

Planning & Regulation Committee Monday, 16 April 2012

ADDENDA

1. Apologies for Absence and Temporary Appointments

Apology

Councillor Tony Crabbe
Councillor Mrs Fitzgerald-O'Connor
Councillor Jenny Hannaby
Councillor Steve Hayward
Councillor Ray Jelf
Councillor Stewart Lilly
Councillor John Tanner

Temporary Appointment

Councillor David Wilmshurst
Councillor Charles Mathew
Councillor Jean Fooks
Councillor Tim Hallchurch
Councillor Ian Hudspeth
Councillor Lawrie Stratford
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4. Chairman's Updates

National Policy and Planning Framework

Supplementary report by Deputy Director for Environment & Economy (Growth & Infrastructure) attached

5. Petitions and Public Address

<i>Speaker</i>	<i>Item</i>
Mark Baker Adam Ogilvy-Smith Peter Evans Alan Boyce Graham Jenkins & Dee McDonald Councillor Melinda Tilley (Local Member)))) 6. Pinewoods Road, Longworth) Application MW.0080/11)))
City Councillor Van Coulter John Walsh Phil Garratt Suzi Coyne Councillor Anne Purse (Local Member)))) 7. Woodeaton Quarry – Application) MW.0015/12))
Mark Baker Mike Wilson Dr Basil Crowley Councillor Arash Fatemian (Local Member)))) 8. Thrupp Lane, Radley – Application) MW.0001/12)

7. Use of imported inert waste in restoration of quarry with some mechanical screening of materials to create topsoil at Woodeaton Quarry - Application No. MW.0015/12

Additional Representations

On Friday morning (13 April) officers received via Councillor David Nimmo-Smith a series of questions from 'concerned residents'.

The points raised are set out below followed by an officer response.

1) What is the minimum amount of waste required to restore the quarry to an 'unhazardous' condition?

Officer response: It's been argued that 150,000 is the minimum. However this is not the proposition proposed by the applicant and before the Committee and you need to consider the scheme before you. You need also to take into account that the proposal effectively negates the consent for mineral extraction.

2) Could the topsoil production and screening out of concrete etc, which are very noisy processes likely to cause a nuisance, be carried out in McKenna's recycling facility at Eynsham?

Officer response: This has not been raised with the applicant and is not part of the proposition. It would involve additional vehicle movements. The noise assessment has indicated that noise from screening activities will be acceptable. The District Environmental Health officer finds the proposals acceptable.

3a) The restoration proposal is much higher than original land levels forming a hump of higher ground not there originally.

3b). After 'restoration' the field would slope significantly down to the exposed rock face, so would not be flat or as original.

3c). Why is management for an additional 15 years i.e. 20 in all after restoration necessary?

Officer response: A landscape assessment was submitted with the application. The restoration plan has been devised to reinstate former land levels commensurate with the adjoining landscape, whilst grading down to the geological features of the SSSI to be retained. The long term management of the site provides the benefit of ensuring that high quality restoration is secured and maintained, as sought by OMWLP policy PE13 and OMWCS policy M6.

4.) Why did the statutory consultees – notably Transport and Environment - not consider the application against the criteria set out in the planning policy? In particular local residents are very concerned about the safety along the proposed route, due to a number of fatal and serious accidents and noise and nuisance but the Transport Report did not consider any of the planning policy criteria relating to this?

Officer response: The Transport officer view is set out in paragraph 57 of the main report. The Minerals and Waste Core Strategy Transport policy is set out in on page117. The Development Control Transport Officer will be at Committee to answer questions.

5a). What evidence is there to show that the quarry needs to be restored? The Woodeaton residents want it left as it is. The 'need' to be established is whether there is a need for additional capacity to dump waste?

5b) OCC has established that only 150,000 tonnes of waste are needed to 'restore' the quarry. What justification is there for any additional amount?

Officer response: An application for filling has been submitted and the Council has a duty to decide it. There is a benefit in the quarry being restored as it is in a dangerous and unsatisfactory state. Restoration of mineral workings within a reasonable timescale accords with policy such as OMWLP PE13.

