs use the Didcot Perimeter Road and not travel through the villages of Sutton Courtenay, Appleford and Long Wittenham. It is also subject to a section 106 legal agreement including providing for the provision of long term management of the restored quarry. These agreements have clauses in them such that they apply to any subsequent section 73 applications to planning permission no. MW.0127/16. There is a separate section 106 Agreement relating to the use of the conveyor running through the culvert under the B4016 for the conveyance of extracted mineral.
10. Planning permission MW.0127/16 (P16/V2694/CM) was granted in June 2018 for the extension to the quarry into a new area to the north and west of the original quarry area. This permission covers phases 5, 6 and 7. Extraction in this area commenced in June 2018 and has only taken place in phase 7. Permission MW.0127/16 allows the removal of all mineral from the extension area (phases 5, 6 and 7) via an existing conveyor under the B4016 to the processing plant and the movement of excess soils and overburden from phase 7 to phase 5, to be used in restoration.
11. The extension area of the quarry is also subject to a routeing agreement which requires that HGVs use the Didcot Perimeter Road and do not travel through the villages of Sutton Courtenay, Appleford and Long Wittenham. It is also subject to a section 106 legal agreement providing for bird management of the restored extension area. Both of these agreements have clauses in them such that they apply to any subsequent section 73 applications to planning permission no. MW.0127/16. It is also subject to the separate section 106 Agreement relating to the use of the conveyor running through the culvert under the B4016 for the conveyance of extracted mineral.
12. In August 2018, four further applications were submitted in relation to this quarry. The first (MW.0093/18) was for a new stockpile area to be used in conjunction with the mineral extraction permitted by MW.0127/16, to allow continuous supply in case of flooding. This was approved in May 2019 for a temporary three-year period.

13. Three applications were submitted in August 2018. Planning application no. MW.0094/18 was a Section 73 application and was approved in May 2019. This extended the time period for restoration of phases 1-4 (permitted under MW.0001/16) so that they have the same completion date as the phases permitted under MW.0127/16 (i.e. within 3 years of the commencement of MW.0127/16).
14. Planning application no. MW.0095/18 was a Section 73 on permission MW.0127/16 seeking to amend the order of phased working and allow removal of material by road from phase 7. This application was withdrawn by the applicant when application MW.0049/19 was submitted for i) mineral to be removed from phase 7 via stockpile and haul road as permitted by planning permission no. MW.0093/18 (P18/V2145/CM); ii) mineral to be removed from phases 5 and 6 by road subject to separate grant of full planning permission, iii) amendments to order of phased working and restoration, iv) amendments to final restoration scheme to either a) restoration including importation of inert fill to phase 5 by road subject to separate grant of full planning permission or b) no mineral extraction from either phases 5 or 6 and replacement of stripped soils to original ground levels was submitted in May 2019. This application was approved in March 2020.
15. Application MW.0096/18 was submitted in August 2018. This was a full application for the installation of a temporary bailey bridge to allow plant to cross the fibre optic cable and other services running between phases 6 and 7. This was withdrawn in January 2019 as it was not possible to reach agreement with the owner regarding crossing the cable and services.
16. Application MW.0004/20 was submitted in December 2019 to amend planning permission MW.0093/18 to allow the removal of the stockpiled gravel by road to the plant site. Application no. MW.0008/20 was submitted in January 2020 and as amended seeks to vary permission MW.0094/18 to allow the removal of mineral from stockpile by road, update the restoration plan and to extend the date for the completion of restoration to December 2025. Planning applications MW.0004/20 and MW.0008/20 are considered in a separate report to today's committee meeting.

### **Details of Proposed Developments**

17. Application 1 seeks permission to export mineral from phases 5 and 6 by road and import inert waste required to restore phase 5 to agriculture in accordance with the approved plans. Application 2 is a Section 73a application to amend conditions on the existing consent with regard to the final restoration design and date for completion.
18. Phase 5 is approved to be restored to agriculture, rather than nature conservation like other phases, because it is classified as best and most versatile agricultural land (grade 2). Under the existing permission phase 5 would be restored using overburden from phase 7. Therefore, there was originally no need to import material from off-site to achieve the approved restoration. However, it is now proposed to import material because it has

become apparent that it will not be possible to transport material internally within the site from phase 7 to phase 5. This is because the applicant has not been able to secure consent to cross a service corridor between phases 5 & 6 and phase 7. This is due to underground water pipes and fibre optic cables running between the River Thames and Didcot Power Station beneath the corridor which could be affected by the movement of dump trucks and earth movement equipment above.

19. It is proposed that the imported material would be imported into the main Sutton Courtenay site from the A4130 Didcot Perimeter Road, then travel past the processing plant site and through the northern entrance across a temporary signal-controlled crossing across the B4016 and into phase 5. Approximately 72,800 cubic metres (146,000 tonnes) of imported material would be required. It is proposed that this material would be sourced locally.
20. The inability to cross the service corridor also means that material cannot be transported from phases 5 and 6 to the processing plant by conveyor, because the conveyor loading area is in phase 7. It is proposed to haul mineral extracted from phases 5 and 6 by road across the B4016 instead. It is proposed that restoration would be completed in December 2025.
21. Application 2 seeks to amend conditions 2, 39 and 42 of planning permission no. MW.0049/19.
22. The applicant has updated the restoration plan to reflect actual surveyed shorelines and landform created predominantly during earthworks in 2019 and the location of culverts, together with actual vegetation development and aftercare works implemented since this time. Amended restoration plans and related aftercare scheme have been submitted to supersede the previously approved restoration drawings and aftercare scheme. This will result in the variation of conditions 2 and 39 which reference the relevant drawings and aftercare scheme.

Condition 42 currently reads as follows:

“If permission is not granted to planning application no. P19/V1271/CM (MW.0048/19) and implemented and Phases 5 and 6 cannot be worked and restored as shown on the revised sequence of plans, any soils stripped from Phase 5 or 6 shall be replaced in those Phases to effect restoration back to original ground levels for agricultural use no later than 31<sup>st</sup> May 2021.”

It is proposed that this be amended to read as follows:

If permission is not granted to planning application no. P19/V1271/CM (MW.0048/19) and implemented and Phases 5 and 6 cannot be worked and restored as shown on the revised sequence of plans, any soils stripped from Phase 5 or 6 shall be replaced in those Phases to effect restoration back to original ground levels for agricultural use no later than 31<sup>st</sup> December 2025.

23. Further to discussion with officers and issues raised in consultation, the applicant has also provided further information in support of the applications. Firstly an updated ecology survey has been provided. Secondly, the applicant



states that in terms of the timeframe for extraction of the remaining mineral reserves it is not realistic to bring forward a timescale for restoration to 2024, or even to earlier in 2025. While it may be feasible to extract the estimated 300,000 tonnes saleable product within roughly a year, prior to the commencement of extraction there will be the need to mobilise and implement considerable infrastructure requirements. There will also be a need to obtain an Environment Permit from the Environment Agency for the importation of inert materials and the sourcing of the inert material from local construction projects.

24. The applicant states that there are three relevant points related to this latter point regarding the infill. Firstly, the fill material that will be required for infill was originally to have been sourced from phase 7, but as material is no longer able to be moved from this phase, the inert material needs to be sourced and imported which may take a longer time period than the use of onsite overburden.
25. The second point, is the length of time that is now required to obtain a permit from the Environment Agency (EA). There is a clear lack of resources at the EA which is impacting upon various aspects of their service, including the issuing of permits. To illustrate this, the applicant advises that they applied for a permit for Cassington quarry in December 2021, with an expected timescale from the EA for determination of 32-34 weeks. The permit was not issued until June 2024. This is a factor out of the applicant's control, but clearly impacts on the timeframes that they can commit to.
26. Thirdly there is the normal seasonality constraints for best practice soil handling which could constrain the available timescale for progressive stripping and reclamation.
27. Both applications propose to extend the time period for the completion of restoration to December 2025. This has been amended from 30<sup>th</sup> September 2026 when the applications were originally submitted following concerns raised by the council's officers with regard to policy M10 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy (OMWCS). The applicant states that they have explored the possibility of bringing forward the restoration in a phased manner and to allow progress with working and restoration, even in the event of a delay due to the Environment Agency (EA) Waste Permitting process. However this will not be possible due to a number of reasons:
  - i) A substantial part of Phase 5 needs to be excavated at a very early stage in order to install the "picture frame" clay seal;
  - ii) The remainder of Phase 5 then needs to be available to receive the very large quantity of overburden from Phase 6;
  - iii) Stockpiling the overburden (estimated to be 61,400m<sup>3</sup>) above current ground level will result in a very significant visual impact;

- iv) Stockpiling will impact upon flood storage capacity and would require an updated Flood Risk Assessment (FRA) which would result in additional delays associated with its production and review by the EA; and
- v) Stockpiling will result in additional carbon emissions due to the vehicle movements associated with the double handling of the material.
28. OMWCS Policy M10 states that “*Mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location*”. The applicant comments that no concerns have been raised in regard to the proposed restoration per se. In fact the whole basis of application MW.0048/19 is to enable the approved restoration of Phase 5.
29. The applicant states that it appears that the officer’s concern relating to policy M10 arises from interpretation of the phrase “*timely and phased manner*”. During a site visit officers acknowledged that restoration has been achieved in the areas of Bridge Farm which have been worked, and that this has been done in a timely manner. The only areas of Bridge Farm which have not been restored are those where extraction has not yet commenced and/or are subject to outstanding planning decisions. Restoration of all other areas which have been worked has been completed.
30. The applicant contends that there should therefore be no undue concern in regard to the proposed time amendments being contrary to policy M10. They consider that the time extension proposed instead represents a pragmatic and common sense approach and one which fully accords with the sustainability aims of the OMWCS, particularly policies regarding sustainable development and climate change.
31. Finally, the applicant states that it is important to note that approval for mineral extraction from Phases 5 and 6 of Bridge Farm has been granted, however these phases have not yet been worked. The mineral which is yet to be removed therefore forms part of the County Council’s landbank. Consequently, if it is not removed, this will adversely affect the landbank.
32. The proposals would result in additional HGV movements associated with the importation of inert waste and the transport of extracted mineral across the B4016. The development would create 8 HGV movements per hour in each direction. There would also be a new temporary signal-controlled crossing on the B4016 between the processing plant and the extraction area.
33. The two applications submitted are closely linked and together seek approval for the proposals described above. Application 2 is an application seeking those changes through the variation of the conditions needed to achieve the combined proposals. Application 1 is a full application for the removal of mineral from phases 5 and 6 by road and importation of inert waste to phase 5. This element of the proposal cannot be achieved through the application to vary conditions because it comprises new development.

