

To: Members of the Planning & Regulation Committee

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

Monday, 22 October 2012 at 2.00 pm

County Hall, New Road, Oxford



Peter G. Clark
County Solicitor

October 2012

Contact Officer: **Graham Warrington**
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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.

Membership

Chairman – Councillor Steve Hayward
Deputy Chairman - Councillor Mrs Catherine Fulljames

Councillors

Alan Armitage
Tony Crabbe
Anda Fitzgerald-O'Connor
Patrick Greene
Jenny Hannaby

Ray Jelf
Stewart Lilly
David Nimmo-Smith
Neil Owen
G.A. Reynolds

John Sanders
Lawrie Stratford
John Tanner

Notes:

- **No sites visits are required.**
- **Date of next meeting: 3 December 2012**

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines. <http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Rachel Dunn on (01865) 815279 or Rachel.dunn@oxfordshire.gov.uk for a hard copy of the document.

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 opposite**
3. **Minutes**

To approve the minutes of the meeting held on 10 September 2012 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Use of land for storage of empty skips at Worton Farm, Yarnton - Application MW.0122/12**

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN6)

The report describes a planning application seeking temporary permission for 5 years for the storage of empty skips on concrete hard standing at Worton Farm next to the Anaerobic Digester facility built two years ago in connection with the main M&M recycling site immediately to the east on the site. The site is part of the larger quarry and recycling facilities at Worton Farm site located in the Green Belt. As such the proposal is inappropriate development but the report sets out the 'very special circumstances' that exist sufficient to warrant a recommendation for approval in the Green Belt in this case. The report also outlines why the proposals have been put forward, objections and other responses received and sets out relevant planning policies along with comments and recommendation of the Deputy Director for Environment & Economy (Strategy & Infrastructure).

It is RECOMMENDED that planning permission be approved for Application MW.0122/12 to use this land for storage of empty skips, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the matters listed below:

Heads of Conditions

1. ***Complete accordance with application.***
2. ***Development to commence within 3 years of the date of permission.***
3. ***Temporary permission expiring 31 December 2017 including removal of all skips, plant and stockpiles & breaking up and removal of concrete hard standing .***

4. ***Restoration scheme to be submitted by 31 December 2014 and implemented by 30 June 2018.***
 5. ***Hours of operation as per main M&M recycling site.***
 6. ***Access only from A40.***
 7. ***No floodlighting other than in accordance with any approved scheme.***
 8. ***No development prior to submission of additional tree screen landscaping belt and implementation of such within first planting season.***
 9. ***Silencers to vehicles and plant.***
 10. ***Haul and internal roads swept clean such that no mud deposited on public highway.***
 11. ***Skips only to be stored on concrete apron and not in vehicle turning area to western side of the site.***
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7. **Application to vary condition 1 of planning approval APF/SUT/1815-CM (for the extraction of sand and gravel) to extend the end date of extraction from 4 August 2012 to 30 September 2017 and the end date for restoration from 30 September 2012 to 30 September 2018 at Bridge Farm Quarry, Sutton Courtenay - Application MW.0126/12**

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN7)

This application is to continue the development of a permitted sand and gravel quarry, without complying with the condition stating the end date which currently requires extraction to cease in August 2012. However, only one phase of the site has been worked out and, therefore, a new condition is proposed to allow until September 2017 for extraction with a further year after that for the completion of restoration. The application is being reported to this Committee as there have been objections from local residents and Parish Councils.

The report sets out the proposals, relevant planning policies, outlines objections and other responses to the application and concludes that the extension in time to allow the completion of mineral extraction from the existing quarry is necessary to allow the permitted reserve to be extracted, This will contribute towards the Oxfordshire sand and gravel landbank which is currently under required levels. The report explains there would be no significant amenity impacts resulting from such an extension and that the application accords with development plan policy relating to minerals, amenity and restoration.

It is RECOMMENDED that subject to legal agreements to secure the terms of the existing Section 106, routeing and highways works agreements that Application MW.0126/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with the amendments to condition 1 as set out in Annex 2 to this report and the updating of the wording of remaining conditions set out in Annex 3 to this report to ensure they are consistent with current standard condition wording, enforceable and that policy references are up to date.

8. Section 73 application to vary conditions 35,4041,98 & 99 of planning permission 12/00056/CM to create restoration contours to allow for effective drainage at Alkerton Quarry, Alkerton with Shennington - Application No. MW.0113/12

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN8)

This is an application to alter the restoration of a quarry that is no longer operational. The quarry is part of a much larger area of mineral working, but only the one site is affected by this application. The application is being reported to Committee as concerns have been raised about the proposed changes on the grounds of mineral sterilisation and the need to restore the site using inert waste. The main theme of the report assesses the proposed change to the restoration of the former quarry.

It is RECOMMENDED that Application No. MW.0113/12 be approved subject to the conditions set out in schedule 1 attached to this report.

9. Retention and continued use of a relocatable building unit ref T5 (PR30) for a further period of five years at Bicester Children's Centre, Glory Farm School Site, Hendon Place, Bicester OX26 4YJ - Application R3.0065/12

Report by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (PN9).

The report describes why the children's centre is applying to renew planning permission, outlines the objection and other responses to the application and sets out relevant planning policies along with the comments and recommendation of the Deputy Director (Growth and Infrastructure) on the proposal.

It is RECOMMENDED that Application No. R3.0065/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the following matters:

- 1. The development must be carried out strictly in accordance with the plans and drawings submitted with the application.***
- 2. Temporary building to be removed by 31 October 2017.***
- 3. The building authorised by this planning consent shall not be used outside the following times:***

***08:30 hours. to 18:00 hours Mondays to Fridays
10:00 hours. to 12:00 hours Saturdays***

Except that it may be used on not more than one weekday evening (Monday to Friday) per week between 18:00 hours and 22:00 hours and it may be used on not more than five Saturdays per year for an extended period between 09:00 hours and 15:00 hours.

The building shall not be used on Sundays or on Public Holidays.

Informatives

The children's centre is advised to carry out investigations into the provision of permanent accommodation.

10. Relevant Development Plan and other Policies

Paper by the Director for Environment & Economy (Strategy & Infrastructure Planning)
(PN10)

The paper sets out policies referred to in Items 6,7,8 and 9 and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday** at **12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 10 September 2012 commencing at 2.00 pm and finishing at 3.25 pm

Present:

Voting Members: Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)
Councillor Alan Armitage
Councillor Tony Crabbe
Councillor Patrick Greene
Councillor Jenny Hannaby
Councillor Stewart Lilly
Councillor David Nimmo-Smith
Councillor Neil Owen
Councillor G.A. Reynolds
Councillor John Sanders
Councillor Bill Service (In place of Councillor Mrs Anda Fitzgerald-O'Connor)
Councillor John Tanner
Councillor Nicholas P. Turner (In place of Councillor Lawrie Stratford)
Councillor David Wilmshurst (In place of Councillor Ray Jelf)

Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Culture); P. Lerner and D. Groves (Environment & Economy)

Part of meeting

Agenda Item

6

7 & 8

Officer Attending

M. Thompson (Environment & Economy)

N. Fagan (Environment & Economy)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

45/12 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Ray Jelf Councillor Anda Fitzgerald-O'Connor Councillor Lawrie Stratford	Councillor David Wilmshurst

46/12 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

<i>Councillor</i>	<i>Item</i>	<i>Nature of Interest</i>
Mrs Fulljames	6. Application to continue importing leachate for treatment at Ardley Leachate Treatment Plant	Disclosable pecuniary interest by reason of proximity. She advised that after making representations as local member she would leave the meeting taking no part in the substantive discussion or voting thereafter.
Lilly	8. Extend existing dust storage shed used in connection with existing asphalt plant at Hansons Aggregates, Appleford Sidings, Sutton Courtenay – MW.0104/12	Personal. Local Member for the Sutton Courtenay and Harwell Division. He advised that he had not expressed an opinion on the application in that capacity and intended to take part in the discussion and voting on the application.
Service	7. Change of use of part of sawmill, timber treatment and fencing and timber building manufacturing depot to waste transfer station – Pennyroyal Sawmill site, Goring Heath – MW.0100/12	Personal. Member of South Oxfordshire District Council who owned land adjacent to this site. He did not consider that that affected his discretion to participate in the discussion and voting on the item.

	<p>8. Extend existing dust storage shed used in connection with existing asphalt plant at Hansons Aggregates, Appleford Sidings, Sutton Courtenay – MW.0104/12</p>	<p>Personal. Local Member for the Didcot Ladygrove which was adjacent to the application site. He advised that he had not expressed an opinion on the application in that capacity and intended to take part in the discussion and voting on the application.</p>
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47/12 MINUTES

(Agenda No. 3)

The Minutes of the meeting held on 9 July 2012 were approved and signed.

Minute 43/12 – Application to continue importing leachate for treatment at Ardley Leachate Treatment Plant

Officers advised that there had as yet been no response from the Secretary of State to the request made by Sir Tony Baldry MP to call in the application for determination.

48/12 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
<p>Hazel Watt Chris Herbert Mark Matthews</p>	<p>)) Ardley Leachate Treatment Plant)</p>

49/12 CHAIRMAN'S UPDATES

(Agenda No. 5)

Waterstock Golf Course

Officers advised that at the latest High Court hearing the Judge had ruled that the Wyatt brothers should begin their prison sentence with immediate effect but that they had instantly appealed. Although the detail of that appeal was not yet known the presumption was that it had been made against imprisonment as a result of contempt of court and not the judgement regarding restoration of the site which remained.

The Chairman confirmed that the Council had been awarded costs.

50/12 APPLICATION TO CONTINUE IMPORTING LEACHATE FOR TREATMENT AT ARDLEY LEACHATE TREATMENT PLANT

(Agenda No. 6)

In July 2012 the Planning & Regulation Committee had deferred an application by Viridor which had sought planning permission to use the existing leachate treatment plant at the Ardley site to treat leachate imported from other sites. That decision had been taken as a result of concerns expressed by residents regarding incidents of flooding from the sewer in the locality of Bucknell and to give Thames Water and the Environment Agency the opportunity to address those concerns and attend the meeting when the application was reconsidered. The July report considered the proposed development acceptable as there had been no objection from either the Environment Agency or Thames Water in terms of drainage or pollution and it was in accordance with planning policy relating to the location of waste development. The Committee were now asked to consider the application in the light of meetings which had taken place, the original report to the July Committee, the latest report by the Deputy Director for Environment & Economy and a tabled recommendation by him to approve the application.