6) The current policies state – "There is a definite need for the facilities which cannot be met by existing or permitted landfill sites". In the Officer's report and in the submission from the Action Committee, both state there is no need, so why is there no objection on the basis of need

Officer response: OMWLP requires that proposals for landfill meet a number of criteria including a definite need for the facility that cannot be met elsewhere. However, emerging policy (OMWCS W7) does not set such a test and PPS10

states that need should not be tested if the proposal accords with an up to date plan.

7) The new/emerging planning policy states - Minerals and waste development will only be permitted where provision is made for convenient access to and along the primary road network in a way that maintains or improves:

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

Why were the criteria in this emerging policy or even the old/current one not considered by the Planning Officer or OCC Highways/Transport in their reports? If they had been, there would be an objection on each criterion as none would be met? What analyses have OCC Officers done on the impact on road safety?

Officer response: See answer to point 4.

8a. There has been no work and therefore no traffic generated by Woodeaton Quarry for at least the last 12 years, as the quarry is not viable for quarrying. Therefore wouldn't it be more realistic to compare traffic now with the increase proposed by re-opening it, rather than existing permission to quarry? 8b. The residents are concerned about the specific increase in HGV traffic along a non-primary route where there are significant increases in cycle and horse riding. What is the increase in HGV traffic alone generated by this proposal?

Officer response: Woodeaton Quarry has a valid consent for limestone working. Whilst the material is not of high quality, that does not mean it would not be worked at some point when there may be demand for a lower quality material.

The main report at paragraph 30 indicates average HGV movements would be 20 (10 in, 10 out) and gives the context of 5,000 vehicle movements on the B4027. Nevertheless, activity at a site like this may not be steady, there will be peaks and troughs and corresponding changes in HGV generation. Officers recommend that the throughput of the quarry (which limits HGV generation) be capped, to match the level of traffic generation that is allowed under the ROMP mineral permission.

9) From the Noise Report we see that noise tests were carried out only on the screening plant at their lowest level within the quarry and no noise testing was carried out where the screening plant will be sited at the latter stages – outside the quarry on top of a waste heap. Also from the Noise Report we see lorry movements are in fact the greatest generator of noise and these were not included in noise tests. What is being done to address these significant omissions in noise testing? How can Officers be sure that local residents will be protected from damaging noise levels when the noise screens are below the level of the screening plant at the latter stages and some of the nearest properties i.e. Culvercote Barn will not be protected at all?

Officer response: the District Environmental Health officer has taken account of the fact that it is the majority of works, not all activity, that will take place within the quarry. In this context he has nevertheless concluded that the works will not case

a loss of amenity to the area (see page 55 of main report. Lorries will enter and leave the site by the new access at the northern most corner of the site, farthest from residents.

10) Will monitoring ensure that no local resident or school child suffers ill health such as asthma as a result and that local residents can hang their washing out (as they couldn't last time the quarry was in use)?

Officer response: The deposit of waste will produce less dust than mineral extraction. A dust management plan has been submitted with the application and provides a number of methods to control dust. Regular dust monitoring would be undertaken. These measures are considered to be acceptable and conditions are recommended (7 and 8) to help to ensure that the development is carried out in this way.

11) The original application is for 'use of imported waste to restore the quarry Shouldn't one of the recommendations be that the total amount of waste imported should be reduced to what is required solely to restore the quarry and make it stable?

Officer response: The Council has a duty to consider applications as submitted to reflect the development that the applicant seeks to carry out..

12a). The proposed conditions do not address the concerns of local residents about traffic safety and HGV volume in any way. No monitoring of routing, number of HGV movements/day, accidents, noise etc. Subcontractors have not been excluded for dumping. Shouldn't improved safety and monitoring be included and considered important?

12b) The proposed operating hours do nothing to protect cyclists on the route who use it mainly at weekends and in the evening and preclude local residents from enjoying their own gardens on Saturday mornings. Shouldn't hours be reduced and weekend working excluded?

Officer response: I recommend that traffic route monitoring be included in the legal agreement to help make sure that agreed routes are followed. It would be unreasonable to limit operating hours to prevent lorries travelling along it from one source at certain time of the day and week on a B grade road.