## **PART 2 – OTHER VIEWPOINTS**

### **Third Party Representations**

34. Two letters of representation have been received from the same party in relation to application MW.0048/19 following the initial consultation. The letters object on the basis that there should be no increase in HGV traffic in this area where permissions for new residential developments are being refused on traffic grounds. The letter states that they object to Hills Quarry Products extension of use of the B4016 and so it is not entirely clear that it relates to this application, as the applicant is not Hills Quarry Products. However, in any case the representation appears to be based on a misunderstanding of the proposals as it is not proposed that the additional lorries importing inert waste would travel along the B4016. They would access the wider Sutton Courtenay site from the A4130 to the south and would only need to cross the B4016. The impact of the new crossing point is considered elsewhere in this report.
35. One letter of representation has been received in relation to application MW.0067/22 raising the following reasons for objection:
- i) The period of gravel extraction. The circumstances of the area have changed since this was first approved, with many houses occupied on the former Amey site and with the whole site being completed in the next couple of years. Extending the dates of extraction will no doubt increase the traffic problems over Sutton bridge, and other planning applications, even for very modest proposals, have been denied on this basis. The extraction and completion of the houses on the former Amey site will together have significant cumulative effects. The new Thames crossing is unlikely to be completed in a time frame that will mitigate this issue. The previous applications refer to the distance of the nearest residential area, but this distance is now much shorter. The original timings will have had the completion of housing nearby in mind when granted, and hence the original completion dates were acceptable but the new ones will not be in terms of noise and dust.
  - ii) The application is too difficult for residents to understand properly, and hence the consultation is inadequate. Hanson are in breach of their planning applications, and Covid is not a justifiable reason for a retrospective extension of more than 5 years.

### **Consultation Responses**

36. The consultation responses are set out in Annex 1 to this report.

## **PART 3 – RELEVANT PLANNING DOCUMENTS**

### **Relevant Development Plan and other policies**

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

### **Development Plan Documents**

38. The relevant development plan documents are:
- Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS)
  - Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) saved policies
  - The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
  - The Vale of White Horse Local Plan 2031 Part 2 (VLP2)
39. 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 sets out the strategic and core policies for minerals and waste development, including a suite of development management policies.
40. 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.

### **Emerging Plans**

41. Work had commenced on the OMWCS Part 2 – Site Allocations, although it was at an early stage. However, in December 2022, the Oxfordshire Minerals and Waste Local Development Scheme (13th Edition) (OMWDS) was approved at Cabinet. This sets out a process for pursuing a new Minerals and Waste Local Plan which will combine Part 1 and Part 2, and upon adoption will replace the OMWCS. The emerging OMWLP is scheduled for submission in March 2025 and there are no draft policies to consider at this time. The OMWCS remains part of the Development Plan, until the adoption of a new OMWLP.
42. South Oxfordshire and Vale of White Horse District Councils are working together to prepare a new Joint Local Plan 2041. Once adopted, the Joint Local Plan 2041 will replace The South Oxfordshire Local Plan 2035. As the draft plan progresses it will begin to carry some weight in decision making, according to its stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency with policies in the National Planning Policy Framework. A ‘Preferred Options’ consultation took place in early 2024. The Preferred Options document includes draft policies; however, these have very limited weight due to the stage that the plan is at. It is anticipated that a full draft plan will be published for a further consultation in autumn 2024.

### **Other Material Considerations**

43. Other documents that are relevant to determining these applications include:
- National Planning Policy Framework 2023 (NPPF)
  - National Planning Policy for Waste 2014 (NPPW)
  - Planning Practice Guidance (PPG)
  - Didcot Garden Town Delivery Plan (DGTDP)
  - Sutton Courtenay Neighbourhood Plan (SCNP) (Referendum Version)
44. Sutton Courtenay Neighbourhood Plan (CNP) was made (adopted) in May 2024 and includes the majority of the areas of the application sites within the CNP boundary.
45. There is a current consultation on a revised NPPF. This is a material consideration which carries very limited weight and full weight should be given to the current version of the NPPF pending the completion of the consultation period and any revisions then made to it.
46. Relevant sections of the Planning Practice Guidance (PPG) include specific advice on matters including flood risk, minerals, determining a planning application and natural environment.

### **Relevant Development Plan Policies**

47. The relevant development plan policies are:

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

- M2 – Provision for working Aggregate minerals
- M3 – Principal locations for working Aggregate minerals
- M5 – Working of Aggregate minerals
- 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 & Economy
- C6 – Agricultural Land and Soils
- C7 - Biodiversity and Geodiversity
- C8 – Landscape
- C10 – Transport

#### Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996

- SC3 – Routeing agreements in the Sutton Courtenay area

48. The Vale of White Horse Local Plan policies most relevant to the consideration of this application are:

#### Vale of White Horse Local Plan 2031 Part 1 (VLP1)

- Core Policy 1 – Presumption in favour of sustainable development
- Core Policy 17 – Delivery of Strategic Highway Improvements within the South East Vale Sub-Area
- Core Policy 18 - Safeguarding of Land for Transport Schemes in the South East Vale Sub-Area

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

- Core Policy 18a - Safeguarding of Land for Strategic Highway Improvements within the South-East Vale Sub-Area
- Development Policy 23- Impact of Development on Amenity
- Development Policy 25- Noise Pollution

49. Although Neighbourhood Plans cannot cover minerals and waste development, the most relevant Sutton Courtenay Neighbourhood Plan policy is:

- SC11 (Former Mineral Workings)

## **PART 4 – ASSESSMENT AND CONCLUSIONS**

### **Comments of the Head of Strategic Planning**

50. Although two planning applications have been made, they cover what is essentially one development and therefore have been considered together below. The key policy issues to consider in determining these applications are:

- i. Need for the developments
- ii. Restoration of the site;
- iii. Traffic impacts
- iv. Amenity impacts;
- v. Landscape impacts;
- vi. Biodiversity impacts
- vii. The water environment.

#### **Need for the developments**

51. Policy M2 of the OMWCS states provision will be made through policies M3 and M4 to enable the supply of sharp sand and gravel at 1.015 million tonnes per annum (mtpa) giving a total provision of 18.270 million tonnes. Permission will be granted for aggregate mineral working under policy M5 to enable landbanks of reserves with planning permission to be maintained for extraction of mineral of at least 7 years for sharp sand gravel.

52. The most recent published Local Aggregate Assessment (LAA), sets out that sharp sand and gravel reserves as at the end of 2022 were 9.607million tonnes. The LAA also identifies an Annual Provision Rate (APR) of

0.986million tonnes per annum, which means that Oxfordshire had a sharp sand and gravel landbank of 9.74 years at the end of 2022.

53. This is above the 7-year minimum landbank required by the NPPF. However, the policy team have considered permissions granted and estimated sales since the end of 2022 to calculate the landbank position at the end of 2023 of 7.8 years. This figure will be included in a report to the council's Cabinet in October 2024 on the Local Aggregates Assessment for the calendar year of 2023. There will have been further sales during 2024 but the information to inform the level of these is not yet available and so this is considered the best available figure for the landbank at the current time. Therefore, at the time of determining this application in 2024, the landbank has not fallen below the 7-year minimum but in the absence of any further planning permissions having been granted during 2024 and ongoing sales then it is likely to do so. The PPG on Minerals, paragraph 82, states that low landbanks may be an indicator that suitable applications should be permitted as a matter of importance. The Planning and Regulation Committee resolved to grant permission for MW.0027/22 for the Oxford Flood Alleviation Scheme in July 2024. This would involve removal of approximately 12 300 tonnes of sand and gravel from the site. However, permission has not yet been issued and this quantity of mineral would not have a significant impact on the landbank position.
54. Policy M5 of the OMWCS states that prior to the adoption of the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, permission would be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided that the proposal is in accordance with the locational strategy in policy M3 and meets the requirements of policies C1 to C12.
55. Policy M3 of the OMWCS identifies the principal locations for minerals extraction within strategic resource areas (SRAs) as shown on the Policies Map. The sharp sand and gravel areas are defined as Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton. The site lies within the Thames Valley and so is in accordance with this policy albeit that the reserve has already been consented.
56. Policy W6 of the OMWCS states provision for the permanent deposit to land or disposal to landfill of inert waste which cannot be recycled will be made at existing facilities and in sites that will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Provision will be made for sites with capacity sufficient for Oxfordshire to be net-self-sufficient in the management of inert waste. Priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and after use of active or unrestored quarries. Permission will not otherwise be granted for development that involves the permanent deposit or disposal of inert waste on land unless there would be overall environmental benefit.
57. The sand and gravel extraction is already permitted under planning permission no. MW.0049/19. The importation of infill proposed in Application 1

(MW.0048/19) would be new development. The mineral reserves in phases 5 and 6 are yet to be extracted. The original planning permission (MW.0127/16) which covered phases 5, 6 and 7 was for the extraction of an estimated 500,000 tonnes and so it is estimated that around 330,000 tonnes remain. This mineral already forms part of the sand and gravel landbank in accordance with OMWCS policies M2 and M5. If it is not extracted and further permission to Application 2 (no. MW.0067/22) is not granted then it would fall out of the landbank and a similar quantity of sand and gravel would need to be found elsewhere. The proposed importation of fill material to phase 5 would facilitate its satisfactory restoration if approved in the absence of being able to use material from phase 7 as originally envisaged. It therefore would accord with the requirements of policy W6 in this respect.