Hazel Watt thanked the Committee for their decision to defer the application in July and county officers for their assistance since then in arranging stakeholder meetings, though, unfortunately not all parties had been able to attend until the latest meeting on the previous Friday. She reiterated that Viridor had stated that there was no proven link between their operation and incidents of flooding yet there was no proof that it could not be linked and she maintained that if the slightest doubt existed then it would be negligent of the County Council to approve the application. She referred to further evidence from 2 residents who had experienced flooding earlier this year.

Chris Herbert confirmed that Viridor had ceased importation as instructed immediately after the decision to defer and been involved in the meetings subsequently. He referred to the addenda sheet which reaffirmed that neither Thames Water or the Environment Agency had lodged an objection or suggested any link between leachate discharge and incidents of flooding. There was clearly a potential flooding problem in Bucknell but it was equally clear from submissions by both Agencies that they felt leachate was not the cause. He urged the Committee to approve the application.

Mr Herbert then responded to questions from:

Councillor Greene – import of leachate was limited to 18,200 tonnes pa and roughly split equally between imported material and material produced on site. However, the company might need to limit imported material from time to time in order to treat any increase in material produced on site.

Councillor Tanner – material was imported as other sites were either too old or too small to justify their own dedicated facility.

Councillor Sanders – following processing treated leachate was introduced into the sewer.

Mark Matthews thanked county officers for their help in arranging Friday's meeting which had been very useful and also Hazel Watt for her assistance. He acknowledged the extreme concerns locally regarding sewer flooding and the existence of a problem in Bucknell. However, that could be attributed to a number of

causes including debris, oil and green build up, fungus and storms and Thames Water were committed to working with the parish council and local residents to correlate previous incidences to see if a cause could be established. In the meantime he confirmed that Viridor was meeting the terms of its discharge licence and that this operation would not require a new discharge licence and reaffirmed that Thames Water had not objected to the application.

Mr Matthews then responded to questions from:

Councillor Greene – Thames Water had looked through the recorded incidences and had tested samples to try and replicate fungus growth but could not prove a link between the two.

Mary Thompson advised that the Environment Agency had emailed that morning reaffirming that it did not object to the application and confirming their reasons as follows:

The current permit issued to the operator of the landfill by the Environment Agency, already allowed for the importation and treatment of non hazardous leachate from other sites.

The amount and quality of leachate that could be discharged into the sewer from the treatment plant was controlled under the Trade Effluent Discharge consent issued by Thames Water.

The volume and quality of the discharge was not affected by the origin of the Leachate i.e. the limit was specified in the discharge consent regardless of where it came from. The operator could discharge the same maximum amount of treated leachate down the sewer from the Ardley landfill.

The Agency also confirmed that it had not received any calls to its Incident Hotline since 2010 about sewer flooding in the Bucknell area and the operator had continued to discharge leachate to the sewer network in accordance with its discharge consent. The 2010 incident had been investigated by Thames Water and attributed to heavy debris in the sewer with no proven link that treated landfill leachate had caused any of the blockages. Two cases (spring 2012) had been reported at the meeting on Friday but these had not been reported to Thames Water either and had been dealt with privately. Consequently there was no information available to suggest what had caused the blockage. Prior to that in 2007 the Bucknell pumping station had been upgraded by Thames Water after working with the Agency. The Agency would continue to work with all parties and in general expected Thames Water to manage their network to prevent surcharging and to regulate what went into the sewer from the treatment plant via the trade effluent consent.

At Friday's meeting Thames Water had also given a commitment to working with Bucknell Parish Council to investigate the two sewer flooding incidents to try and establish a root cause, but it was stressed that this was completely independent of the planning process. It was also reiterated that people should report sewer flooding to both Thames Water and the Environment Agency to help track the effectiveness of completed projects and assess the need for any future works.

Councillor Mrs Fulljames thanked Rob Dance and Mary Thompson for meeting residents at Ardley and Bucknell but unfortunately she had not been invited. A lot of uncertainty still remained over this operation and the Environment Agency should have been present to address these serious problems. She maintained that the Committee should not overturn a condition imposed by a government appointed inspector. Ardley was a distressed area which was fast becoming a dustbin for the county's waste as well as for imported waste and she asked the Committee to think seriously about the plight of local residents and refuse the application.

In response to a question from Councillor Tanner officers confirmed that restoration of the site was planned for 2019 but it was expected that the treatment plant would be retained after that date in order to treat leachate produced on site although it was difficult to predict how long that would be for.

RESOLVED: (on a motion by the Chairman, seconded by Councillor Nimmo-Smith and carried by 10 votes to 4) that subject to a routeing agreement to ensure that vehicles associated with this development followed the same route as waste vehicles associated with the EfW and landfill (avoiding Middleton Stoney) planning permission be approved for application MW.0084/12 to continue importing leachate for treatment at Ardley Leachate Treatment Plant at Ardley Landfill Site subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include those matters listed below:

Heads of Conditions

1. Complete accordance with application
2. End date for importation to coincide with the end of the treatment of leachate generated onsite
3. Standard working hours for deliveries
4. Maximum annual import of 180 000 tonnes, as proposed
5. Leachate to be delivered in sealed tankers only
6. White noise on reversing beepers

Informative

Conditions 3 and 4 of permission 08/02472/CM sets out annual and daily maximum tonnages of waste to be imported to this site. Imported leachate permitted under this consent is included in those totals.

51/12 CHANGE OF USE OF PART OF SAWMILL, TIMBER TREATMENT AND FENCING AND TIMBER BUILDING MANUFACTURING DEPOT TO WASTE TRANSFER STATION - PENNYROYAL SAWMILL SITE, GORING HEATH - APPLICATION NO. MW.0100/12

(Agenda No. 7)

The Committee considered (PN7) a planning application to change the use of part of an existing sawmill the site to a waste transfer station.

Councillor Greene referred to an email which he had received from the applicant at 7.40 am that morning stating that he (the applicant) had only just found out that the application would be considered at this meeting. He had informed the Chairman and officers.

Mr Fagan advised that he had spoken to the applicant during the previous week and that an acknowledgement letter sent out in response to the application had stated when the application was likely to be considered. He confirmed that all normal requirements had been fulfilled and statutory notices completed with regard to this application and further advised that the local member supported the recommendation, the site was brownfield and situated in the AONB.

The Committee noted two amendments to the report. The first to paragraph 35, line one "OMWLP" (Oxfordshire Minerals & Waste Local Plan) to read "OMWCS" (Oxfordshire Minerals & Waste Core Strategy) and the second to Annex 2 - Consultation Responses, South Oxfordshire District Council to read "did not comment on the application" rather than "No objection" as it had merely passed objections it had received to the application directly on to the County Council.

Councillor Nimmo-Smith who had sought confirmation as to classification of the site considered the idea a good one but felt the site was in the wrong place and questioned the local need for such a site.

Councillor Crabbe referred to a similar site in his division which had expanded and was now causing considerable problems.

RESOLVED: (on a motion by Councillor Nimmo-Smith, seconded by Councillor Crabbe and carried by 14 votes to 0, Councillor Service recorded as having abstained) that Application MW.0100/12 be REFUSED for the following reasons:

1. The development was contrary to policy W4 of OMWLP as it had not been demonstrated that there was an overriding need to justify the countryside location.
2. On the basis of the information provided, the development proposed would have an unacceptable impact on a public right of way running across the site, contrary to policy OMWLP PE18 and OMWCS policy C9.
3. Insufficient information had been supplied regarding lorry traffic generation. A substantial increase over existing levels would be contrary to OMWCS policy C8 because the site was located off a narrow rural lane.
4. The proposed development was not appropriate in the AONB. It had not been demonstrated that the development would be a small scale facility serving local needs. It was contrary to OMWCS policy W6.

52/12 EXTEND EXISTING DUST STORAGE SHED USED IN CONNECTION WITH EXISTING ASPHALT PLANT AT HANSON AGGREGATES, APPLEFORD SIDINGS, SUTTON COURTENAY - APPLICATION NO. MW.0104/12

(Agenda No. 8)

The Committee considered (PN8) a planning application submitted by Hanson Aggregates for an extension to an existing dust shed at the Hansons site within the Sutton Courtenay waste complex while noting an amendment to paragraph 4, line 1 that "0-20mm" should have read "0-.02mm".

Councillor Lilly advised that the operation was closer to Appleford than Sutton Courtenay and at the last meeting of the Local Liaison Group nothing had been raised by way of objection to the proposal.

Councillor Service referred to doubts regarding the permanency of Appleford sidings and planned growth for Didcot which justified the possibility of an additional condition regarding traffic routeing and access to this site.

Mr Groves advised that that would not be possible as this application was for storage and not an application for all uses.

Councillor Armitage considered that the same grounds for refusal applied to this application as had applied to the energy from waste application.

RESOLVED: (on a motion by Councillor Hannaby, seconded by Councillor Greene and carried 14 votes to 1) that planning permission be approved for application MW.0104/12 to extend existing dust storage sheds used in connection with existing asphalt plant, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include those matters listed below:

Heads of Conditions

- 1. Complete accordance with application
- 2. Development to commence within 3 years of the date of permission
- 3. External materials as per existing building

..... in the Chair

Date of signing

For: PLANNING & REGULATION COMMITTEE – 22 OCTOBER 2012

**By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY
(STRATEGY & INFRASTRUCTURE PLANNING)**

Development Proposed:

Use of land for storage of empty skips.

Division Affected: Yarnton, Gosford & Water Eaton

Contact Officer: Nick Fagan **Tel:** 01865-815584

Location: M & M Skip Hire Ltd, Worton Farm, Yarnton,
OX29 4EB

Applicant: Mandy Constance, Worton Farms Ltd

Application No: MW.0122/12

Application received date: 30 July 2012

Consultation Period: 9-31 August 2012

District Council Area: Cherwell

Contents

- Part 1 – Facts and background
- Part 2 – Other Viewpoints
- Part 3 – Relevant planning documents
- Part 4 – Analysis and conclusions

Recommendation

The report recommends that the application be approved.