12 c. In the past monitoring of conditions has been non-existent and residents have suffered greatly as a result. What steps will be taken to ensure adequate, regular monitoring this time? What maximum noise and dust levels will be imposed? (<45Db to fall within WHO recommendations for outdoor noise)

Officer response: The noise condition will be drawn up in consultation with the Environmental Health officer to make sure that it is appropriate and enforceable. Monitoring and Enforcement staff would visit the site at least 4 times in the first year with further visits if required, and thence according to the track record of the site.

Conditions 20 & 27: Should these not be extended to read that any concrete, stone or brick that is brought onto the site should be used on the site and not transported away [see point 10.] otherwise the site could become another recycling site. Indeed what safeguards have been put in place to ensure it does not become a recycling site?

Officer response: Agreed. The volume of waste leaving the site is now proposed to be conditioned to be 7,500 tonnes per annum.

Proposed Changes to the Recommendation for MW.0015/12 (Woodeaton Quarry)

Operating Hours

1. The applicant's representative, Suzi Coyne, has indicated that the proposed condition on hours of operation (0730-1800 Monday to Friday, 0830-1300 Saturday) is unacceptable to the company for the following reasons:
 - a) Standard working hours of 0700 to 1800 weekdays and 0700 to 1300 Saturdays were applied for. These are the hours that are normally imposed on waste sites, and are only changed if there are very special circumstances for doing so in order that all operators work from the same level playing field. Later starting times would cause the company considerable problems in fulfilling contracts.
 - b) The hours proposed in the committee report are the same as those conditioned on the existing mineral permission. However, mineral extraction can be a much noisier and generally more disruptive operation, involving, blasting, digging, crushing, and loading of materials, which are activities that are not going to be carried out at the site.
 - c) The noise assessment indicates that working from 7am would not cause problems with noise.
 - d) The Environmental Health Officer has also not suggested that there is any justification for a variation of standard hours.

Officer Response:

2. *The operating hours proposed in the report are the same as those conditioned on the existing mineral permission. The reason this condition was put on the mineral permission was to protect the amenity of residents of Woodeaton given the close proximity of the site to the village and its status as a conservation area.*
3. *I agree that the proposed filling of the site would be less disruptive and noisy than mineral extraction. Although the Environmental Health Officer has not suggested that there is any justification for a variation of standard hours, third party representations have been received concerning noise and hours of operation.*

4. *The applicant has proposed the following compromise: 0700-1700 Monday to Friday, 0800-1300 Saturday). I consider this to be acceptable. It is therefore recommended that proposed condition 5 be amended to accept this compromise.*

Commencement Period

5. *Suggested condition 2 specifies a commencement period of 2 years. This should specify a commencement period of 3 years*

Environment Agency Permitting Procedure

6. *Suggested condition 16 states that the development be subject to the Environment Agency Permitting process. This should be an informative rather than a condition.*

Waste Import and Export Limits, Waste Records, and Submission of Restoration, Aftercare and Ecological Management Plans

7. *Suggested condition 27 should be divided into 4 separate conditions. These are the new recommended conditions 28, 29, 30, and 31 detailed in the revised recommendation below. The total amount of material imported, plus the total amount of material to be exported amount to 100,000 tonnes per annum. This is equivalent to the annual tonnage permitted for export under the existing mineral permission.*

Recommendation

Changes to the recommendation are in strikethrough, underlined and shown in italics.

It is RECOMMENDED that subject to:

(a) a Section 106 agreement to cover:

- non implementation of existing minerals consent (M162/49);
- 15 year long term management of restored site;
- Appropriate access to the restored site;

(b) a routing agreement to ensure that vehicles access the network of A-roads via the northern quarry access, left onto the B4027, Bayswater Road to the A40 roundabout and to ensure that lorries are sheeted;

that Application No. MW.0015/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) to include the following matters:

- 1. Complete accordance with plans**
- 2. Commencement within 3 years**

3. Wheel cleaning to prevent mud on highway
4. Deposit of waste shall cease within 10 years of the date of the permission
5. Operating hours (0700-1700 Mondays to Fridays, 0800-1300 Saturdays)
6. No use of southern access
7. Dust monitoring as proposed
8. Dust suppression measures implemented should dust monitoring show it is necessary
9. Noise monitoring and submission of records
10. Maximum noise levels at noise sensitive properties
11. White noise on reversing vehicles
12. Mobile plant fitted with silencers
13. No fixed plant or machinery
14. No external lighting
15. Oil storage on impervious bases
16. ~~Development to be subject to Environment Agency Permitting Process~~
17. Trees planted in accordance with restoration scheme to be maintained and replaced if necessary
18. Submission and implementation of a detailed restoration scheme with completion within 1 year of the cessation of waste deposit
19. No material stockpiled higher than 3 metres above the nearest rim of the quarry
20. Topsoil, subsoil and overburden to be stored and respread separately and not removed from the site
21. Scheme for the protection of geology
22. Submission of full details and erection of noise barrier as proposed
23. Drainage – submission of a surface water drainage scheme
24. Soils should only be handled when dry and friable
25. Submission and implementation of fencing details, maintenance of fence
26. Visibility splays – as per submitted plan and kept clear from obstruction
27. ~~Records should be kept of waste import and export and made available on request. Waste brought into and leaving the site shall not exceed 100,000 tonnes per annum Submission of a detailed restoration, aftercare and ecological management plan~~
28. Waste imported to the site shall not exceed 92,500 tonnes (61,670 cubic metres) per annum
29. Waste exported from the site shall not exceed 7,500 tonnes (5,000 cubic metres) per annum
30. Records should be kept of waste import and export and made available on request.
31. Submission of a detailed restoration, aftercare and ecological management plan.
32. Implementation of restoration proposals and mitigation as set out in submission

Informatives:

- Development to be subject to Environment Agency Permitting Process

- Waste brought onto the site should only be clean, inert materials
- Control of Pollution (Oil Storage) (England) Regulations 2001 requirements for oil storage tanks
- Developers have a duty of care to deal with waste responsibly; records should be kept to demonstrate that this has been adhered to.
- No sewage or trade effluent to be disposed of into surface water system.
- If protected species are found work should cease immediately and not recommence until a fully survey has been undertaken and licence obtained.
- Participation in liaison committee
- Loads brought onto the site are suitable for landfilling or for topsoil manufacture and therefore the recycling operations are kept minimal.

8. Planning application for the use of a processing plant site to process sand and gravel extracted from 94 acres of land at Radley (ref P/369/71) and the installation of a field conveyor system to the site boundary and ancillary facilities for the transportation, storage and processing of sand and gravel at Thrupp Lane Quarry, Radley - Application No. MW.0001/12

Additional representations

Since the publication of the officer's report a number of further responses have been received.

Radley Parish Council say that a number of conditions that they proposed in their first response have not been addressed in the report, in particular:

1. That the permissions for the processing and transport of the ROMP material (the processing plant, conveyor and operation thereof and export of product) will lapse if the ROMP does not proceed, or Tuckwells (or any successor in title) is not involved in it and in any case after 5 years. This should be made explicit.

Officer response:

I agree that the processing plant should not be erected if it is not used to process the ROMP material. The only reason to allow the proposed mobile plant is to process the ROMP material should Tuckwells secure the contract.

Condition 17 covers this matter by restricting the use of the mobile plant to the purpose of processing only the ROMP material. If Tuckwells did not secure that material, there would be no purpose in their erecting the plant. Condition 14 requires that the site be restored within 5 years of permission if ROMP material is not to be processed. That means that new processing plant could not be erected.

No change is proposed to the recommendation.

2. That plant and machinery shall be operated and maintained so as to minimise noise disturbance in the neighbourhood throughout the whole period of operation. The development proposal involves more than the ROMP gravel processing, and it is only this aspect that should lapse, without affecting the other planning obligations, after 5 years. At the very least, the Council requests reassurance that this would be the case.

Officer response:

No material other than that from the ROMP site would be processed at the application site. The obligation to restore the site would be required by condition 14.

I agree that a condition should be imposed to require that all plant and machinery including the conveyor is maintained in good order and in a manner that will keep noise and dust to acceptable levels.

I recommend an additional condition to cover this - number 20 below.