## Restoration

58. OMWCS policy M10 states that mineral workings will be restored to a high standard in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. It goes on to list a number of criteria which must be taken into account in the restoration and after-use of mineral workings. Compliance with this policy is also required with regard to the restoration of landfill sites in OMWCS policy W6. OMWCS policy C6 states that minerals and waste proposals shall demonstrate that they have taken into account the presence of best and more versatile agricultural land and its loss should be avoided.
59. The restoration proposed is in principle the same as the currently approved version, in that phases 6 and 7 would be restored to waterbodies and phase 5 would be restored to agriculture but now the proposal is for the restoration of phase 5 to be through the importation of inert fill material.
60. The applicant has confirmed that there would be no impact on the restoration of Phase 5 to an agricultural land classification grade equivalent to the existing. There would be no changes to gradients or soil depths or to methods of soil stripping, storage or placement. The inert fill proposed to be imported would be used as a substrate below the soil profile. Therefore, there is no conflict with OMWCS policy C6 as there is no change in relation to the provision of high-grade agricultural land in the restoration.
61. There have been no objections to the amendments to the restoration proposed. It is considered to be an appropriate restoration for the site and the restoration that has been carried out to date over phases 1 to 4 and 7 and which includes significant biodiversity gain is to a high standard albeit not yet fully completed in accordance with the approved scheme. It is not questioned that the applicant would be able to carry out the remaining restoration satisfactorily.
62. However, in the absence of planning permission having been granted for the importation of fill material to phase 5, the current approved restoration scheme, which does not include the importation of fill material, is required under planning permission no. MW.0049/19 to have been carried out no later



than 31<sup>st</sup> May 2021. The proposed extension of time is to 31<sup>st</sup> December 2025 which is four years and seven months later than currently permitted. This is a not insubstantial extension of time and so delay to the completion of restoration which was previously proposed and approved.

63. In terms of the applications proposing to allow until December 2025 to complete the proposed amended restoration including the proposed infilling of phase 5, the applicant had stated that the date was chosen to reflect the high likelihood of the construction of the road bridge in relation to HIF1 and the use of the stockpiled material in the HIF1 proposal. The HIF1 planning application was called in for the determination of the Secretary of State following a public inquiry before an inspector appointed by him; the public inquiry closed in May 2024. At the public inquiry, the county council as applicant for HIF 1 set out in evidence its projected programme for the development should it be granted planning permission. This programme projects the commencement of construction in January 2026 based on planning permission being granted by the end of September 2024. The application is yet to be determined and it is not known when the Secretary of State may make a decision on the application. The applicant has advised that whilst the justification for the extended time period proposed was initially based on planning permission being granted to the HIF1 planning application, as it is now known that the projected commencement date will be later than expected should planning permission be granted by the Secretary of State, the applicant will explore other commercial opportunities for the extracted materials.
64. Even if the HIF 1 planning application were to be granted planning permission, then a further planning application would in any instance then need to be submitted to amend the restoration of Bridge Farm Quarry phases 1 to 4b and 7 to reflect the presence of the HIF 1 scheme and the merits of such an application cannot be taken into consideration at this time in the determination of the current applications. There is no guarantee that the HIF1 application will be granted planning permission and so it carries limited weight as a material consideration albeit that land crossing Bridge Farm quarry is also safeguarded under VLP1 Core Policy 18 and VLP2 Core Policy 18a in order to deliver such development in accordance with VLP1 Core Policy 17.
65. The importation of infill material from the Oxford Flood Alleviation Scheme (OFAS) for the restoration of phase 5 has also been argued by the applicant to be a good use of this material. Members will recall that the planning application for OFAS was considered at the meeting of the Planning and Regulation Committee on 15<sup>th</sup> July and it was resolved to approve that application subject to it first being referred to the Secretary of State and to the completion of a S.106 legal agreement. The Secretary of State has confirmed she does not wish to call that application in for their own determination. Whilst it is therefore the case that planning permission will be granted for that development, it is not possible to require that infill material from it is brought to phase 5 and so the infill material may come from it but may also come from elsewhere.

66. As set out above, there is estimated to be a not insubstantial amount of mineral remaining to be extracted from phases 5 and 6. The loss of this mineral from the council's landbank for sharp sand and gravel should planning permission not be granted for the extension of time to 31<sup>st</sup> December 2025 does carry weight in the planning balance when set against the delivery of restoration which is already well over-due. The importation of infill material would secure the satisfactory restoration of phase 5 should that extraction be carried out. That said, the restoration of phase 7 is largely completed and if phases 5 and 6 were to not now be worked then there would be no requirement for restoration of those areas other than replacement of the previously stripped soils. Whilst it can be concluded that the proposals are not entirely in accordance with OMWCS policy M10, the extraction of the remaining mineral would continue to contribute to the landbank for sharp sand and gravel the position on which is discussed above.

### **Amenity Impacts**

67. OMWCS policy C5 states that proposals should demonstrate that there should be no unacceptable adverse impacts on the environment or residential amenity including from noise, dust and visual intrusion and traffic.
68. OMWCS policy C10 states that minerals and waste development must make provision for safe and suitable access to the advisory lorry routes, in ways which maintain and where possible lead to improvements in the safety of road users, the efficiency and quality of the road network and residential and environmental amenity including air quality.
69. VLP2 development policy 23 states that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses. VLP2 development policy 25 states that noise generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation. Development will not be permitted if mitigation cannot be provided within an appropriate design or standard.
70. As set out above, the extension of time proposed would be a prolongation to the overall time period that the quarry would be subject to operations including the additional lorry movements. The mineral extraction development was previously consented to be carried out with the extracted mineral passing under the B4016 to the processing plant using a conveyor. It is now proposed under Application 1 (no. MW.0048/19) that the remaining mineral would be removed using lorries crossing over the B4016 and that there would be the importation of infill material by road. There is ongoing visual impact in that the soils stripped from phase 5 are in situ in a bund which sits adjacent to the B4016 with no intervening screening and this has been the case for some years. Since the applications were submitted there is also additional housing closer to the site to the west/south-west. It is therefore concluded that there would be some visual, noise and traffic impacts on the amenity of local residents and other users of the area over the time period proposed in excess of those previously considered acceptable.

71. The level of the sand and gravel landbank discussed above supports an argument that there is a need for the remaining sand and gravel reserves to be extracted. The importation of inert fill to phase 5 proposed would then be necessary to secure the completion of the site's development and restoration. If the time period proposed is considered commensurate and necessary for the extraction of the remaining mineral and the site's restoration then, in the planning balance, the impact on amenity could be considered acceptable and in accordance with the aims of these policies.

### **Traffic Impacts**

72. OMWCS policy C10 states that minerals and waste development must make provision for safe and suitable access to the advisory lorry routes, in ways which maintain and where possible lead to improvements in the safety of road users, the efficiency and quality of the road network and residential and environmental amenity including air quality. OMWCS policy C5 states that proposals for minerals development shall demonstrate that they will not have an unacceptable impact on the environment or amenity in terms of traffic.
73. OMWLP policy SC3 states that planning permission in this area will not be granted unless a routing agreement has been secured to encourage HGVs to use the Didcot Perimeter Road and prevent HGVs from entering the villages of Sutton Courtenay, Appleford and Long Wittenham. This policy is assessed as being partially compliant with the NPPF.
74. The OCC Transport Development Management officer (TDM) initially objected to the applications, noting that although the additional HGVs would be routed via the A4130 and would not use routes which are severely congested at peak times around the A415, Culham Bridges, Appleford Road, Abingdon Road and Tollgate Road, HGVs would need to cross Appleford Road and the proposed temporary traffic lights could cause delays along Appleford Road during peak hours. They were also concerned about whether there would be adequate visibility due to the curve in the road. They initially suggested conditions limiting HGV movements to outside peak hours.
75. The applicant responded that the signals had been designed to minimise queuing on the B4016 and that there would be 160m forward visibility to the back of the predicted queue. They did not accept the proposed restriction of use of the traffic lights to outside peak hours. The applicant accepted the requirement for a Section 278 agreement for works to the highway and a legal agreement for highway restoration. The applicant has confirmed that HGVs would not use Culham Bridges towards Culham and would only cross the B4016 to gain access to and from the extraction area from the main Sutton Courtenay site.
76. The development would result in an additional 8 vehicle movements per hour. This is not considered significant in highway network terms, but there is existing concern about congestion in the area around Culham Bridges.

However, following the site meeting, TDM have concluded that as the Culham Bridges are 1km from the site there would not normally be any conflict with the proposed signalised arrangements and a requirement for a MOVA (Microprocessor Optimised Vehicle Actuation) system would ensure that any excessive queuing affecting the junction with Abingdon Road serving Culham Bridges was eliminated.

77. Final comments were received from TDM following a meeting held on site. Ultimately, they have no objections to the proposals in the two applications, subject to conditions requiring the submission and approval of a Construction Traffic Management Plan, a condition survey of the B4016, and a plan to demonstrate that Stopping Sight Distance (SSD), based on surveyed 85th percentile speed, is achievable between a predicted end of queue on both arms of the Appleford Road (B4016). Details of the proposed signalised junction incorporating MOVA and works to restore the highway at the crossing point being undertaken following the completion of the development would need to be part of a section 106 legal agreement.
78. The applicant has confirmed that they accept the conditions and agreements. Therefore, subject to the conditions and agreements requested, it is not considered that the proposal would give rise to any unacceptable highways impacts.
79. Vehicles associated with the quarry would continue to use the Didcot Perimeter Road to access the plant site within the main Sutton Courtenay complex. Vehicles would only cross the B4016 to access the extraction area to the north, they would not run along the B4016. Therefore, the route taken would continue to comply with the requirements of OMWLP policy SC3. A routing agreement would be required to ensure that the existing routing requirements continue to apply to any planning permission granted to Application 1 (no. MW.0048/19).
80. The proposals are considered to be in accordance with OMWCS policy C10 insofar as the impact on highway capacity and road safety. However, as set out above, it is considered that there would be some amenity impact.