Part 1 – Facts and Background

The site and setting (see Plan 1)

1. The site forms a small part (0.58 hectare) of the larger Worton Farm site and in particular M&M Skip Hire Ltd's waste recycling facility, which provides for both skip waste and construction & demolition waste.
2. The company also used to run a composting and soil blending facility on this and adjoining land under planning permission no. 04/00512/CM & 04/0449/P/CM (dated 25 May 2004). An anaerobic digestion (AD) plant was, however, constructed two years ago (under planning permission no. 08/01781/CM dated 19 October 2009) which is fully functioning over part of the composting site and has replaced composting operations.
3. Recently planning permission no. 11/01355/CM (dated 16 November 2011) has been granted for new bays to be constructed within the main M&M yard immediately adjacent to the AD plant, for the separate storage of sorted waste products and recycled end products, including materials, such as green waste, soil, compost and mulch that were previously accommodated on the remaining area of the former composting site – this application site. The remnants of this material are now being transferred to the main M&M recycling site.
4. The empty skips themselves (as well as the parking of skip lorries overnight) are currently stored within the sand & gravel quarry itself immediately to the east of the AD facility and south-east of the main M&M site, because there is insufficient room for them in the re-modelled recycling site itself.

History of the Site

5. The last permission for the quarry itself [10/01929/CM] which was granted 16 March 2011 extended the extraction period to 31 December 2015, the restoration period to 31 December 2017 and the aftercare period to 31 December 2022. Minerals are not currently being extracted but, given the above time periods, the continued storage of skips in the quarry is undesirable from Hanson's point of view as quarry owners and is in any case not a long-term proposition. The aggregate washing plant in the quarry was also used until recently to recycle excavated material from the BMW Cowley site and this recycled aggregate is still being stored in the quarry under permission 11/00946/CM dated 21 May 2012.
6. The original 2004 composting permission no. 04/00512/CM and 04/0449/CM was a temporary permission that expired on 31 December 2010 and a restoration scheme was required to be submitted and implemented within 6 months of that date including the removal of the concrete hard standing from this application site. However, the use of the site for composting has only stopped very recently and no restoration

scheme has been submitted. During the evidence gathering phases of the Minerals & Waste LDF in 2008 the applicants nominated this site as one suitable for further waste management operations to complement those already taking place on the adjoining land – because it has an existing concrete hard standing. They state that such development would, however, require funding which is unfortunately not available in the shorter term, given the investment that has just taken place in the main yard. Consequently they propose that in the meantime (for a temporary period of 5 years) a sensible use of the area would be for the storage of empty skips. Within this time the Allocations DPD would be finalised and a decision be made on the site's future, either for some alternative waste use or for restoration.

Proposed Development

7. Planning permission is therefore being sought to use the remaining area of the former composting site for the storage of empty skips for a temporary five year period.

Part 2 – Other Viewpoints

Representations

8. No representations have been received to this application.

Consultations

9. Cherwell District Council: Objects on grounds of inappropriate development in the Green Belt which would affect its openness and for which very special circumstances are not considered to outweigh the harm that would be caused. As such the proposal is considered to be contrary to the NPPF, Policy CO4 of the SE Plan, and Policy GB1 of the adopted Cherwell Local Plan. This application is accordingly on this Committee agenda.

Environment Agency: No objection to the proposals on flood risk grounds. This is on the basis that the development platform has been raised to a level of 60mAOD which has previously been agreed as being above the modelled 1in100 year plus climate change flood level. As such, the flood zone classification in this area is considered to be inaccurate.

Natural England: This application lies within 800 metres of the Pixey and Yarnton Meads Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that it is not likely to have an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application, as submitted.

Transport Development Control: The application is unlikely to have a significant highway impact. No objections.

County Ecologist: From an ecological perspective, the site of the proposed skip storage is very unlikely to support any protected species. It is mainly concrete and has been subject to a lot of disturbance over recent years. Therefore, no surveys are required and the proposal will not have an adverse impact on the local wildlife, any more than the other activity on site currently does. In terms of landscape impact, the development lies within greenbelt, but on land which is already developed and it comprises a change of use which does not appear to be more visually intrusive than what is already there. It would, however, benefit from additional screening.

The following have also been consulted but have not replied: West Oxfordshire District Council (as immediately adjoining LPA), Yarnton Parish Council, Thames Water, Waste Management Team, Rights of Way Officer, CPRE, Open Spaces Society, Ramblers Association.

Part 3 – Relevant planning documents

Relevant Development Plan and other policies (see Policy Annex attached to this Agenda)

10. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
11. The Development Plan for this area comprises:
 - The South East Plan (SEP), relevant policies: CO4, W17
 - The saved policies of the Oxfordshire Minerals and Waste Local Plan (OMWLP), relevant policies – W3, W4, W5, PE5, & PE11.
 - The Cherwell Local Plan (CLP), relevant policies: GB1
12. The SEP forms part of the development plan. However, the Government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order has been made at the time of writing, the published intention to revoke is a material consideration to which substantial weight should be given.
13. The Oxfordshire Minerals and Waste Core Strategy (OMWCS) has not yet been adopted. However, the public submission document was approved by Council on 3 April 2012. This plan is at an advanced stage

and is therefore an important material consideration that should be given significant weight. The relevant policies are – W5, W6, C3, C6, & C8.

14. The National Planning Policy Framework (NPPF) and Planning Policy Statement 10 (Planning for Sustainable Waste Management, March 2011) are also material considerations.

Part 4 – Analysis and Conclusions

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

15. Key planning issues are –
 - i) Is the proposal inappropriate development in the Green Belt and, if so, are there ‘very special circumstances’ that nonetheless justify its approval?
 - ii) Are the landscape and other impacts of this temporary change of use acceptable?

Green Belt Policy

16. Paragraph 87 of the NPPF makes clear that inappropriate development should not be approved in the Green Belt except in ‘very special circumstances’. The NPPF itself does not include waste development in the list of developments that are not inappropriate in Green Belts. PPS10 (paragraph 3, bullet point 6) states that Green Belts should be protected but also states that recognition should be given to the particular locational needs of some types of waste management facilities as well as their wider environmental and economic benefits.
17. SEP policy C04 states that development in the Green Belt will only be permitted if it maintains its openness and does not conflict with its purpose or harm its visual amenities.
18. The proposal does not involve any new build development but is for a change in use of the land. The proposal is to use the concrete hard standing for skip storage with the smaller western lower part of the site, outside the concrete apron, as a lorry turning area. Nevertheless there is little doubt that waste development - in this case the storage of empty skips in connection with nearby waste development (that would on its own be a Class B8 Business storage use) – would be inappropriate development in the Green Belt, which is why the application was publicised as a ‘departure’.
19. Paragraph 79 of the NPPF states: *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.”* Openness essentially means undeveloped. Development obviously includes physical buildings and structures and it can also of course refer

to changes of use, both in terms of its definition in the principal Act and specifically in this Green Belt policy context. In this case the concrete hard standing was allowed under the 2004 temporary composting permission on which there remains a restoration condition including the removal of this hard standing. In any case the openness of the Green Belt would not as a matter of fact be maintained on this site if it was used for storing skips. This adds weight to the conclusion that it is inappropriate development in the Green Belt

20. So although the proposal is inappropriate development does it nevertheless demonstrate 'very special circumstances' sufficient to warrant approval?
21. Will this proposal harm the visual amenities of this part of the Oxford Green Belt? The wider site is located within a thick triangle of land between the main railway line to the north and the A40 to the south and beyond the large restoration lakes. The site itself is not particularly visible from either the railway line (300m to the north-east) or the A40 (450m to the south). Worton Farm itself, belonging to the applicant, is the nearest dwelling approximately 600m to the north-west. The nearest houses in the villages of Cassington and Yarnton are approximately 1.1Km to the west and 750m to the east (beyond the railway line) respectively. The skips would certainly be no higher than the piles of compost or recyclable materials that were until recently stored at the site and as such would have no greater impact. It is not considered, therefore, that there would be any detrimental visual impact to this part of the Green Belt. However, it is considered that this site would benefit from some additional landscape screening to the south by way of an additional tree screen and this is required by condition below.
22. The application site has already benefited from planning permission for the recycling of waste, both for the former (temporary) green waste composting site and by means of the grant of planning permission no. 07/00851/CM for an in-vessel composting site, albeit this permission has now expired. (The in-vessel composting proposal was subsequently not pursued in favour of the anaerobic digestion facility). The use proposed is also temporary and any permission would not be a precedent for any subsequent built development proposals, which would be considered entirely on their merits in relation to the development plan extant at the time.
23. The SEP is consistent with PPS10 and also provides guidance on what 'very special circumstances' may exist to justify waste management facilities in the Green Belt. SEP Policy W17, which sets out the criteria for the location of waste facilities, states that priority should be given to expanding suitable sites with an existing waste management use and good transport connections, and that waste management facilities should not be precluded from the Green Belt. Paragraph 10.56 of the supporting text to this policy explains that this is because of the proportion of land covered by such designations and the pattern of high

density development. Paragraph 10.56 further suggests that factors that may justify a Green Belt location could be lack of suitable alternative sites and proximity to urban areas and the source of waste. These issues are mirrored in the OMWCS.

24. The following factors are therefore considered to be the very special circumstances that justify the approval of this application:

1. Locational needs:

- The priority identified in the SEP and OMWCS for safeguarding and expanding sites in existing waste management use with appropriate infrastructure, specifically including the wider Oxford area in the OMWCS.
- The environmental benefits of the co-location of waste management facilities.
- The excellent transport connections of the site.
- The close proximity of the site to the source of the waste and to the point of use of the recycled product.
- The lack of alternative non-green belt sites close to the source of waste and in accordance with Policies W5 & W6 of the OMWCS.
- The appropriate separation of the site from sensitive properties to protect them from potential disturbance.

2. Wider environmental and economic benefits:

- The urgent need for more waste recycling capacity and therefore the imperative to retain existing facilities.
- Supporting the recovery of priority waste materials identified by the Government as those where significant savings in greenhouse gases can be realised by their diversion from landfill.
- The use of previously developed land in the Green Belt (or redundant farm buildings and their curtilage) rather than a greenfield site.

3. Other factors:

- Compatible land uses of a mineral processing plant in the longer term and permanent organic waste treatment facility on adjoining land.
- Lack of harm to the visual amenity of the Green Belt as set out above.
- Previous temporary permission for composting on the site and its use as such and previous (albeit unimplemented) permission for in-vessel composting in 2009.