3. To limit, as far as possible, through conditions, the residual permanent activities on the site. Where appropriate, additional planning permissions may need to be sought for some of the proposed activities, and these should not be conferred or implied by this permission, should it be granted.

Officer response:

The report acknowledges this point and recommends an informative (no 2) to make clear that if granted permission for the development described it does not confer express consent for the workshop on the site, lorry yard or for stone sales. For the avoidance of doubt, where activities are strictly ancillary to a main use, then they may be allowed to operate without express permission – provided they can properly be regarded as ancillary.

No change to recommendation is necessary.

4. To limit the impact of road traffic, the Parish Council would like to limit, as far as feasible, the level of HGV traffic using Thrupp Lane during the period of ROMP extraction. As a minimum, this should not exceed current levels.

Specifically that the road traffic resulting from the export of processed product from the ROMP should not exceed that resulting from those current activities that will cease as a result of the permission, namely the importation of unprocessed gravel for processing on site and its subsequent export.

Officer Response:

Thrupp Lane has been referred to in the main report. Nevertheless it is important that the traffic position is made clear.

There are a number of activities located along Thrupp Lane, most particularly at the end of the lane from the point of access to Tuckwells Plant and beyond. A number of these uses are uncontrolled and this means that the amount of heavy goods vehicle traffic can vary according to customer demand. Neither the County nor the District Council has planning controls over the levels of this traffic along the lane.

So far as the Tuckwells site is concerned:

At present the site has a permanent concrete batching plant with no controls. At the moment this is fed by Tuckwells adjacent processing plant. That means that unprocessed material is brought to the site, processed at the plant, fed to the concrete plant and then concrete is taken out all via Thrupp Lane.

Removal of the old processing plant as here proposed would mean instead, that processed material would be brought to the concrete batching plant from elsewhere. Because processed material is less bulky than unprocessed material, there would be a modest reduction in lorry movements per tonne of concrete produced (Tuckwells say 15%).

If Tuckwells secured a contract for the ROMP material, then they would only use ROMP material through their concrete batching plant. This would mean that there would be no separate import of gravel to the site, and this would result in a more significant reduction in the number of HGVs generated per tonne of gravel that left the site.

In their application Tuckwells indicate that (if they secure the ROMP contract) production is likely to be at a level somewhere between 50,000 and 67,000 tonnes per annum. Whether or not this ROMP material is processed by Tuckwells, it is likely to come out along Thrupp Lane.

I think that because Thrupp Lane is narrow, and used by many, and there are residents living alongside it, it is reasonable to put a limit on the Tuckwells throughput, in the same way as I think it will be reasonable to limit throughput from the ROMP site per se.

I think that because Thrupp Lane is narrow, and used by many, and there are residents living alongside it, it is desirable to try to limit the number of HGV's that pass along it and seek therefore to limit harm to amenity.

It is not reasonable to limit that production throughput to a level that would see no increase in HGV traffic from the Tuckwells site over what occurs at present, as the Parish would really like. Production at Tuckwells has recently been at relatively low levels. If we set a figure too low, the applicant has indicated to me that this development proposition, and the benefits that accompany it, would fail, because Tuckwells would have no chance of securing the ROMP material for processing.

I recommend that the sensible way forward is to put down a strong marker at this point that it is important to local people that HGV traffic be limited. This can then be pursued at the time of consideration of the ROMP. I

suggest a new condition numbered 21 in the revised recommendation below.

Other points made by individuals:

1. Need to look carefully at whether or not this proposal would increase or decrease traffic

Officer response:

It is important that I make clear that this proposal would not necessarily decrease traffic along Thrupp Lane from present levels, that is because there is no output control over the activities that occur along this lane. The advantage of the proposal in transport terms is described in response to point 4 of the Parish Council comments above, i.e. it is particularly that permitted gravel in the ROMP site could be processed at the application site avoiding import of additional material to feed the Tuckwells concrete batching plant.

2. The Highway Authority has opposed use of Radley Lakes by Earth Trust as a visitor centre

Officer response:

The Earth Trust proposal involves new development which would generate more traffic. The Highway Authority has opposed that increase unless measures can be put in place to mitigate the impact of the extra traffic.