### **Rights of Way**

81. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained.
82. The OCC Rights of Way team initially expressed concerns in relation to Application 1 (no. MW.0048/19), about impacts of increased HGVs on users of the footpath. The applicant confirmed that the proposed temporary traffic lights would improve safety for pedestrians on the public footpath because traffic movements would be controlled, and so pedestrians would only need to be aware of traffic from one direction at a time. The applicant also provided a revised plan showing details of additional signage would be provided on the northbound approach to the signals to make drivers aware that pedestrians

may be crossing the haul road. The OCC Rights of Way team have confirmed that this addresses their concerns given the low use levels and good visibility.

83. The proposal is considered to maintain the safety and amenity value of the existing footpath, in accordance with OMWCS policy C11.

### **Landscape Impact**

84. OMWCS policy C8 states that proposals shall demonstrate that they respect and where possible enhance local landscape character and shall include adequate and appropriate measures to mitigate adverse impacts on landscape including careful design, siting and landscaping. OMWCS policy C4 states that proposals for minerals development should ensure that the River Thames is adequately protected from unacceptable adverse impacts.
85. The landscape officer has not objected to these proposals. She has advised that the Application 1 (MW.0048/19) would introduce further urbanising features into the landscape which will result in additional localised landscape and visual effects, due to the temporary road crossing. However, she concludes that this would not add significantly to the impact of the previously approved scheme. In relation to Application 2 (MW.0067/22) she has advised that the proposed changes would not cause any fundamental changes to the approved aftercare and restoration scheme.
86. The proposals would not lead to any significant landscape impacts above what is already approved under the existing permissions. Therefore, the applications are considered to be in accordance with OMWCS policies C4 and C8.

### **Biodiversity Impacts**

87. OMWCS policy C7 states that minerals development should conserve biodiversity and where possible deliver a net gain in biodiversity. Proposals for mineral working shall demonstrate how the development will make an appropriate contribution to biodiversity and satisfactory long-term management arrangements for restored sites will be set out.
88. The ecology officer requested an updated ecology survey report. Further to the receipt of this she has confirmed she is happy that there is no evidence to indicate the presence of Great Crested Newts. The ecologist does not object to the applications subject to conditions.
89. Subject to resolution of the provision to be made for survey or otherwise of Great Crested Newts, the proposals are considered to be in accordance with OMWCS policy C7.

### **Flooding and the Water Environment**

90. OMWCS policy C3 states that minerals and waste development will, wherever possible take place in areas with lowest probability of flooding. The opportunity should be taken to increase flood storage capacity in the flood plain.
91. OMWCS policy C4 states that proposals for minerals development will need to demonstrate that there would be no unacceptable adverse impact on or risk to the quantity or quality of surface or groundwater resources required for habitats, wildlife and human activities; the quantity or quality of water obtained through abstraction unless acceptable provision can be made; the flow of groundwater at or in the vicinity of the site; and waterlogged archaeological remains.
92. It is still though necessary to consider the Sequential Test. For Application 2 (no. MW.0067/22), the development is to extend the time period for the completion of the remaining previously permitted sand and gravel reserve which as set out above forms part of the sand and gravel landbank. The mineral can clearly only be extracted where it is found and the application made is to extend the time for completion of the extraction, there is no alternative in a zone of less flood risk. Therefore the sequential test is met. Sand and gravel extraction is water compatible development in Flood Zone 2, 3a and 3b and so there is no need for the exception test.
93. With regard to the proposed importation of inert fill to phase 5 proposed in Application 1 (no. MW.0048/19), as it is proposed to deliver the restoration of the approved mineral working in the circumstance where the phase cannot now be restored using on-site material, then if the sand and gravel is to be extracted and the site restored back to high grade agricultural land as required then the importation is necessary and it cannot be delivered through an alternative site in an area of lesser flood risk. Therefore the sequential test is met.
94. Landfill is defined in the NPPF Annex 3: Flood risk vulnerability classification as more vulnerable development. The definition of landfill is though given as that set out in Schedule 10 of The Environmental Permitting (England and Wales) Regulations 2010. This in turn references the definition of landfill set out in the Landfill Directive which is a waste disposal site for the deposit of the waste onto or into land but with exclusions including the use of inert waste which is suitable, in redevelopment/restoration and filling-in work, or for construction purposes, in landfills. It is therefore considered that the import of inert infill for the purposes of restoration work at a mineral working is excluded from this definition. In the context of the restoration of a sand and gravel working it is therefore concluded that it too is part of water compatible development and so there is no need for the exception test.

## **Climate Change**

96. The planning system has an important role to play in meeting the challenge of climate change. Paragraph 159 of the NPPF makes this explicit, and states that development should be planned for in ways that:
- (a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
  - (b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the government's policy for national technical standards.
97. OMWCS policy C2 states that minerals and waste proposals, including restoration proposals, should take account of climate change for the lifetime of the development. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.
98. Application 2 (no. MW.0067/22) is not for new development but rather for the completion of development previously permitted in amended terms with regard to the time period for completion and minor amendments to the final proposed restoration scheme. It is not considered that this raises any additional issues in terms of the impacts of the developments in terms of climate change. Application 1 (no. MW.0048/19) is for new development. The importation of inert fill material for the restoration of phase 5 and the removal of mineral from phases 5 and 6 would result in additional vehicle movements and so emissions to atmosphere although the works on site in terms of the operation of plant and machinery for the winning and working of the mineral and the placing of the infill material would be very similar to that previously permitted when materials from phase 7 were proposed to be used. Although the time period proposed is a considerable extension over that previously permitted, other than the stripping of some soils in phase 5, no development has actually occurred in phases 5 and 6 and if permission were to be granted to these applications then the development would be carried out in a further 15 months. It would seem appropriate that any planning permission granted should be subject to a condition requiring a carbon management plan being submitted and approved. The applicant has advised that they would be happy with such a condition.

## **Sustainable Development**

99. Policy C1 of the OMWCS takes a positive approach to minerals and waste development in Oxfordshire, which reflects the presumption in favour of sustainable development contained in the NPPF. Policy C1 states that planning applications which accord with the policies in this plan will be

approved unless material considerations indicate otherwise. Core Policy 1 of the VLP1 makes similar provision.

100. As set out above, the applications taken together would result in impacts on the amenity of local residents which would arguably be greater than those of the previously permitted development for the extraction of the mineral and the site's restoration. This must be weighed up against the need for the mineral as part of the sand and gravel landbank, that the importation of the inert infill material would then be required to secure the restoration of phase 5 to grade 2 BMV land and the impacts would be temporary for a relatively short remaining period. Overall, in my view the level of the landbank of sharp sand and gravel reserves of 7.8 years indicates a need for these previously consented reserves of sharp sand and gravel to be granted planning permission and that it follows from that the importation of the inert fill material to complete the site's restoration is also justified and so the period proposed for the completion of the development to December 2025. Subject to conditions including hours of operation and the various highway conditions set out above, it is considered this outweighs the amenity impacts of the development.

### **Financial Implications**

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

### **Legal Implications**

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

### **Equality & Inclusion Implications**

103. In accordance with Section 149 of the Equality Act 2010, in considering this proposal, due regard has been had to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
104. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.





## **Annex 1 – Consultation Responses summary**

### **Vale of White Horse District Council – Planning**

No objection to Application 1 but notes the route follows that of proposed infrastructure works which should be taken into consideration. All comments received from neighbours should be taken into account.

No objection to Application 2. All comments received from neighbours should be taken into consideration.

### **Vale of White Horse District Council – Environmental Health Officer**

Responded, no objection to either application.

### **Sutton Courtenay Parish Council**

*NB, comments made collectively with regard to these and applications MW.0004/20 and MW.0008/20 which are subject to a separate report to today's committee meeting*

SCPC has reviewed the additional information provided by Hanson in the above Bridge Farm applications. In its view, there is nothing further in these applications to change its earlier objections dated 19 January 2023.

#### **MW.0067/22 and MW. 0048/19**

Additionally, re-examining the applications has highlighted the statement in Hanson's letter to OCC dated 5 April 2023, which was not available when SCPC objected in the earlier consultations. This has led to SCPC firming its position into one of **strongly** objecting to these planning applications. In its letter Hanson states that: *“There are three relevant points related to this latter point regarding the infill. Firstly, the estimated 70 to 75,000 cubic metres that will be required for infill was originally to have been sourced from phase 7, but as material is no longer able to be moved from this phase, the inert material needs to be sourced and imported which may take a longer time period than the use of onsite overburden”.*

That is in addition to the problems Hanson mentions of the length of time it would take to get EA determination and the seasonal constraints, which are likely to extend the timeframe for completion beyond Hanson's expectation of end 2025, which was originally meant to be August 2012! SCPC does not consider this acceptable, especially as Hanson is in breach of conditions imposed on the earlier applications, which have not been enforced.

A construction expert has indicated that using 12 cu metre lorries, importing 75,000 cu metres would involve 6,250 lorry loads. This would be in addition to the vehicles transporting the gravel, first across to the Hanson plant site, which would also require the additional access onto the B4106, and then on to uses such as HIF 1 and OFAS. Application MW.0048/19 seeks to create a new access into Phase 5 which will be used to haul mineral across the road to the plant site, and to bring in inert fill material to supplement that available on site. We note the Applicant agrees to cease the use of this access upon completion of the restoration works and states that this can be controlled by a condition. Given the numerous s73 applications submitted over the

years requesting suspension or modification of planning conditions – it is difficult to give any credence to the statement by Hanson.

This strengthens the Parish Council's position into a recommendation that the application to extract further gravel from 5 and 6 in MW.0067/22 and MW. 0048/19 be robustly rejected.