25. Waste development at the wider Worton Farm site, including the various applications described above, have also been justified on these grounds, and this proposal is relatively minor compared to the main waste uses on the wider site. In short, the site is close to Oxford and its waste arisings, forms part of a complex of waste processing activities and does not harm the visual amenity of the Green Belt. The proposal is therefore considered to demonstrate 'very special circumstances' and comply with relevant development plan policy in respect of the Green Belt.

Environmental Impacts

26. This proposal would not significantly reduce the visual amenity of this part of the Oxford Green Belt, subject to an additional tree screen to the south as set out above.
27. The site is further away from Yarnton than the main M&M site where they were previously stored with permission and therefore any impact from noise or dust will be less and in any case only empty skips would be stored at this site, which in itself is not waste development. There would be no additional traffic impact; the same skip lorries would make the same trips on the A40 and would continue to use the same access to the site to and from the A40. The Highway Authority has no concerns. There are therefore no additional environmental impacts and the proposal complies with OMWLP Policy W3 & OMWCS Policy C3.

Conclusions

28. The proposal for storing skips on this site is part of the existing M&M waste recycling operation and in effect allows the temporary expansion of the business onto this site because the use has outgrown the main recycling site. There would be no harm to the visual amenity of the Oxford Green Belt in this location and no other detrimental environmental impacts. As such the proposal is considered to demonstrate the 'very special circumstances' required by extant national and development plan policy and would, therefore, comprise sustainable development, which should be approved without delay in accordance with paragraph 14 of the NPPF.

Recommendation

19. It is **RECOMMENDED** that planning permission be approved for Application MW.0122/12 to use this land for storage of empty skips, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the matters listed below:

Heads of Conditions

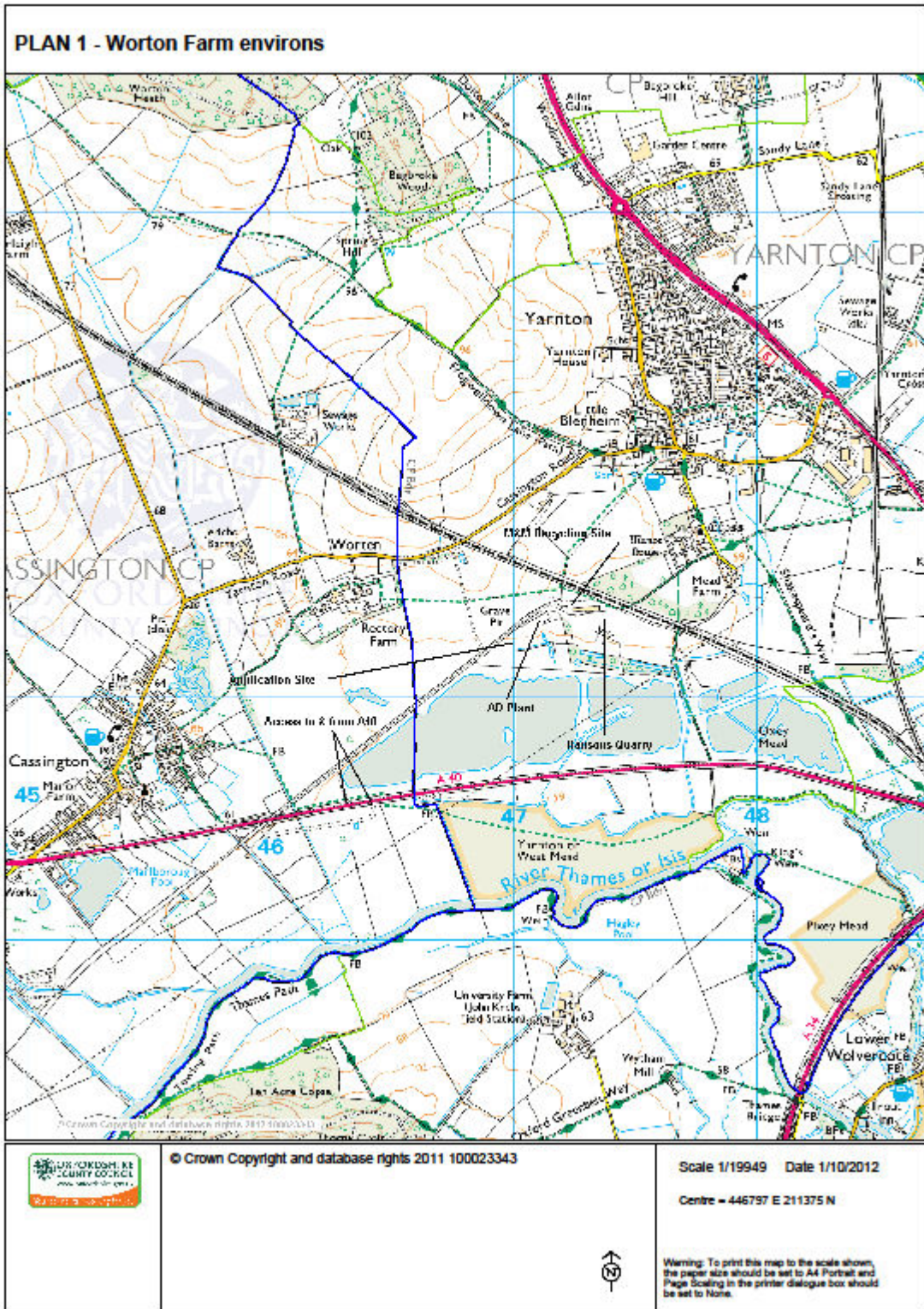
1. Complete accordance with application.
2. Development to commence within 3 years of the date of permission.
3. Temporary permission expiring 31 December 2017 including removal of all skips, plant and stockpiles & breaking up and removal of concrete hard standing .
4. Restoration scheme to be submitted by 31 December 2014 and implemented by 30 June 2018.
5. Hours of operation as per main M&M recycling site.
6. Access only from A40.

7. **No floodlighting other than in accordance with any approved scheme.**
8. **No development prior to submission of additional tree screen landscaping belt and implementation of such within first planting season.**
9. **Silencers to vehicles and plant.**
10. **Haul and internal roads swept clean such that no mud deposited on public highway.**
11. **Skips only to be stored on concrete apron and not in vehicle turning area to western side of the site.**

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

October 2012



For: PLANNING AND REGULATION COMMITTEE – 22 OCTOBER 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (STRATEGY & INFRASTRUCTURE PLANNING)

Development Proposed:

Application to vary condition 1 of planning approval APF/SUT/1815-CM (for the extraction of sand and gravel) to extend the end date of extraction from 4 August 2012 to 30 September 2017 and the end date for restoration from 30 September 2012 to 30 September 2018.

Division Affected: Sutton Courtenay and Harwell

Contact Officer: Mary Thompson **Tel:** Oxford 815901

Location: Bridge Farm Quarry, OX14 4PP

Application No: MW.0126/12

Applicant: Hanson Quarry Products Europe

District Council Area: Vale of White Horse

Date Received: 24 July 2012

Consultation Period: 9 – 31 August 2012

Contents:

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

Recommendation

The report recommends that Application (MW.0126/12) be approved.

Part 1 – Facts and Background

Location (see site plan)

1. The application site lies to the north of the Sutton Courtenay landfill complex but separated from it by the B4016 and site lies between Appleford and Sutton Courtenay villages and contains land in both Parishes.

Site and Setting (see site plan)

2. The site is a quarry which was previously agricultural land.
3. The site is bounded to the east by the Oxford to Didcot railway line, to the south by the B4016 and to the west and north by agricultural fields. The River Thames lies 350 metres north of the site boundary.
4. The closest dwellings are in Appleford, 150 metres from the edge of the site boundary.
5. The site uses the processing plant within the main Sutton Courtenay complex to the south of the B4016 and is linked to the extraction area by conveyor.

Background and History

6. Planning permission for the extraction of sand and gravel from the site 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.

Details of the Development

7. The applicant has submitted a section 73 application to carry on the development permitted without complying with the condition which set out the timescales for the completion of extraction and restoration. The current consent requires extraction to cease 4 years after the date that the permission was issued, i.e. by 4 August 2012 with restoration completed by 30 September 2012. The applicant has proposed a new condition which would require the completion of extraction by 4 August 2017 and restoration by 30 September 2018.
8. It is not proposed to alter any of the other conditions on the consent. There would be no change to the total amount of material extracted, operating hours or techniques, traffic generation, phasing or restoration.
9. The applicant has stated that output levels from the quarry have been low due to the market downturn, as this quarry is heavily dependent on levels of local construction activity in the Abingdon area. This is the reason that a longer period of time is sought to remove the mineral.

10. When permission was granted the total sand and gravel yield was estimated to be approximately 1 million tonnes and it was envisaged the site would be worked in 3 years. However, as production levels have been much lower than envisaged, approximately 800,000 tonnes of sand and gravel remain to be worked.

Part 2 – Other Viewpoints

Representations

11. Four letters of objection have been received. Copies of these letters are available in the Members' Resource Centre. The key points are:
 - Hanson should have to abide by the rules of the original consent.
 - If there is no demand for the gravel, it should be left in the ground.
 - Noise levels have been increasing.
 - Dust travels in dry spells.
 - Extraction is due to move closer to properties.
 - Site is an eyesore to drive past.
 - Application should have been made earlier.

Consultations

12. A summary of consultation responses received in relation to this application can be found at Annex 1. They are also available to read in full on the eplanning website¹. There has been no objection from statutory consultees.

Part 3 – Relevant Planning Documents

Relevant planning documents and legislation (see Policy Annex attached to this Agenda)

13. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
14. The relevant development plan documents are:
 - The South East Plan (SEP) 2026
 - The Vale of White Horse Local Plan (VLP)2011
 - The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996
15. The SEP forms part of the development plan. However, the government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.

¹ <http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/WCHVARYLOGIN.display>

16. The Oxfordshire Minerals and Waste Core Strategy has not yet been adopted, however the Proposed Submission Document (OMWCS) was agreed by Oxfordshire County Council Cabinet on 13th March and Full Council on 3rd April. The independent examination of the plan by a government appointed inspector is expected to take place in early 2013. When the inspector's report is received, the council will be able to adopt a final plan. As this plan is now at an advanced stage, significant weight should be given to its policies.