3. Would like to know why Barton Lane cannot be used as a means of access

Officer response:

At present there is no proposal from any company to access the area from Barton Lane. Thrupp Lane is a public highway and residents, businesses and others are entitled to use it for that purpose. Council officers at this point are open to considering whether Barton Lane is a realistic alternative access route to the industrial activities presently served by Thrupp Lane.

4. People have bought houses on and around Thrupp Lane on the basis that permissions were temporary, land would be restored, and traffic come to an end

Officer response:

The ROMP site has a long standing permitted deposit of gravel in the region of 1mt. This can be legitimately worked and exported from the area via Thrupp Lane. That can happen regardless of the proposal presently before the committee.

5. Accept that if Tuckwells stop importing gravel by road and import via conveyor (from the ROMP site) the amount of HGV traffic on Thrupp Lane would reduce. However, no independent data has been obtained to

compare current HGV traffic generated by the site, with the proposed HGV traffic generation which is suspected to be low

Officer response:

It is the case that no independent data has been provided. My comments under the response to the Parish Council at point 4 above are relevant.

Views on behalf of the Council for Protection of the Rural Environment:

- We think that the Committee has a great opportunity to use commercial pressure to sort out a long running and challenging problem.
- Thrupp Lane has been poorly served by the planning system in the past. It should be a quiet country road in the Green Belt but instead it has lorries running along it to the detriment of local residents, walkers and cyclists. This application does little to address these issues.
- Tuckwells have failed to confirm what their contribution is to the current proportion of traffic movements on Thrupp Lane, what proportion of this is related to activity without valid planning permission and whether they continue to intend to import processed gravel to the site. Without an accurate figure on up-to-date traffic volumes, do not understand how any claim that movements will be reduced can be justified or any limits set.
- Consider that Barton Lane is an obvious alternative route for mineral and other traffic to access/exit the area
- Should provide a comprehensive solution to the problems on Thrupp Lane rather than the partial and delayed one offered by the application as it stands.

Officer response:

The points made under my response to the Parish Council at point 4 are again pertinent.

Additional officer comments

We have reviewed the mechanisms to secure withdrawal of the CLEUD, and removal of the existing processing plant. We now propose a simpler mechanism which avoids the need for a section 106 legal agreement, but which is sound. The applicant has agreed this approach as a suitable way forward.

Changes to the recommendation are proposed. The changes are confined to parts written in *underlined italics*. See below.

It is **RECOMMENDED** that Application MW.0001/2 be approved subject to conditions to be determined by the Deputy Director (Growth and Infrastructure) to include the matters set out below; but before any consent is issued there must first be:

1. The written withdrawal of the CLEUD application by not later than 23 April 2012
2. The completion of the dismantling of the existing processing plant structure and the storage of any resulting materials which are to be retained for subsequent sale by not later than 16 July 2012
3. The precise location of storage of materials to be agreed in writing with the Local Planning Authority by the 1st July 2012
4. The commencement of the dismantling of the existing processing plant by not later than 16th June 2012

In the event that any of the matters listed in 1-4 above are not complied with by the dates specified then delegated authority be hereby granted to officers to refuse the application (No MW.0001/2) for the following reason:

Without removal of the existing processing plant the development proposed would conflict with Green Belt policy.

Conditions:

1. Development carried out in complete accordance with approved plans
2. Commencement within 5 years
3. No new fixed plant, machinery or structures to be erected on the land and no re-erection of the plant required to be dismantled as part of this consent
4. Stockpiles within the flood plain shall be sited so as not to impede flow of flood water
5. Sheeting of any lorries leaving the site except those carrying stone in excess of 500mm
6. Reversing beepers shall use white noise
7. Control of external lighting
8. Standard operating hours (0700-1800 Mondays to Fridays, 0700-1300 Saturdays and additionally 1300-1800 Saturdays for plant maintenance only)
9. Retention and maintenance of trees
10. Dust control measures