### **MW.0004/20 and MW.0008/20**

That rejection would leave the issue of hauling the existing stockpile across the B4016. For too long OCC and Hanson have prevaricated over this decision. SCPC's view is that Hanson should reactivate the original conveyor rather than transport the gravel across the B4106. Had that been done earlier, these applications would not have been necessary, and the Hanson breaches of conditions avoided.

However, providing the applications to extract gravel from 5 and 6 are rejected, SCPC is prepared to agree to the stockpile being moved across the B4016, to speed up the restoration of the site and ensure that is completed by the end of 2024.

**Summary.** SCPC asks that the Planning Committee agrees that it is time for the Bridge Farm site to be restored and that therefore MW.0048/19 and MW.0067/22 be rejected and MW.0008/20 and MW.0004/20 adjusted to ensure that the site is restored by the end this year.

SCPC also supports Appleford Parish Council's request dated 23 March 2024, for a deferment of at least two months for very valid reasons.

If the Officers, however, are minded to recommend, approval of these applications, the Parish Council requests that the Planning Committee calls them in for formal consideration.

### **Appleford Parish Council**

*NB, comments made collectively with regard to these and applications MW.0004/20 and MW.0008/20 which are subject to a separate report to today's committee meeting*

Appleford-on-Thames Parish Council (APC) discussed the applications at a meeting on 11 March and resolved to submit its concerns and expand on objections raised in previous correspondence dated 7 July 2022 and 16 May 2023. APC had no objection in principle to the proposed extraction works in 2022, however, the increased scale of activity and the HIF1 development (if approved) will both cause significant disruption for local residents and communities.

The applications are complex and interconnected with a history over many years. APC has repeatedly asked for connected applications to be dealt with by a single Case Officer. It is further concerned that the Case Officer for MW.0067/22 is representing OCC as LPA at the Planning Inquiry. This could potentially give rise to possible conflicts between the two applications.

We request the consultation is extended for the reasons below: -

APC is actively involved in the HIF1 Planning Inquiry which is not due to complete until end of April / early May.

Our local Councillor is indisposed and is standing down as Councillor in Oxfordshire County Council (and at the Vale). In the circumstances we are not able to liaise with him on this important matter for the local community.

The scale of activity proposed (e.g. 75,000 m<sup>3</sup> infill in addition to extraction) is greater than originally proposed.

We request that the consultation is deferred for at least two months until a new Councillor takes office for the division. We also request that the application should ultimately be called in for consideration by the Planning & Regulation Committee (P&RC).

Departure Form - No exceptional circumstances exist to justify the assessment made in June 2022 and APC contend this should be reassessed in 2024.

EIA Screening Form - We contend that an EIA should be conducted given the scale of works proposed and time proposed to complete the extraction and rectification works by Dec. 2025.

The works will:

Impact all the people of Appleford – more noise and dust.

Impact of increased incidence of flooding due-to climate change (river and general localised flooding with high ground water levels).

Disruption to Appleford residents and east west traffic on the B4016. Many people will be affected by prolonged and ongoing work (see d below).

The impact of a large volume of HGV movements for gravel extraction and stockpile transfers (7 per hour) plus over 6,000 lorry movements for infill.

The danger of conflict with the HIF1 development including long term disruption.

Conditions

APC is concerned that Heidelberg (Hanson) along with other commercial operators have consistently failed to meet planning conditions, particularly completion deadlines. These seem to slide indefinitely and result in a new but different application.

Condition 2 – Remove all equipment by 31 May 2021 The Applicant is in breach of the deadline of 31 May 2021 (& previous legacy deadlines). Condition 39 We see no reason to extend timescale for aftercare and restoration of the land.

APC were advised by David Wilmington (then Manager) that Hanson did not intend to extract any remaining gravel from Sites 5, 6 or 7. Why then was rectification not undertaken?

Condition 42 – Planning Permission Phases 5 & 6 by 31 May 2021. This date has passed with Hanson in breach of this condition.

HIF1 Application

The proximity of the quarry for the HIF1 development is a spurious claim as material extracted will be of mixed quality and will need to be sorted, graded and washed offsite.

Objection - APC object to the application on the grounds that planning permission should not be granted to allow road movement across the B4016 given the volume of HGV traffic (overall movement and movements per hour).

Permission should only be considered if the applicant reinstates the conveyor traveller to transport all material (gravel extraction and infill) under the B4016 and the Applicant offers and provides a surety to meet relevant conditions and completion

deadlines. The conveyor traveller has been allowed to fall into disrepair and must be reinstated or replaced if planning is to be granted.

All works and restoration should be concluded by December 2025. If these works cannot be completed in time, they will conflict with the HIF1 scheme (if approved). The latter currently before a Planning Inspector is due to be completed by December 2026 and if there is a risk of conflict with the HIF1 scheme or a risk that HIF1 cannot realistically be completed by that date on its own account or because of the parallel extraction or rectification works, then OCC as LPA has a duty to advise the Planning Inquiry accordingly.

APC has had sight of the concerns expressed by Sutton Courtenay Parish Council and is in agreement with them.

### **Culham Parish Council**

Culham Parish Council would like to support Sutton Courtenay Parish Council's objection to application MW.0067/22.

### **Didcot Town Council**

Application 1 – No comment received.

Application 2 – No objection.

### **Environment Agency**

No objection to either Application 1 or Application 2.

### **Natural England**

No objection to Application 1.

No comments to make on Application 2.

### **OCC Transport Development Control**

Application 1 -

No objection, subject to conditions, Section 278 agreement and Unilateral Undertaking. The development would introduce an additional 8 HGVs per hour, which is not a significant increase, but the proposed temporary traffic lights have the potential to delay traffic along Appleford Road during peak hours. There is also concern about traffic safety during peak hours along the east arm of Appleford Road as it is not clear that adequate Sight Stopping Distance would be possible during peak hours due to horizontal alignment.

A Section 278 agreement would be required for the formation of the new access points. A Unilateral Undertaking would also be required for restoration

of the highway following completion of works, to ensure the repair/reconstruction of the public highway affected by additional HGV movements.

Conditions are required for a Construction Traffic Management Plan (CTMP), a condition survey of the B4016, the submission and approval of a plan demonstrating that Stopping Sight Distance (SSD) is achievable and the submission and approval of details of the signalized junction. This should include a MOVA system to eliminate any excessive queues that would affect the junction with Abingdon Road and Culham Bridges.

Application 2 -

No comments received.

### **OCC Biodiversity**

Application 1 -

The ecological report identifies wet areas in Phase 5 as having potential to support breeding GCN and for Phases 5 and 6 to provide potential terrestrial habitat; it recommends further survey in the breeding period. Further surveys to clarify the likely presence of GCN are therefore needed in support of the application. Alternatively, the applicant could consider using the District GCN Licence operated by Oxfordshire County Council in partnership with NatureSpace. Could the applicant therefore please confirm whether they intend to submit further GCN surveys and any resulting mitigation proposals in support of their application, or if they will use the District Licence approach, in which case they will need to obtain a certificate or report from NatureSpace to confirm whether the proposal can be authorised under the District Licence. (For further information on this approach please contact the NatureSpace Newt Officer for Oxfordshire).

*NB The applicant provided further GCN survey information which identified that GCN are not present and satisfied the concerns of the OCC Biodiversity officer.*

There is potential for otter and water vole, particularly along the watercourses; conditions will be needed to ensure a buffer to watercourses and appropriate method statements for any works in these areas (similar to conditions 15 and 16 on the existing permission MW.0049/19). The badger sett previously identified has been fenced off in accordance with condition 11 of permission MW.0049/19, conditions will be needed to ensure that a fenced area at least 30m from the badger sett is retained.

Application 2 -

The potential for otter and water vole along watercourses remains as previously identified; the proposals will need to proceed in accordance with conditions 11-16 of planning permission MW.0049/19, including the

implementation of previously approved Method Statements for conditions 15 and 16. The badger sett previously identified has been fenced off in accordance with condition 11, the proposals will need to proceed in accordance with conditions 11 and 12.

## **OCC Landscape**

Application 1 -

Don't consider the development to significantly add to the impact of the previously approved scheme (MW.0127/16). Having said this, consideration should be given to the timing of the different schemes affecting the locality, such as the HIF1 proposals, to ensure that landscape and visual impacts are kept to a minimum.

Application 2 –

I do not consider the proposed extension of time to cause unacceptable landscape or visual effects. I have no objection to the proposal.

## **OCC Rights of Way**

Application 1 -

The temporary signalised road crossing is noted. Given the current proximity of the footpath crossing to the new signalised crossing I am concerned about the impact of additional HGV traffic on the safety of NMUs. I would appreciate the applicant assessing the impact of the new crossing on users of the footpath in order to see if mitigation is necessary.

This could take the form of temporary moving of the footpath haul road crossing point adjacent to the signalised crossing point so that path users are aware and are stopped by the traffic lights at the same time as road users. This could avoid the need for separate control measures -if indeed they are assessed to be needed.

Application 2 -

No comments.

## **OCC Public Health**

Application 1 -

No concerns providing that the existing conditions and dust control measures are maintained.

Application 2 -

Not consulted.

### **OCC Lead Local Flood Authority**

Application 1 -

No response received.

Application 2 -

No comments to make.

The full text of the consultation responses can be seen on the e-planning website, using the references MW.0048/19 and MW.0067/22.

## **Annex 2 – Conditions for MW.0048/19**

1. 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. The approved details comprise:
  - Application form dated 2/5/19
  - Letter dated 2 May 2019 from Phillip Duncan
  - Phase 5 Application Plan Drawing No. S3/HAN/14/38 dated 16/04/19
  - Appleford Road (B4016) Proposed Road Crossing Plan Drawing no. S3/HAN/14/19 B dated 16/01/2019
  - Drawing no. S3/HAN/14/39 Wheel Wash dated 02/18
  - Planning statement dated April 2019
  - Highway and Traffic statement dated April 2019
  - Landscape and Visual Appraisal dated April 2019
  - Letter from Hydro-Logic Services Ref K0915/pw dated 8<sup>th</sup> April 2019
  - Letter from Hydro-Logic Services Ref K0915/pw dated 27<sup>th</sup> June 2019
  - Phase 5, 6 and 7 New Access Works Plan Drawing No. 4053-101 Rev C dated 19.12.19.
  - Bridge Farm, Sutton Courtenay Second Update Ecology Survey Report Hanson Aggregates REPORT REF: 413/ESR-2/v1 dated 24/10/2022



The development shall not be carried out other than in accordance with the plans and particulars approved under application reference MW.0067/22 (P19/V1273/CM), which include full details of restoration requirements.