Relevant Policies

17. Relevant policies are:

- SEP 2026 – M3
- MWLP 1996 -- SD1, SD2, PE2, PE3, PE4, PE5, PE7, PE13, PE18
- OMWCS – M2, M3, M6, M7, C1, C2, C3, C4, C5, C6, C7, C8

Part 4 – Analysis and Conclusions

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

18. The key planning issue is whether change to the timescale of the permitted development would cause adverse amenity and environmental effects.

Minerals Policy

19. Minerals policy supports the provision of aggregates to meet landbank requirements. Under existing development plan policy (South East Plan policy M3), the current (September 2012) Oxfordshire sharp sand and gravel landbank is 2.7 years. Under the emerging Minerals & Waste Core Strategy (Proposed Submission Document policy M2), the current Oxfordshire sharp sand and gravel landbank is 4.4 years. Therefore, the current landbank is well below the 7 year level that the NPPF requires. The loss of 800,000 tonnes of permitted reserves at Bridge Farm would reduce the landbank to 2.2 years under South East Plan policy M3; or to 3.6 years under Minerals & Waste Core Strategy Proposed Submission Document policy M2. Such loss would need to be made up by new permissions being granted elsewhere, over and above what is already required in accordance with the NPPF.
20. This area is not identified as an area for future sand and gravel working in the OMWLP. Policy PE2 states that permissions for mineral workings should not be granted for areas not identified in the plan unless the working would be acceptable under SD2 or the proposals meet other policies of the plan and the apportioned supply cannot be met from areas identified in the plan. It is clear that sufficient supply to meet the landbank requirements cannot be met by sites identified in this plan and so this policy is met, providing that it also meets other policies relating to amenity.

21. The Minerals & Waste Core Strategy Proposed Submission Document includes the Sutton Courtenay area in policy M3 as a principle location for sharp sand and gravel working, through extensions to existing quarries or new quarries to replace exhausted quarries. The plan envisages working in the Sutton Courtenay area continuing until around 2020. Specific sites for working have not been identified at this stage but are to be defined in a subsequent Site Allocations Document. Therefore, this development accords with MWCS PSD policy M3.
22. There is a strong need for this application to be permitted in order that the sharp sand and gravel landbank is not reduced further below the 7 year level, in accordance with MWLP policy SD1, MWCS PSD policy M2 and the NPPF.

Impacts on Amenity

23. Planning policy requires that proposals for minerals development should not have unacceptable adverse impacts on residential amenity and other sensitive receptors (OMWLP PE18, OMWCS C3).
24. The continuation of the development for an extended period of time would result in the continuation of any existing impacts on neighbours. The response from Appleford Parish Council mentions dust, mud and noise as problems which have been experienced by local residents. However, there have been no complaints made to Oxfordshire County Council's monitoring team since the development became operational in 2009. There are planning conditions to cover noise, dust and mud and if residents are concerned about these then they should contact the monitoring team who can ensure that conditions are being complied with. The site is not located close to any residential properties, which further mitigates any potential impact and therefore it is considered that the development complies with policies relating to the protection of residential amenity.
25. OMWLP saved Policy SC3 states that planning permissions in the Sutton Courtenay area will not be granted unless a routeing agreement has been secured to ensure that HGVs use the Didcot Perimeter Road and do not travel through the villages of Sutton Courtenay, Appleford and Long Wittenham. Therefore, it is recommended that a routeing agreement is secured to ensure that HGVs do not travel through local villages.

Flooding

26. OMWCS policy C1 states that minerals development will only be allowed in areas at risk of flooding where a flood risk assessment has demonstrated that the risk of flooding is not increased. The Environment Agency has confirmed that it is satisfied with the flood risk assessment work that was undertaken in relation to this development. The development accords with this policy relating to flood risk.

Restoration

27. OMWLP policy PE13 requires that mineral workings should be restored appropriately and within a reasonable timescale. As the permitted reserves have not yet been worked, the only way of achieving the approved restoration is to allow a longer time period for this work to be completed. Therefore, although the development would lead to a delay in the timescales for restoration, an additional five years is considered reasonable given the economic circumstances and this extension would enable the permitted restoration to be implemented. Therefore, it accords with OMWLP policy PE13.

Legal Agreements

28. The existing permission is subject to a legal agreement which secures long term management, public access, bird management, export of soil and maintenance of the crossing point. There is also a separate legal agreement covering works to the highway. It is important that these provisions are carried forward to any new consent issued for this development. Therefore, it is recommended that new agreements are secured to cover these requirements.

Conclusions

29. The extension in time to allow the completion of mineral extraction from the existing quarry is necessary to allow the permitted reserve to be extracted. This will contribute towards the Oxfordshire sand and gravel landbank, which is currently under the levels required. There would be no significant amenity impacts resulting from this extension of time. The proposal accords with development plan policy relating to policy on minerals, amenity and restoration.

Recommendation

It is RECOMMENDED that subject to legal agreements to secure the terms of the existing Section 106, routeing and highways works agreements that Application MW.0126/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with the amendments to condition 1 as set out in Annex 2 to this report and the updating of the wording of remaining conditions set out in Annex 3 to this report to ensure they are consistent with current standard condition wording, enforceable and that policy references are up to date.

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

October 2012

Annex 1 – Consultation Responses

1. Vale of White Horse District Council – No objection subject to imposition of suitable planning conditions to regulate the extraction of minerals and restoration of the site.
2. Sutton Courtenay Parish Council – The Parish Council is concerned about the continuing disruption and impact on the local environment should an extension of time be permitted. The Parish Council is supportive of the comments submitted by Appleford Parish Council.
3. Appleford Parish Council – Object for the following reasons:
 - The original permission was granted on the basis of a relatively short period of extraction.
 - Visual impact to those approaching the village on the B4016.
 - Noise can be heard by parts of the village in certain weather conditions.
 - The site creates dust when dry and mud on the highway when wet.
 - A five year extension is too long and there is no guarantee that there will not be further extensions.
 - Hansons have not discussed this with the village.
 - Application should have been submitted sooner.
4. Environment Agency – No objection.
5. Ministry of Defence Safeguarding – No objection.
6. Thames Water – No objection with regard to sewerage or water infrastructure.
7. Highway Authority – No response received at the time of drafting report.
8. Archaeology – No objections.
9. Biodiversity – No comments on the proposals for an extension of time. Suggests two informatives to be added to any new consent to cover breeding birds and protected species.
10. Drainage – Responded - no comments.
11. No response received from the following consultees: Didcot Town Council, Natural England, RSPB, River Thames Society.

Annex 2 – Amendments to Conditions

Condition 1

Proposed change to substitute end dates to reflect the request for an additional five years to finish working and restoring the quarry.

Currently states: *Extraction of minerals shall cease by four years of the date of this permission and restoration shall be completed by 30th September 2012. Any buildings, plant and equipment (including the conveyor route under the B4016) to which this permission relates shall be removed by 30th September 2012.*

Proposed replacement condition: *Extraction of minerals shall cease by 30th September 2017 and restoration shall be completed by 30th September 2018. Any buildings, plant and equipment (including the conveyor route under the B4016) to which this permission relates shall be removed by 30th September 2018.*

Additional informatives as recommended by Ecologist Planner:

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 vegetation should take place between 1 March and 31 August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

Protected Species

If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, 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.

Annex 3 – Existing Conditions

Wording to be updated to reflect the change to condition 1 and to ensure that the remaining conditions are consistent with current standard condition wording, are enforceable, the policy references are up to date and reflect the fact that development commenced in 2009.

1. Extraction of minerals shall cease by four years of the date of this permission and restoration shall be completed by 30th September 2012. Any buildings, plant and equipment (including the conveyor route under the B4016) to which this permission relates shall be removed by 30th September 2012.

Reason: To minimise the duration of disturbance from the development hereby permitted and to ensure the site is restored. (MWLP PE13)

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.

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

3. BLANK

4. No working shall take place except in accordance with approved plan S55m/86A, 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 (MWLP PE18)

Working Hours

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:

Between 0700 and 1800 hours Mondays to Fridays; 0800 hours to 1200 hours on Saturdays.

No such operations shall take place on Sundays or recognised public holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: In the interests of the amenities of the area. (MWLP PE18)

6. No development shall commence until the applicant has organised an archaeological watching brief for the period of work on the site. The watching brief shall be prepared in accordance with a written specification and by a professional archaeological organisation that has first been agreed in writing by the Minerals Planning Authority. The archaeological watching brief agreed shall be implemented.

Reason: To safeguard the recording and inspection of matters of archaeological importance on the site. (OSP EN10)

7. No development shall take place until a follow up ecological survey has been carried out and mitigation strategies for any species protected under the Wildlife and Countryside Act 1981 found on the site have been agreed in writing by the Minerals Planning Authority and have been implemented.

Reason: To protect any protected species that have moved into the site since the initial ecological survey was carried out (OSP EN2)

Noise

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 (MWLP PE18)

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. (MWLP PE 18)

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 57dB LAeq(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. (MWLP PE18)

11. 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 within 2 weeks of each set of monitoring.

Reason: To enable the effects of the development to be adequately monitored during the course of the operations. (MWLP PE18)

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. (MWLP PE 18)

Dust

13. No vehicle shall exceed 25 kph on site

Reason: To aid in dust suppression in the protection of the amenities of local residents (MWLP PE18)

14. No development shall be commenced until a scheme to minimise the emission of dust from the development hereby authorised has been submitted to and approved in writing by the Minerals Planning Authority. Such scheme shall include the water spraying of access and haul roads to suppress dust in periods of prolonged dry weather and 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. (MWLP PE18)

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 (MWLP PE18)

Traffic and Highways

16. No lorries shall enter the working area unless loaded with clay and none shall leave the working area unless loaded with soil.

Reason: To reduce the number of vehicle movements across the B4016 (OSP T8)

17. No HGV's shall cross the B4016 from and to the site unless temporary traffic lights are installed and operated.

Reason: In the interests of highway safety (MWLP PE18)

18. No development shall take place until a plan showing that appropriate sight lines around the bund marked X on approved plan S55m/86A can be implemented has been approved by the Minerals Planning Authority. Any sight lines that are approved shall be maintained until the bund is removed.