11. Submission of a detailed restoration plan, supported by a full ecological and photographic survey
12. Removal of material, buildings and plant when no longer required, or before the completion of restoration
13. Implementation of restoration including permissive right of way
14. Timescales for restoration – within 5 years from the date of consent or within 1 year of the completion of gravel extraction on the ROMP site
15. 5 year aftercare of restored site in accordance with a detailed management plan to be submitted and approved
16. Submission of details of the conveyor across the site and receiving hopper
17. No material to be imported by road to processing plant for processing, only material from the ROMP site to be processed, to be brought by conveyor
18. Submission of details and implementation of landscape planting, there should be no impact on visibility splays
19. Submission of details of the proposed new mobile processing plant and implementation in accordance with approved details
20. All plant and machinery including the conveyor is maintained in good order and in a manner that will keep noise and dust to acceptable levels.
21. Installation of the new processing plant shall not commence unless and until an annual production limit for the plant has first been agreed in writing by the local planning authority.

Reason

To enable a limit that a) is compatible with the agreed extraction rate of the ROMP mineral that the plant is intended to serve, and b) will limit so far as is reasonable the number of HGV's accessing via Thrupp Lane in the interests of the amenity and environment of users and residents of Thrupp Lane.

Informatives

1. Participation in liaison committee
2. Clarification of development not covered by the consent (workshop, lorry yard, stone sales)
3. Oil storage tanks should be located on an impervious base

4. Silt ponds require a permit issued by the Environment Agency
5. Discharge of water into a watercourse requires a discharge licence issued by the Environment Agency

9. Shipton-on-Cherwell Quarry

Importation, storage and processing of inert construction and demolition waste, and operation of an aggregate recycling facility on land at Shipton-on-Cherwell Quarry, Shipton-on-Cherwell, Oxfordshire. Retention of the existing weighbridge, site office and wheelwash to facilitate the operation of the proposed recycling facility – Application No. MW.0119/11.

Continuation of development without complying with condition 6 (importation of waste by road) and with the variance of conditions 1 (Time Limits) and 7 (volume of waste imported) of planning permission 10/00360/CM (comprehensive restoration and redevelopment of Shipton-on-Cherwell Quarry), dated 17 June 2010 – Application No, MW.0120/11.

Updates and Corrections to Report

8. The applications have been re-registered in the name of Shipton Ltd
9. Paragraph 6 should read that the nearest dwellings to the proposed aggregate recycling site are in Bunkers Hill (400 metres to the west) and in Shipton-on-Cherwell (600 meters to the south).
10. Para 7 states that planning permission ref 06/02046/CM was approved in September 2006. This application was in fact resolved to be approved in February 2008 and planning permission was issued in April 2009. This also applies to references made to this permission in paragraphs 68 and 82.

Proposed Changes to the Recommendation for MW.0119/11 (Aggregate Recycling):

11. Officers have further considered the means of controlling this development and recommend the following changes:
12. Suggested condition 4 be deleted (demolition of derelict cement works buildings within one year of aggregate recycling) and this matter should instead be dealt with by condition under MW.0120/11 (due to reasons of enforceability)
13. Suggested condition 6 be amended to require standard working hours (0700-

1800 Mondays to Fridays; 0700-1300 Saturdays; no working on Sundays, Bank or Public Holidays)

14. Suggested condition 8 be deleted as noise during site preparation and restoration is covered by conditions of the existing comprehensive redevelopment permission.
15. A condition be added requiring wheel cleaning to prevent mud on highway
16. A condition be added requiring vehicles leaving the site to be sheeted.
17. An informative to be added advising that the development be subject to Environment Agency permitting.

Proposed Changes to the Recommendation for MW.0120/11 (Variation of Conditions)

18. Officers have further considered the means of controlling this development and recommend the following changes:
19. A condition be added requiring all derelict buildings, including the chimney, to be demolished. Commencement of demolition to be within one year of the date of the permission and completion of demolition to be within 5 years from the date of this permission. Planning permission for the redevelopment of the site was originally approved on the basis that the improvement offered by the demolition of the derelict buildings amounted to very special circumstances for allowing the development in the Green Belt. It is necessary to add this condition so that this improvement is not unduly delayed as a result of allowing waste to be imported by road for an extended period.
20. A condition be added requiring submission of a scheme to show how demolition will be carried out.

Recommendation

Changes to the recommendation made by this addenda are underlined and shown in italics.