Reason: To ensure that the development is carried out as proposed.

2. The development to which this permission relates shall be begun not later than the expiration of one year beginning with the date of this permission. The date of commencement of development shall be notified to the planning authority within 7 days of commencement.

Reason: In accordance with Section 91 to 95 of the Town and County Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the development commences before the end date.

3. The development shall cease no later than 31<sup>st</sup> December 2025.

Reason: To minimise the duration of disturbance from the development hereby permitted and to ensure the site is restored in a timely manner (OMWCS policy M10).

4. No fill material shall be imported to the site, other than via the B4016 road crossing as shown on approved plan S3/HAN/14/19 B, having been imported via the road marked Corridor Road and internal haul roads from the A4130 as shown on approved plan S3/HAN/14/38. Imported infill material shall not enter the site from the B4016 other than via the crossing. No HGV leaving the site shall turn left or right along the B4016 other than to use the approved road crossing to Corridor Road.

Reason: To ensure that the development is carried out as proposed and HGVs use only suitable roads in the interest of highway safety and amenity (OMWCS C5)

5. No operations authorised or required by this permission shall be carried out other than between 07.00- and 18.00-hours Mondays to Fridays and 07.00 to 12.00 hours on Saturdays. No operations shall take place on Sundays, Public or Bank Holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: To protect the amenities of local residents of Appleford and Sutton Courtenay and users of the River Thames (OMWCS policy C5).

6. No mud, dust or debris shall be deposited on the public highway.

Reason: In the interests of highway safety (OMWCS C10)

7. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on any vehicles, plant and machinery, other than those which use white noise.

Reason: To protect residents of Appleford and Sutton Courtenay and users of the River Thames from noise intrusion (OMWCS policy C5).

8. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to the Mineral Planning Authority and approved in writing. No development shall take place other than in complete accordance with the approved details.

Reason: to ensure that the development is carried out in such a way to avoid damage to the highway and minimise disruption to the network (OMWCS C10).

9. No development shall commence until a condition survey of the B4016 has been submitted to the Mineral Planning Authority and approved in writing. A further condition survey shall be undertaken and submitted to the Mineral Planning Authority within 3 months of the cessation of the development.

Reason: To provide information on any damage to the road during the course of the development, in the interests of highway safety (OMWCS C10)

10. No development shall commence until a plan has been submitted and approved in writing by the Mineral Planning Authority, to demonstrate that Stopping Sight Distance (SSD), based on surveyed 85th percentile speed, is achievable between a predicted end of queue on both arms of the Appleford Road (B4016). This shall include details of any measures necessary to ensure that the required visibility is maintained for the duration of the development (for example maintenance of vegetation). Any plan approved shall be implemented in full for the duration of the consent.

Reason: In order to ensure safe forward visibility for vehicles approaching stationary queuing traffic on the B4106, in the interest of highway safety (OMWCS C10)

11. No development shall commence until a Carbon Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The submitted plan shall:
  - provide further details on emissions including details of how whole life carbon emissions will be reduced, and
  - consider opportunities to reduce emissions associated with the transportation of materialsAny plan approved shall be implemented in full and shall be updated as necessary.

Reason: To prevent further adverse impact on climate change (OMWCS C2).

### **Compliance with National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible. We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application. In this case the applicant was updated with consultation

responses received including those with regard to flood risk, agricultural land and ecology.

### **Annex 3 – Conditions for MW.0067/22**

1. 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. The approved details comprise:
  - Application form dated 31/05/2024
  - Covering letter dated 19<sup>th</sup> February 2024
  - Bridge Farm and River Fields Revised Landscaping and Restoration Plan – S55m/217 dated Feb 2024
  - Bridge Farm and River Fields Revised Restoration Design NMA – S55m/209 dated Aug 2023

- Sutton Courtenay Quarry Bridge Farm River Fields Extension Amended 5 year Landscaping and outline aftercare scheme - S055/a River Fields outline aftercare dated Feb 2024.
- Cross Sections -Sheet 1 drawing no. S3/HAN/14/27 B dated 27/11/23
- Cross Sections - Sheet 2 drawing no. S3/HAN/14/28 B dated 27/11/23
- Bridge Farm, Sutton Courtenay Second Update Ecology Survey Report Hanson Aggregates REPORT REF: 413/ESR-2/v1 dated 24/10/2022
- Application form dated 01/05/2019
- Covering letter dated 1<sup>st</sup> May 2019
- Condition 19 - Lake Level control mechanism between Western and Eastern lakes in Phase 7 drawing no. S3/HAN/13/3/3 A dated 14/07/17.
- Condition 19 - Location of Proposed Outfall Channels, drawing no. S3/HAN/13/11 A dated 07/08/18.
- Condition 19 - Outfall from Existing site into Phase 7B Lake, drawing no. S3/HAN/13/3/2 B dated 14/07/17.
- Condition 19 - Outfall from Phase 7B Lake into the River Thames drawing no. S3/HAN/13/3-4 A dated 07/08/19
- Extent of Existing Arable Areas, Stand Offs and Buffers drawing no. S3/HAN/14/31 dated 19/03/19
- Restoration Scheme, Showing Unworked Land Adjacent to Watercourse drawing no. S3/HAN/14/30 dated 19/03/19
- Scheme of Working and Restoration - Stage 1 drawing no. S3/HAN/14/21 A dated 11/02/19
- Scheme of Working and Restoration - Stage 2 drawing no. S3/HAN/14/22 A dated 11/02/19
- Scheme of Working and Restoration - Stage 3 drawing no. S3/HAN/14/23 A dated 12/02/19
- Scheme of Working and Restoration - Stage 4 drawing no. S3/HAN/14/24 A dated 11/02/19
- Scheme of Working and Restoration - Stage 5 drawing no. S3/HAN/14/25 B dated 11/02/19
- Scheme of Working and Restoration - Stage 6 drawing no. S3/HAN/14/26 B dated 12/02/19
- 'Details of Drainage Works for the Control of Water Levels and the Discharge from the Proposed Lakes at Bridge Farm Quarry into the River Thames and Sutton Courtenay Brook' Revision 2 dated April 2019.
- Update Ecology Survey Report by Applied Ecology dated March 2019

Documents originally approved under MW.0127/16:

- Application Form dated 15/09/2016
- Planning Supporting Statement - Bridge Farm quarry, Sutton Courtenay, Oxfordshire, Proposed extension Version 2 dated 12/10/2016
- Dust Control Scheme dated 10/07/07
- Further Information - Applied Ecology Ltd Technical Ecology Report Version 3 dated 25/01/2017
- Further Information - Soils and land quality Version 1 dated 23/01/2017

- Further Information - Flood Storage Capacity Volume Comparison Version 5 dated 03/01/2017
- Further Information to address feedback from EA Version 1 dated 16/01/2017
- Further Information to address feedback from EA regarding re-location of an overflow trench as required by Network Rail Version 1 dated 31/01/2017
- Further Information - Applied Ecology Ltd Otter Report Version 1 dated 30/03/2017
- Further Information - Letter from Corylus dated 30/03/2017
- Application Plan - Drawing No. S3/HAN/10/28 dated 12/08/2016
- Proposed extension area – Dwg. No. S3/HAN/10/18 dated 09/06/2016.

Documents and drawings originally approved under details pursuant submitted and approved under MW.0127/16:

- Method Statement for the protection of woodland, trees, hedgerows, the River Thames and Sutton Courtenay Brook (Revised 11/07/18) (condition 15)
- Buffer Zones to Watercourses, Trees Plan - Drawing no. S3/HAN/13/2 (condition 15)
- Specification for Boundary Fencing - Barbed Wire Plan Drawing no. FDS-6 (condition 15)
- Condition 16 Method Statement dated July 2017
- Drawing no. S3/HAN/13/4 Condition 19 - Outfall Ditch, Culvert and Sluice Layout
- Drawing no. S3/HAN/13/10 Condition 19 - Details of Outfall Channel from Phase 7B Lake to the River Thames
- Drawing no. S3/HAN/13/3/1 Condition 19 - Outfall from Phase 6 Lake to Sutton Courtenay Brook
- Approved Phases 6 & 7 Written Scheme of Investigation for an Archaeological Watching Brief (condition 22)
- Approved Phase 5 Written Scheme of Investigation Archaeological Excavation (condition 22)
- E-mail from Julia Edwards dated 26th July 2018 (conditions 41 and 42).

Reason: To ensure that the development is carried out as proposed.

2. The development shall cease, all associated pumps, plant and machinery shall be removed and the site shall be restored in accordance with the details set out in section 2 of the approved Planning Statement and the approved Further Information - Soils and land quality Version 1 dated 23/01/2017 and on approved drawings nos. S55m/209, S55m/217, S3/HAN/14/27 B & S3/HAN/14/28 B, no later than 31<sup>st</sup> December 2025.

Reason: To minimise the duration of disturbance from the development hereby permitted and to ensure the site is restored (OMWCS policy M10).

### **Hours of working**

3. No operations authorised or required by this permission shall be carried out, and plant shall not be operated other than between 07.00- and 18.00-hours Mondays to Fridays and 07.00 to 12.00 hours on Saturdays;  
No operations shall take place on Sundays, Public or Bank Holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: To protect the amenities of local residents of Appleford and Sutton Courtenay and users of the River Thames (OMWCS policy C5).