Reason: In the interests of highway safety (MWLP PE18)

Soil Handling

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. (OSP T18)

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. (MWLP PE18)

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. (MWLP PE18)

22. All topsoil, subsoil, and soil making material which is not to be exported to the adjoining Waste Recycling Group 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. (MWLP PE18)

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 (MWLP PE18)

24. Before development commences a plan shall be submitted to, and approved in writing by the Minerals Planning Authority, showing the location, contours and volumes of the bunds and soil types and units contained within them.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. (MWLP PE7)

25. Prior to the commencement of soil stripping, details of a scheme for soil movement shall be submitted to and approved in writing by the Minerals Planning Authority. All soil movement shall be carried out in complete accordance with the approved plan.

Reason: To ensure the development is carried out in a manner that minimises impact on the environment and amenities of the local area. (MWLP PE18)

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 agreed with the Minerals Planning Authority.

Reason: To ensure that the final landform is acceptable (MWLP PE18)

Access

27. No development shall commence until the access road, visibility splays and manoeuvring provision have been laid out, constructed and surfaced in accordance with a scheme to be agreed in writing by the Minerals Planning Authority and these areas shall be thereafter retained and kept available for these purposes.

Reason: To ensure the access road is constructed with due regard to highway safety and the local environment (OSP T8)

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/completion of site restoration and aftercare.

Reason: In the interests of highway safety and safeguarding the local environment (OSP T8.)

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 (OSP T8)

30. No development shall be commenced until a survey of the road surface at the point of crossing of the B4016 has been undertaken. An additional survey shall be undertaken upon completion of restoration.

Reason: In the interests of highway safety and safeguarding the local environment (OSP T8)

Signage

31. Prior to the commencement of development, signage shall be constructed alongside the B4016 warning of vehicles crossing.

Reason: In the interests of highway safety (OSP T8)

Restoration

32. Restoration of the site shall be in complete accordance with approved plan S55m/87e

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. (MWLP PE13)

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

Reason: In the interests of highway safety (OSP T8)

34. At any one time no more than two phases as shown on approved plan S55m/86A shall be other than restored or not yet worked.

Reason: To reduce the impact of the development (MWLP PE18)

Aftercare

35. An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 32 to the required standard for use for agriculture and nature conservation as shown on approved plan S55m/87e, shall be submitted for the approval of the Minerals Planning Authority not later than 1 year from the date of

this permission and thereafter any approval shall be implemented as approved.

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.

Drainage and Water Protection

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 (OSP EN9)

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 (OSP EN9)

38. Prior to the commencement of extraction from the site details of the location and arrangements for the monitoring of groundwater levels for the duration of the working shall be submitted for approval in writing by the Minerals Planning Authority and thereafter any that are approved shall be implemented.

Reason: To assess the risk of effects arising from changes in groundwater levels (OSP EN9)

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 (OSP EN8.)

Informatives

The Waste Recycling Group site to which it is intended to send subsoil, topsoil and soil making material is shown on plan 1 attached to this permission.

The plant site is on land that is subject to a different planning permission for the landfill area, which will end after the end date of this permission. Therefore, the landfill permission restoration condition will apply to the plant site area.

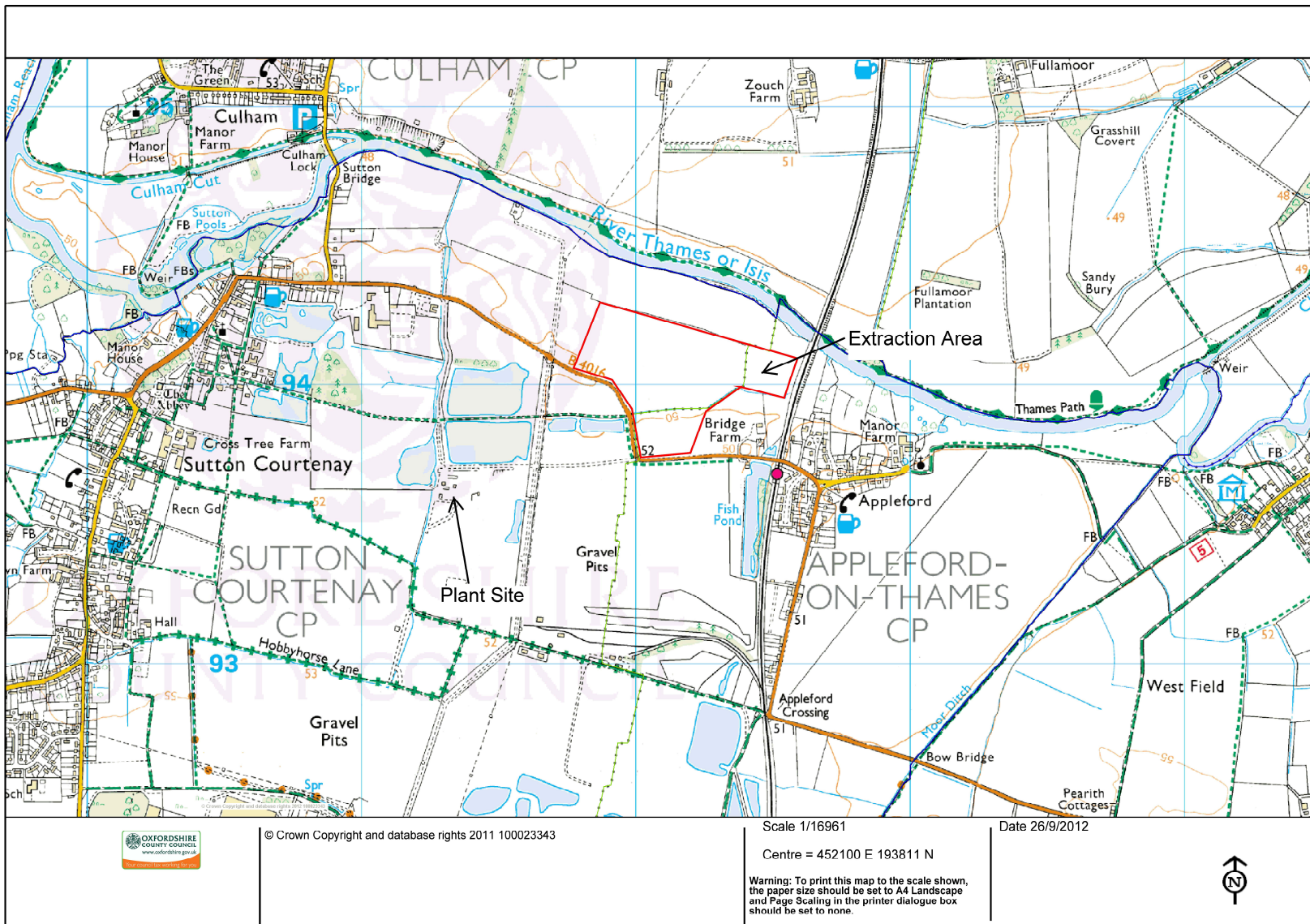
Annex 3 - European Protected Species

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 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

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

Our records and/ or the habitat on and around the proposed development site and/or ecological survey results indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.





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For: PLANNING & REGULATION COMMITTEE – 22 OCTOBER 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (STRATEGY & INFRASTRUCTURE PLANNING)

Development Proposed:

Section 73 application to vary conditions 35, 40, 41, 98 & 99 of planning permission Ref 12/00056/CM to create restoration contours to allow for effective drainage

Division Affected: Wroxton

Contact Officer: Kevin Broughton **Tel:** Oxford 815272

Location: Alkerton Quarry, Alkerton with Shennington, Banbury, Oxon, OX15 6HY

Applicant: Peter Bennie Limited

Application No: MW.0113/12

District Council Area: Cherwell

Contents

- Part 1 – Facts and background
- Part 2 – Comments on the Application
- Part 3 – Relevant planning documents
- Part 4 – Opinion and conclusions

Recommendation

The report recommends that application MW.0113/12 be approved subject to conditions.

Part 1 – Facts and Background

Location (see site plan Annex 1)

1. Alkerton Quarry is located just off the Stratford Road (A422) approximately 5 kilometres (3 miles) north-west of Banbury. The village of Alkerton lies less than 1 kilometre (0.6 miles) to the east.

Site and Setting (see site plan Annex 1)

2. Alkerton Quarry is located in the open countryside within the Ironstone Downs, an Area of High Landscape Value.
3. The nearest dwelling is White Gables which borders the site on the South East Corner.
4. The A422 Stratford Road runs along the eastern boundary and an unclassified road to Alkerton runs along the southern boundary.
5. No footpaths or sites of archaeological or ecological interest are affected by the proposal

Background

6. Hornton Grounds Quarry is part of a larger permission for ironstone extraction that also includes quarries at Hornton, Wroxton and Balscote.
7. Alkerton Quarry has been operating under planning permission 97/00430/CM granted in January 1999. Working has now ceased and the operator wants to undertake restoration of the remaining working area.
8. There are overlapping section 73 applications in this area, and this application seeks to pull some of them together under a single application, thus making the situation easier to monitor.

Details of the Development

9. The development proposed consists of changes to planning conditions that would only affect the Alkerton Quarry Site. The changes would be:
 - I. The restored slopes on the boundaries of the Alkerton Quarry site will be steeper but no steeper than 1 in 6, as opposed to the current restriction which is 1 in 8.
 - II. The haul road would be retained to serve the surrounding agricultural land.
 - III. The site would be restored to low level agriculture, with a pond in the south west corner and natural regeneration along the north, south and south eastern edges.

- IV. The site would be restored in accordance with a revised restoration scheme that takes into account of the proposed changes to the conditions.

Part 2 – Relevant Planning Documents

Relevant planning documents and legislation

10. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
11. The relevant development plan documents are:
 - The South East Plan (SEP) 2026.
 - Oxfordshire Minerals and Waste Local Plan – saved policies (OMWLP) 1996.
 - The Cherwell Local Plan – saved policies (CLP) 1996.
12. The Oxfordshire Minerals and Waste Core Strategy (OMWCS) proposed submission document is also a material consideration, and should be given significant weight.
13. The Non Statutory Cherwell Local Plan (NSCLP) 2011 is a material consideration.
14. The SEP forms part of the development plan. However, the government intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.

Relevant Policies

15. The relevant policies are:
 - SEP 2026 – No policies are relevant to the application.
 - OMWLP 1996 – PE1, PE13, PB2.
 - CLP 1996 – C7, C13.
 - OMWCS - M7, C4, C5, C6.
 - NSCLP 2011 – EN1, EN22, EN27, EN34.

Part 3 – Other Viewpoints

Representations

16. One representation received raising the following concerns:-
 - That the application is premature because it is likely to sterilise the mineral reserves.