It is RECOMMENDED that:

(A) subject to:

(a) the Secretary of State deciding not to call in the application (as a departure from the Development Plan);

(b) amendments to the existing Legal Agreements attached to the existing planning permission to take account of the aggregate recycling facility;

(c) amendments to the existing routeing agreement to take account of the

aggregate recycling facility;

that planning permission be granted for Application No. MW.0119/11 (aggregate recycling facility) subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) to include the following matters:

1. Detailed compliance – as per approved plans.
2. Temporary consent – recycling facilities and road imports limited to 10 years.
3. Details of working plan to show stockpiles and location of plant as landfill progresses.
4. ~~Demolition of derelict cement buildings within one year of aggregate recycling.~~
5. Restriction on vehicle movements.
6. Operating hours (0700-1800 Mondays to Fridays; 0700-1300 Saturdays; no working on Sundays, Bank or Public Holidays)
7. Noise from aggregate recycling not to exceed permitted levels.
8. ~~Noise restrictions during site preparation for final restoration.~~
9. Dust management plan to be submitted and agreed.
10. Details of surface and foul water drainage to be submitted and agreed.
11. No damage to designated rock faces.
12. No waste processing or storage directly in front of designated rock faces.
13. Submission of an Ecological Management Plan.
14. Updated reptile surveys to be undertaken prior to works commencing;
15. Wheel cleaning to prevent mud on highway
16. Sheeting of vehicles

Informatives

- Development to be subject to Environment Agency permitting.
- Environment Agency and Thames Water advice relating to oil storage bunding.
- Network Rail advice relating to the safe operation of the railway.
- Ecological informative relating to breeding birds and reptiles.

and

(B) subject to:

(a) amendments to the existing Legal Agreements attached to the existing planning permission to take account of the aggregate recycling facility;

(b) retention of the existing routeing agreement;

that planning permission be granted for Application No. MW.0120/11 subject to conditions to be determined by the Deputy Director for Environment & Economy (Growth & Infrastructure) to include the following matters:

1. All conditions (excluding those to be varied below by this application)

- to be carried over from existing planning permission (ref: 10/00360/CM).
2. Condition 1 of Permission No. 10/00360/CM to be amended to include revisions to Phasing Plans 1 and 2.
 3. Condition 6 of Permission No. 10/00360/CM to be amended to limit road imports to 10 years.
 4. Condition 7 of permission No. 10/00360/CM to be amended to allow limit of waste to be imported by road to be 250,000 tonnes per annum.
 5. Demolition of derelict cement works buildings (including the chimney) to commence within one year of the date of the permission and to be completed within 5 years from the date of this permission.
 6. Submission of a scheme to show how demolition of derelict cement works buildings (including the chimney) will be carried out.

Informatives

- Development to be subject to Environment Agency permitting.
- Environment Agency and Thames Water advice relating to oil storage bunding.
- Network Rail advice relating to the safe operation of the railway.
- Ecological informative relating to breeding birds and reptiles.

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Key elements of the National Planning Policy Framework relevant to the decisions to be taken by Planning and Regulation Committee on 16 April 2012

Paper to be referred to in Chairman's update

The Government's National Planning Policy Framework was published 27 March 2012. It sets out a national framework within which Councils should prepare plans and decide planning applications. Key extracts are highlighted below covered under relevant headings of the document.

Introduction

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions (Paragraph 2).

The Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant (Paragraph 5).

Presumption in favour of sustainable development (from paragraph 14)

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

Approving development proposals that accord with the development plan without delay; and

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted

Core planning principles (from paragraph 17)

These principles include that the planning system should play an overarching role to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it

Protecting Green Belt land (Paragraphs 79 and 87)

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Chapter 13: Facilitating the sustainable use of minerals

It says that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation (paragraph 142).

When determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy (from paragraph 144)

Mineral planning authorities should plan for a steady and adequate supply of aggregates by (amongst other things):

- preparing local aggregate assessments based on a rolling average 10 years sales data
- making provision for land won aggregates in mineral plans
- using landbanks of aggregate reserves principally as an indicator of the security of aggregate supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans (from paragraph 145).

Decision-taking

Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground (paragraph 186).

Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187).