### **Noise**

4. The noise levels arising from the development shall not exceed 50 dB(LAeq) (1 hour) at the closest dwelling.

Reason: To protect the amenities of local residents of Sutton Courtenay and Appleford. (OMWCS policy C5).

5. The noise levels arising from temporary operations for construction and removal of bunds shall not exceed 57 dB(LAeq) (1 hour free field) measured at the closest dwelling and the temporary operations shall not occur for more than 28 days at one time with a gap of at least 28 days between each such period of temporary operations.

Reason: To protect the amenities of local residents of Sutton Courtenay and Appleford. (OMWCS policy C5).

6. Noise from typical site operations shall be monitored every 3 months throughout the life of the development. A monitoring report shall be submitted to the Minerals Planning Authority in writing within 2 weeks of each set of monitoring. Should the results of monitoring show that noise levels are exceeding the levels set out in condition 5, a scheme shall be submitted to and approved in writing by the Mineral Planning Authority setting out the measures to be taken to further mitigate noise to the permitted levels. The approved scheme shall be implemented thereafter.

Reason: To protect residents of Appleford and Sutton Courtenay and users of the River Thames from noise intrusion (OMWCS policy C5).

7. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on any vehicles, plant and machinery, other than those which use white noise.

Reason: To protect residents of Appleford and Sutton Courtenay and users of the River Thames from noise intrusion (OMWCS policy C5).

### **Dust**

8. No vehicle shall exceed a speed of 25 kilometres per hour on site.

Reason: To minimise the dust generated by lorries and consequent impact to nearby residents and users of the River Thames (OMWCS policy C5).

9. No development shall take place other than in accordance with the approved scheme for the minimisation of the emission of dust 'Sutton Courtenay Quarry Bridge Farm – Dust Control Scheme' dated 10/07/07. The approved scheme shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturer's instructions for the duration of the permission.

Reason: To protect nearby residents and users of the River Thames from nuisance dust (OMWCS policy C5).

10. Material shall not be handled and moved if conditions are such that this creates a visible dust cloud.

Reason: To protect nearby residents and users of the River Thames from nuisance dust (OMWCS policy C5).

### **Biodiversity**

11. A stand-off distance of 30 metres from the two badger setts on the western boundary should be maintained during excavation work in order to prevent disturbance to badgers on site. Soil shall not be stored in this area.

Reason: To ensure the protection of badgers [and other mammals] and to ensure the development is in accordance with OMWCS policy C7 and NPPF paragraphs 9, 109 and 118 and The Protection of Badgers Act 1992.

12. All deep excavations shall be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers and other mammals, such as hedgehog being inadvertently killed and injured within the active quarry after dark.

Reason: to ensure the protection of badgers [and other mammals] and to ensure the development is in accordance with OMWCS policy C7 and NPPF paragraphs 9, 109 and 118 and The Protection of Badgers Act 1992.

13. No operations are to take place within 50 metres of OS ref 4518 1945 (red kite nest site in the centre north of the site) during the nesting season (1st March to 31st August) unless the nest has been checked for occupancy by a suitably qualified ecologist. If the nest is occupied operations must be withdrawn from the area specified until young have fledged.

Reason: To ensure that protected species are not disturbed by the effects of development in accordance with Schedule 1 of the Wildlife and Countryside Act 1981 and OMWCS policy C5 and to ensure the development does not result in a loss of biodiversity in accordance with Oxfordshire OMWCS policy C7 and NPPF paragraphs 9, 109 and 118.



14. No works of site clearance, demolition or development shall take place other than in complete accordance with the approved details for the protection of woodland, trees hedgerows, the River Thames and Sutton Courtney Brook. The approved details comprise:
- Method Statement for the protection of woodland, trees, hedgerows, the River Thames and Sutton Courtenay Brook (Revised 11/07/18)
  - Buffer Zones to Watercourses, Trees Plan - Drawing no. S3/HAN/13/2
  - Specification for Boundary Fencing - Barbed Wire Plan Drawing no. FDS-6.

Reason: To ensure that flora is protected, and that protected species are not disturbed by the effects of development in accordance with OMWCS policy C5 and to ensure the development does not result in a loss of biodiversity in accordance with Oxfordshire OMWCS policy C7 and NPPF paragraphs 9, 109 and 118.

15. No development shall take place (including any demolition, ground works, site clearance) other than in complete accordance with the approved details for the protection of the river corridor and locations utilised by otters. The approved details comprise:
- Condition 16 Method Statement dated July 2017

Reason: To ensure protected species are not disturbed by the effects of development in accordance with Habitats Directive Annex II, Schedule 5 of the Wildlife and Countryside Act 1981 and OMWCS policy C5 and to ensure the development does not result in a loss of biodiversity in accordance with Oxfordshire OMWCS policy C7 and NPPF paragraphs 9, 109 and 118.

16. No development, demolition or earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved otter method statement and watercourse buffer zones. All protective fencing and warning signs shall be maintained during the construction period in accordance with the approved details.

Reason: To ensure protected species are not disturbed by the effects of development in accordance with Habitats Directive Annex II, Schedule 5 of the Wildlife and Countryside Act 1981 and OMWCS policy C5 and to ensure the development does not result in a loss of biodiversity in accordance with Oxfordshire OMWCS policy C7 and NPPF paragraphs 9, 109 and 118.

### **Drainage**

17. No development shall be carried out other than in accordance with the approved document: 'Details of Drainage Works for the Control of Water Levels and the Discharge from the Proposed Lakes at Bridge Farm Quarry into the River Thames and Sutton Courtenay Brook' Revision 2 dated April 2019.

Reason: To ensure that the drainage from the site does not adversely affect the surrounding land and the natural environment and ecology of the River Thames (OMWCS policies C4 and C5).

18. The development hereby permitted shall be carried out in accordance with the Response to the Environment Agency letter, dated 30 March 2017, prepared by Corylus Planning and Environment Ltd and the following mitigation measures detailed within the Flood Risk Assessment:  
That compensatory flood plain storage shall be provided as shown in the approved Flood Storage capacity volume comparison v5 03/01/2017.

The mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be submitted to and approved in writing by the Mineral Planning Authority.

Reason: To prevent flooding elsewhere by ensuring that sufficient compensatory storage of flood water is provided (OMWCS policy C3 and paragraph 103 of the NPPF).

### **Lighting**

19. No floodlighting shall be erected on site.

Reason: To protect the amenities of local residents of Appleford and Sutton Courtenay and users of the River Thames (OMWCS policy C5).

### **Archaeology**

20. No development shall take place other than in complete accordance with the approved details for archaeological investigation. The approved details comprise:

- Approved Phases 6 & 7 Written Scheme of Investigation for an Archaeological Watching Brief (condition 22)
- Approved Phase 5 Written Scheme of Investigation Archaeological Excavation (condition 22)

Reason: To safeguard the recording of archaeological matters within the site (OMWCS policy C9 & NPPF chapter 12).

21. Prior to the commencement of extraction in phase 5 or 6 and following the approval of the Written Scheme of Investigation, a staged programme of archaeological investigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research

and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Minerals Planning Authority no later than six months from the date of completion of restoration.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence (OMWCS policy C9 and NPPF chapter 12).

### **Soil handling**

22. All work of soil stripping, stockpiling and reinstatement shall be carried out when the material is in a dry and friable condition.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site (OMWCS policy C5).

23. Stockpiled materials shall be sited such that they do not exceed the heights of the boundary soil storage screening.

Reason: To protect users of the River Thames from visual intrusion (OMWCS policy C5).

24. Plant or vehicle movements shall be confined to clearly defined haul routes or to the overburden/infill surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site (OMWCS Policy C5).

25. All soil and soil forming materials shall be handled in accordance with Defra's Good Practice Guide for Handling Soils.

Reason: To ensure the maintenance of the soil resource effective restoration of the site (OMWCS policy M10).

26. Within 3 months of the formation of storage bunds the operator shall submit a plan to be approved in writing by the Mineral Planning Authority showing the location, contours and volumes of the bunds, and identifying the soil types and units contained therein.

Reason: To ensure the maintenance of the soil resource effective restoration of the site (OMWCS policy M10).

27. Soil shall only be moved when in a dry and friable condition. For cohesive soil this may be assessed in accordance with the "Worm Test" for field situations described by Annex AP 8 Para 1 (g) of the Defra Guidance for Successful Restoration of Mineral and Waste Sites to determine if the moisture content is

drier than the lower plastic limit and therefore, less prone to damage if handled.

Reason: To ensure the maintenance of the soil resource effective restoration of the site (OMWCS policy M10).

28. For all soil types no soil handling shall proceed during and shortly after significant rainfall, and / or when there are any puddles on the soil surface.

Reason: To ensure the effective restoration of the site (OMWCS policy M10).

29. Soil handling and movement shall not be carried out between the months of October to March inclusive, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To ensure the maintenance of the soil resource effective restoration of the site (OMWCS policy M10).

30. All available topsoil and subsoil shall be stripped before any part of the site is excavated, built upon or otherwise traversed by heavy machinery except for the purpose of stripping or stacking soil on those parts.

Reason: To ensure the maintenance of the soil resource effective restoration of the site (OMWCS policy M10).

31. Written notification shall be made giving the Mineral Planning Authority five clear working days' notice of the intention to start stripping any soils.

Reason: To ensure the maintenance of the soil resource effective restoration of the site (OMWCS policy M10).

32. Bunds for the storage of agricultural soils shall conform to the following criteria:
- a) Topsoils, subsoils and subsoil substitutes shall be stored separately;
  - b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously approved in writing with the Mineral Planning Authority;
  - c) Topsoil bunds shall not exceed 3 metres in height and subsoil bunds shall not exceed 5 metres in height; and
  - d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

Reason: To ensure the maintenance of the soil resource effective restoration of the site (OMWCS policy M10).

33. All storage bunds intended to remain in situ for more than 6 months or over the winter period shall be seeded with a standard agricultural pollen-rich legume mix to be submitted to and approved in writing by the Mineral Planning

Authority no less than one month before it is expected to complete the formation of the storage bunds.