- A better restoration scheme can be achieved through the importation of waste.

Consultations

17. Cherwell District Council – no response received.

Wroxton and Balscote Parish Council - no response received.

Hornton Parish Council - no response received.

Shenington with Alkerton Parish Council - no response received.

Environment Agency - No objection but requests that an informative be attached to any planning permission granted, saying that prior to importing any waste or material, the applicant should ensure they are compliant with the Environmental Permitting Regulations (England and Wales) 2010.

Thames Water - No objection.

Natural England - would expect the Local Planning Authority to assess and consider the possible impacts resulting from this proposal on the following issues:

- Protected species
- Soils, Land use and Reclamation
- Local wildlife sites
- Biodiversity enhancements
- Local Landscape

Transport Development Control - no objection.

Ecologist Planner –

- The proposed trees, shrubs, scrub and natural recolonisation areas would provide a range of important habitats and bring benefits for biodiversity.
- The planting densities and species mixes for the trees and hedge are suitable for the habitats proposed.
- Would like some clarification of paragraph 4.6 that fertiliser would not be used on the areas for natural recolonisation.
- If minded to grant consent, request two conditions are attached regarding breeding birds and protected species.

Part 4 – Opinion and Conclusion

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

18. Key planning issues are the changes to restoration and aftercare of the site.
19. Policy PE1(l) states that mineral workings will be considered in the light of the feasibility of their long term restoration and aftercare. The Alkerton Quarry permission for extraction forms part of a larger planning permission, that includes Hornton Grounds Quarry and Wroxton Fields Quarry, and that expires in 2042.
20. The proposed restoration to the quarry site would leave a depression in the land between 3m and 5m deep. The effect on the local landscape would not be significant because the land is relatively flat but has some undulations, some of which are the result of restored mineral workings.
21. The resulting land use would be back to agricultural use, with some biodiversity enhancements around the edge of the site where the slopes will be allowed to colonise naturally. This restoration would incorporate the existing soils on the site and would be appropriate to the rural surroundings in accordance with policy PE13 of the OMWLP and policy M7 of the OMWCS.
22. No effect on protected species or local wildlife sites has been identified by the County's Ecologist/Planner.
23. There would be a 5 year phased programme of aftercare.
24. The mineral would not be sterilised by the resulting agricultural land use.
25. The application must be considered on its merits and, if acceptable, in planning terms should not be refused on the grounds that another form of application is preferred.

Conclusions

26. The restoration and aftercare proposed in this application does not cause significant harm to the local landscape. It would result in an agricultural use appropriate to the area, but with some biodiversity enhancements. The application should therefore be approved on its merits.

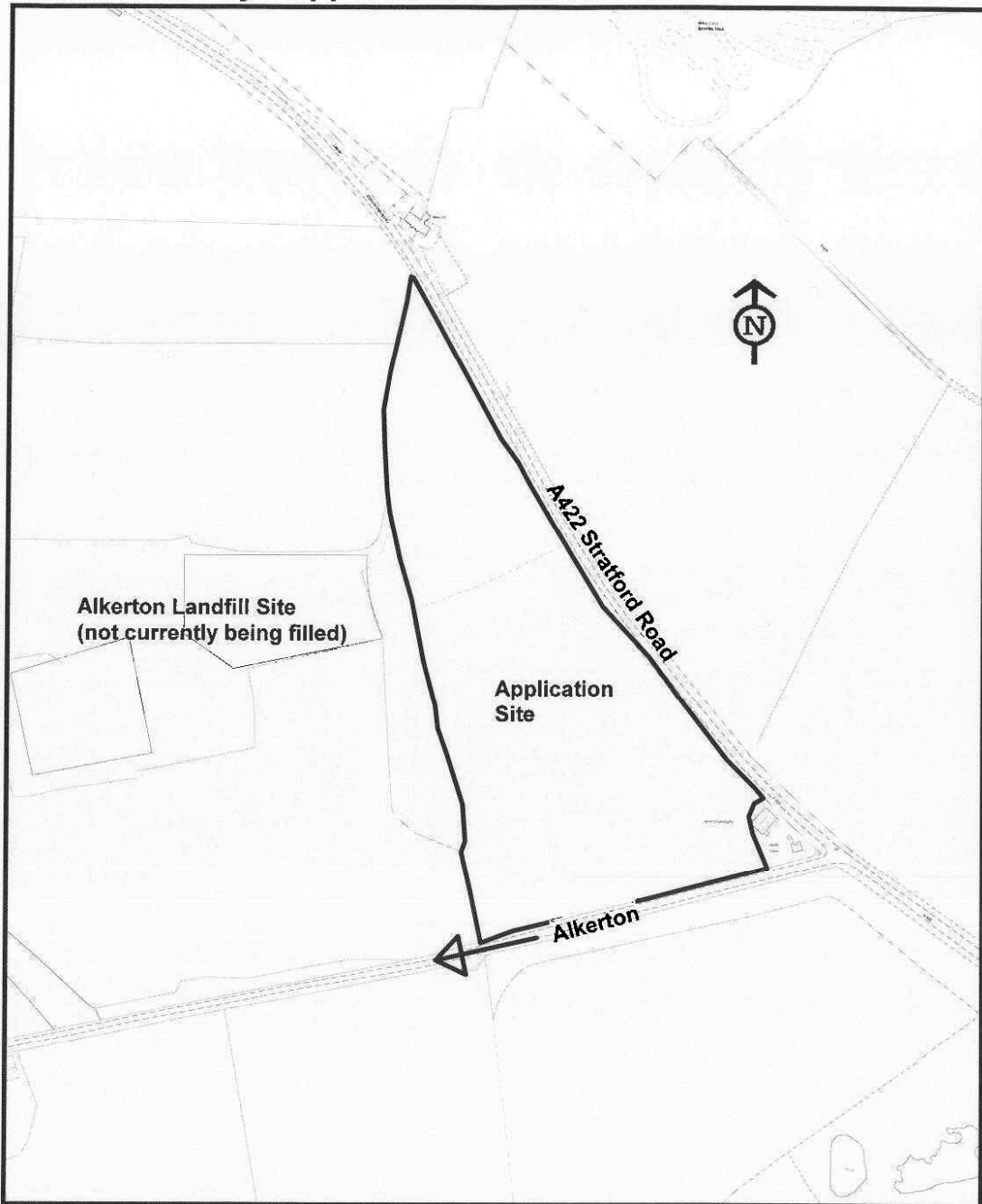
27. **Recommendation**

It is RECOMMENDED that Application No. MW.0113/12 be approved subject to the conditions set out in schedule 1 attached to this report.

MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)
October 2012

Alkerton Quarry - Application no MW.0113/12



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Plot Date: 27/9/2012

Schedule 1

Conditions

All the Site

- (1) No development shall be carried out other than in strict accordance with the approved plans approved under planning permission 05/01507/CM, GPP/PBL/WF/1/02, ALK/E, ALK.W, ALK.PDR/X, ALK.FP, ALK.PDR, ALK/MP/C, SRL/1-15, ALK/MP/A, GP/PBL/1-15/WP, HORNT/N/A, HORNT/RA/A, HORNT/W/RevC, HORNT/E/B, HORNT/W/B, HORNT/E/X/A, HORNT/BW/A, HORNT/PDR/B; 054/P.01, 054/P/02, 054/P/04, 054/P/05, 054/P/06, Edge and Pritchard Drawings 3, 4, 5, unless modified by conditions of this permission.

Reason: For the avoidance of doubt and to maintain planning control over the site.

- (2) No working on the site shall take place except in areas outlined in green on approved plans HORNT/W/RevC and ALK/MP/A and in red on approved plan 054/P/06.

Reason: To limit working primarily to areas proposed for workings and to prevent reworking of areas now restored.

Policy: OMWLP PE18

- (3) Notwithstanding conditions 1, 2, 59 and 60, working can take place in areas on approved plans GPP/PBL/WF/1/02, ALK/W, 054/P/01, 054/P/02, 054/P/04, 054/P/05 which are shown for working. No working shall take place on areas cross hatched black on those plans except in accordance with condition 4.

Reason: To prevent working taking place close to villages or residential properties to the detriment of amenity of residents or the countryside.

Policy: OMWLP PE18

- (4) (a) No mineral working or activity associated with mineral working shall take place within 350 metres of any dwelling in any phases, as approved under condition 61, that affects Balscote or Wroxton, except in accordance with a scheme to be approved by the Mineral Planning Authority that proves that no adverse environmental effects with respect to noise and dust will be experienced by people living in these dwellings. The Mineral Planning Authority will expect the scheme to be supported by an environmental assessment using facts and figures collected both on site and in the villages over a suitable period of time.
- (b) In any event no working shall take place within 200 metres of any dwelling in Balscote or Wroxton.

Reason: To prevent working taking place close to villages or residential properties to the detriment of the amenity of residents or the countryside and

to ensure that the operators are aware of the need to establish that the residents will not suffer from environmental problems if quarrying within the 350 and 200 metres zone is to be allowed.

Policy: OMWLP PE3, PE18

- (5) Planting on land between points A to K on approved plan 054/P/06 and L to M on approved plan ALK/W shall be maintained in accordance with the approved plans 090/CO2/250901/M2 and letters dated 19 October 2001 and 12 December 2001.

Reason: To provide a natural screen for the site.

Policy: OMWLP PE18

- (6) No more than an average of 350,000 tonnes per annum of mineral shall be exported from the site in any given three-year period.

Reason: To protect the amenities of properties in Wroxton and Drayton.

Policy: OMWLP PE18

Informative: The Mineral Planning Authority may agree to vary this condition to allow an increase in the annual average tonnage if as a result of an Environmental Impact Study assessing the effects of development traffic on villages along the A422 it is satisfied that such increase can be accommodated without adverse environmental effects.

- (7) No vehicle shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the highway.

Reason: In the interests of highway safety and to prevent mud and dust getting on the highway.

Policy: OMWLP PE18

- (8) No mineral shall be exported from any phase (as defined under condition 61) until a wheelwash has been installed in the area or phase in accordance with details approved by the Mineral Planning Authority.

Reason: In the interests of highway safety and to prevent mud and dust getting on the highway.

Policy: OMWLP PE18

- (9) No mud, mineral or debris shall be deposited on the public highway.

Reason: In the interests of highway safety.