Reason: To ensure the maintenance of the soil resource effective restoration of the site (OMWCS policy M10).

34. All topsoil, subsoil, and soil forming material shall be retained on the site.

Reason: To ensure the maintenance of the soil resource effective restoration of the site (OMWCS policy M10).

35. Restored soil depths shall accord with the proposals set out in section 2 of the approved Planning Statement and the approved Further Information - Soils and land quality Version 1 dated 23/01/2017 .

Reason: To ensure the effective restoration of the site (OMWCS policy M10).

36. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

Reason: To ensure the effective restoration of the site (OMWCS policy M10).

37. All stones and other materials in excess of 100 mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

Reason: To ensure the effective restoration of the site (OMWCS policy M10).

### **Aftercare**

38. In any part of the site where differential settlement occurs during the restoration and Aftercare period, the applicant, where required by the Mineral Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure the effective restoration of the site (OMWCS policy M10).

39. Aftercare shall be carried out in accordance with the approved scheme 'Sutton Courtenay Quarry Bridge Farm River Fields Extension Amended 5 year Landscaping and outline aftercare scheme - S055/a River Fields outline aftercare dated Feb 2024' and approved drawings Bridge Farm and River Fields Revised Landscaping and Restoration Plan – S55m/217 dated Feb 2024 and Bridge Farm and River Fields Revised Restoration Design NMA – S55m/209 dated Aug 2023. The approved scheme shall be implemented for the duration of the seven year aftercare period, following the satisfactory completion of restoration in each phase.

Reason: To comply with the requirements of Schedule 5 of the Town & Country Planning Act 1990 and to ensure that the reclaimed land is correctly husbanded and brought to the standard required for agriculture and nature conservation (OMWCS policy C10).

40. Before 1st August of every year during the aftercare periods for each of phases 5, 6 & 7, a site meeting shall be arranged by the developer, to which the Mineral Planning Authority and the landowners shall be invited to monitor the management over the previous year and to discuss and agree future aftercare proposals. The meeting shall also be attended by any other person(s) responsible for undertaking the aftercare steps. Any proposals that are agreed shall be set out in writing and shall be implemented in the timescales agreed.

Reason: In accordance with the requirements of OMWCS policy C10 and to comply with the requirements of Schedule 5 of the Town & Country Planning Act 1990 and to ensure that the reclaimed land is correctly husbanded and to bring the land to the standard required for agriculture and nature conservation.

41. No mineral shall be exported from the site other than by road via the new access shown on plan S3/HAN/14/19 B (Appleford Road (B4016) Proposed Road Crossing) approved under consent MW.0048/19.

Reason: To ensure that the development is carried out as proposed and the impacts are as assessed (OMWCS policy C5).

42. If permission is not granted to planning application no. P19/V1271/CM (MW.0048/19) and implemented and Phases 5 and 6 cannot be worked and restored as shown on the revised sequence of plans, any soils stripped from Phase 5 or 6 shall be replaced in those Phases to effect restoration back to original ground levels for agricultural use no later than 31<sup>st</sup> December 2025.

Reason: To ensure that any stripped soil is replaced and Phases 5 and 6 are restored should planning permission not be granted to planning application no. P19/V1271/CM (MW.0048/19) and implemented (OMWCS policy M10).

### **Compliance with National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible. We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, as was the case with this application, and

updating applicants and agents of issues that have arisen in the processing of their application. In this case the applicant was updated with consultation responses received including those with regard to flood risk, agricultural land and ecology. It was not possible though to reach a position whereby the time periods proposed could be considered to be acceptable.

## **Annex 4 – European Protected Species**

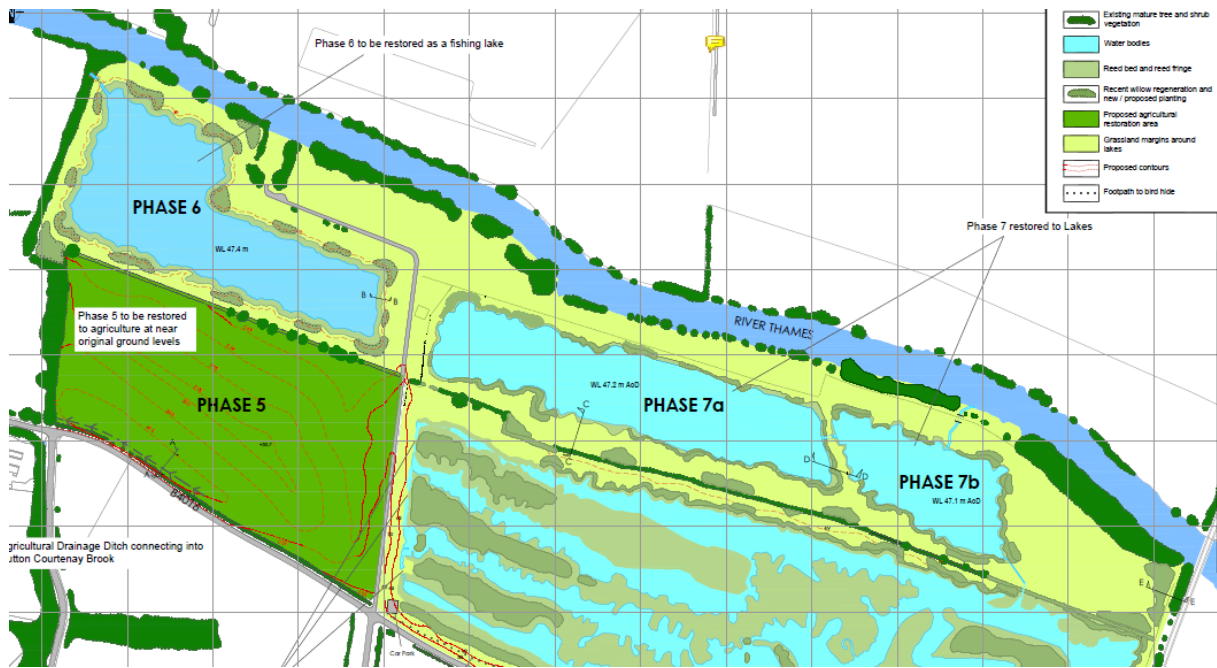
The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

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; orb) 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 set out in these applications.

**Annex 5 – Proposed revised restoration of Bridge Farm quarry  
phases 5, 6 and 7**





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**DIVISION AFFECTED: ALL**

**PLANNING AND REGULATION COMMITTEE – 02 September 2024**

**Report by Director of Economy and Place**

**Delegations for the discharge of statutory development management and enforcement planning functions**

**Contact Officer:**

Nicholas Perrins

**Tel:** 07851 049 640

## **Introduction**

1. This report seeks a decision to approve an updated scheme of delegation to officers on Town and Country Planning matters outside of those decisions taken by the Planning and Regulation Committee.
2. Oxfordshire County Council's constitution at Part 5.1A (1) establishes that the Council will appoint committees and sub-committees to discharge, in accordance with the policy and budget approved by the Council, functions that are not to be, or decided not to be by Council, discharged by the Cabinet. Part 5.1A (1) establishes a table of those committees to which this is effected, with Planning & Regulation Committee formally identified by Part 5.1A (1) (c) to discharge the following functions:
  - (1) The County Council's functions as local planning authority relating to:
    - Development control for minerals and waste planning applications
    - Planning applications by the County Council
    - Enforcement against breaches of planning control
    - And otherwise relating to town & country planning as specified in Section A of Schedule 1 to the Functions Regulations, Paragraph 47 in Section I of that Schedule, and Paragraph 16 of Schedule 2 to the Functions Regulations.
3. Part 5.1 (2) (c) of the County Council's constitution states that the Council in the case of any non-executive function, or a committee or sub-committee in the case of a function allocated in the table, may delegate such functions to an officer of the Council for the discharge of any of its functions. Notwithstanding this, Part 5.1 (2) (c) also enables the Planning & Regulation Committee to delegate its functions to officers.
4. With the appointment of the new Director of Economy and Place, it is considered an appropriate point in time to update the planning scheme of officer delegation which was previously updated and approved at the meeting of the Planning and Regulation Committee on 15<sup>th</sup> January 2024 .

5. Attached is the updated scheme of delegation which would take effect from 3<sup>rd</sup> September 2024.
6. Members should note that the scheme of delegation does not change any of the triggers where applications are automatically referred to Planning & Regulation Committee for its determination. The updated scheme simply enables officers within the new structure to be formally able to carry out the day-to-day business as usual planning activities, which relates to smaller scale matters such as determining planning applications that do not need to be considered by the Planning & Regulation Committee, site visits, sending planning contravention notices and other enforcement powers. The development control and enforcement matters that are delegated to officers are set out in Annex 1 to this report.

## **RECOMMENDATION**

**It is RECOMMENDED that the members of Planning and Regulation Committee note and approve the updated scheme of delegation to the Director of Economy and Place under the provisions within the Oxfordshire County Council constitution for the discharge of Town & Country Planning development management and planning enforcement functions as set out in Annex 1 to this report.**

Robin Rogers  
Director of Economy and Place.

August 2024

## **Annex 1**

The Director of Economy and Place and his appointed delegates will exercise all the functions of the Council in relation to town and country planning, development management and planning enforcement set out in Part 5.1A (1) (c) of the Constitution, except for the following, which will be exercised by the Planning & Regulation Committee:

- 1) The approval of applications for planning permission which are:
  - i) Major departures from the Development Plan; &/or
  - ii) Significantly in conflict with national planning policy; &/or
  - iii) The subject of unresolved material planning objections from the local member or the appropriate District Council
  
- 2) The refusal of applications for planning permission which are:
  - i) In conformity with the Development Plan; &/or
  - ii) Clearly supported by national planning policy; &/or
  - iii) Supported by the local member or the appropriate District Council

In any cases of doubt as to whether an application should be determined by the Planning & Regulation Committee, advice to be taken from the Committee Chairman.

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