Policy: OMWLP PE18

- (10) Temporary screening bunds shall not be other than 4 metres in height, 16 metres wide across the base and with sides of slope 1 metre high and 2 metres horizontal and at no time shall the bunds be more than 80 metres,

measured from the apex of the bund, from the working face. The bunds shall be graded to give a smooth visual appearance and shall be kept weed-free and in dry weather shall be sprayed with water to reduce dust blow. Any bund that is in place for longer than six months shall be sown with grass seed in the Spring or Autumn.

Reason: To protect residents in and near the site from noise intrusion and to limit visual and dust intrusion.

Policy: OMWLP PE18

- (11) No loaded lorries shall leave the site unsheeted.

Reason: To prevent dust being brought onto the highway for the safety of users of the highway.

Policy: OMWLP PE18

- (12) No material shall be burnt on site.

Reason: To prevent air pollution.

Policy: OMWLP PE18

- (13) No blasting shall be carried out on site.

Reason: To prevent noise intrusion and vibrations to local residents.

Policy: OMWLP PE18

- (14) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no additional buildings, plant, machinery, or structure (whether a fixed or portable design) shall be erected or placed on site.

Reason: To allow the Mineral Planning Authority to maintain control over potentially noisy or inappropriate development.

Policy: OMWLP PE18

- (15) No operations authorised or required by this permission shall be carried out and plant shall not be operated or lorries loaded or despatched, other than during the following hours:

Between 0700 and 1800 hours, Mondays to Fridays;
0700 and 1300 hours on Saturdays.

No such operations shall take place on Sundays or recognised public holidays or on Saturdays immediately following bank holiday Fridays.

Reason: In the interests of the amenities of the area.

Policy: OMWLP PE18

- (16) Notwithstanding condition 14 no operations for the formation and subsequent removal of material from the bunds and soil storage areas shall be carried out at the site except between

0800 and 1800 hours, Mondays to Fridays;
0800 and 1300 hours on Saturdays.

No such operations shall take place on Sundays or recognised public holidays or on Saturdays immediately following bank holiday Fridays.

Reason: In the interests of the amenities of the area.

Policy: OMWLP PE18

- (17) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.

Reason: To reduce noise levels in the vicinity of the working area to acceptable levels.

Policy: OMWLP PE18

- (18) No audible equipment warning of reversing vehicles shall be used on the mobile plant.

Reason: To reduce noise intrusion in the area.

Policy: OMWLP PE18

- (19) Soil stripping and respreading and construction and removal of bunds shall not take place for longer than six consecutive weeks in any year. Noise levels from these activities shall not exceed 65dB LAeq 1 hr freefield when measured 2.5 metres from any noise sensitive location in the vicinity of these areas. If these noise limits are exceeded the working will stop until measures have been agreed in writing with the Mineral Planning Authority to ensure that noise limits are not exceeded.

Reason: To reduce noise levels in the vicinity of the working areas to acceptable levels.

Policy: OMWLP PE18

- (20) No working shall take place in a part of the site until permitted levels of dust at set locations adjacent to working phases have been approved in writing by the Mineral Planning Authority. In the Event that these levels are exceeded, working shall stop in the relevant phase until appropriate measures for limiting dust pollution have been agreed in writing by the Mineral Planning Authority.

Reason: To ensure that dust pollution is not a problem for residents close to the site.

Policy: OMWLP PE18

- (21) No floodlighting or speakers of a tannoy system shall be used on site, except in accordance with details approved in writing by the Mineral Planning Authority.

Reason: To avoid light or noise pollution to nearby residential properties.

Policy: OMWLP PE18

- (22) All fuel tanks shall be sited on a concrete base surrounded by bund walls capable of retaining at least 110% of the tank volume and any spillages from fill or draw pipes. Any water which accumulates in the bunded area shall be removed and disposed of in a manner appropriate to the quality of the water.

Reason: To prevent pollution of the groundwater.

Policy: OMWLP PE7

- (23) Soils and overburden to be stripped but not required for the construction of screening bunds shall be removed directly to the area of restoration for immediate respreading.

Reason: To aid good restoration.

Policy: OMWLP PE13, PE18

- (24) The development shall cease not later than 31 December 2042 and all the land worked shall be restored in accordance with conditions of this permission within one year of that date.

Reason: To comply with Section 91 of the Town and Country Planning Act 1970.

Policy: OMWLP PE13, PE18

- (25) In the event of cessation of winning and working of minerals for two years or more prior to the end date set in Condition 23, which constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 or any subsequent Act which revokes or re-enacts that Act, a revised scheme of aftercare and restoration shall be submitted, for those areas worked but not restored, to the Mineral Planning Authority within six months of the Mineral Planning Authority notifying the operator of the cessation. Any scheme that is approved shall be implemented within one year of that scheme's written approval.

Reason: To ensure that restoration is carried out as early as possible following early cessation of working.

Policy: OMWLP PE13, PE18

- (26) All fixed plant and machinery shall be removed from any phase and that phase restored, in accordance with agricultural restoration schemes approved by the Mineral Planning Authority, within one year of working ceasing in that phase.

Reason: To ensure that restoration takes place as quickly as possible.

Policy: OMWLP PE13, PE18

- (27) No pumping of water shall take place from the site except in accordance with a scheme to be agreed in writing by the Mineral Planning Authority.

Reason: To ensure that any water pumping is carried out without detriment to amenities of local residents.

Policy: OMWLP PE7

- (28) No topsoil, subsoil, or overburden shall be exported from the site.

Reason: To ensure restoration to agriculture of the highest possible grade.

Policy: OMWLP PE13, PE18

- (29) Topsoil, subsoil and overburden shall be separately stripped from one another, separately temporarily stored when necessary and separately respread.

Reason: To ensure restoration to agriculture of the highest possible grade.

Policy: OMWLP PE13, PE18

- (30) No soil shall be stripped, handled or replaced except when the soil is in a dry and friable condition and the weather conditions are dry.

Reason: To ensure restoration to agriculture of the highest possible grade.

Policy: OMWLP PE13, PE18

- (31) No access roads approved under Condition 61 shall be less than 5.5 metres wide and they shall be metalled for at least 20 metres from the public highway.

Reason: In the interests of highway safety.

Policy: OMWLP PE1, PE18

- (32) No working shall take place in any phase unless the metalled road from the access point to the A422 is at least 5.5 metres wide.

Reason: In the interests of highway safety.

Policy: OMWLP PE18

- (33) No vehicular accesses to the public highway, other than those approved under conditions of this permission, shall be formed or used.

Reason: In the interests of highway safety.

Policy: OMWLP PE18

- (34) No working shall take place within 10 metres of the public highway or other boundary of the site.

Reason: To ensure that the boundaries of the site are maintained.

Policy: OMWLP PE18

- (35) No restoration of the boundaries of the site shall take place that has slopes steeper than 1 metre vertical to 8 metres horizontal unless otherwise agreed in writing by the Mineral Planning Authority, except for the restoration of Alkerton Quarry, where the slopes shall be no steeper than 1 metre vertical to the 6 metres horizontal. Finished slopes shall be rolled so that no sharp changes of slope result. Plans shall be submitted for the approval of the Mineral Planning Authority showing cross-sections through the restored quarry edges to achieve the slope shape required by this condition.

Reason: To achieve restoration levels that match with the surrounding landscape.

Policy: OMWLP PE13, PE18

- (36) No extraction or other operations shall take place within 1.5 times the spread of any tree at the boundary of the site.

Reason: To protect existing mature trees.

Policy: OMWLP PE18

- (37) No regrading or stockpiling of soils, minerals or mineral waste shall take place within 5 metres of any tree or hedgerow on the boundary of the site.

Reason: To ensure trees and hedgerows are protected.

Policy: OMWLP PE18

- (38) At least 14 days notice of commencement of a soil stripping programme shall be given to the Mineral Planning Authority and the operator shall afford access at all reasonable times to archaeologists nominated by the Mineral Planning Authority who shall be allowed to observe the excavations and record items of interest and finds.

Reason: To ensure the recording of any archaeological finds.

Policy: OMWLP PE9, PE18

- (39) No operations shall begin in any phase of the site or in areas outlined in green on approved plan ALK/MP/A until the working margins have been pegged out and the prior written approval of the Mineral Planning Authority has been received to the pegged out margins. The pegs shall be maintained in the approved positions for the duration of operations in each phase.

Reason: To ensure that workings do not encroach beyond the permitted boundaries.

Policy: OMWLP PE18

- (40) Restoration shall include removal of all haul roads, foundations, hardstandings, buildings, plant, structures and fences, excluding protective fencing for planted areas, except at Alkerton Quarry where part of the haul road shall be retained for access for agricultural use of the restored land.

Reason: To ensure the best possible agricultural restoration.

Policy: OMWLP PE13, PE18

- (41) Finished levels following restoration shall not be other than as shown on approved plans.

Reason: To ensure the best possible restored landscape.

Policy: OMWLP PE13, PE18

- (42) Where soils are stripped or respread using tractor and box scraper the soil shall be ripped following respreading.

Reason: To facilitate good agricultural restoration.

Policy: OMWLP PE13, PE18

- (43) The overburden shall be ripped prior to soil replacement and any objects over 200 mm in any dimension shall be removed from the site or buried at least 2 metres below final land levels.

Reason: To facilitate good agricultural restoration.

Policy: OMWLP PE13, PE18

- (44) Stones and other objects greater than 150 mm in any dimension shall be removed from subsoil following respreading.

Reason: To facilitate good agricultural restoration.

Policy: OMWLP PE13, PE18

- (45) No restored land shall have slopes shallower than 1 vertical to 100 horizontal.

Reason: To facilitate good agricultural restoration.

Policy: OMWLP PE13, PE18

- (46) Land shall not be restored to levels below surrounding land levels such that surface and subsurface drainage is impeded and no drainage outfall is available.

Reason: To facilitate good agricultural restoration.

Policy: OMWLP PE13, PE18

- (47) The depth of respread soil on land to be restored shall not be less than 1.2 metres.

Reason: To facilitate good agricultural restoration.

Policy: OMWLP PE13, PE18

- (48) When the soil is respread it shall not be in layers thicker than 250 mm. Each respread layer shall be ripped to a depth of at least 150 mm and shall be stone picked.

Reason: To facilitate good agricultural restoration.

Policy: OMWLP PE13, PE18

- (49) Stones and other objects greater than 100 mm in any dimension shall be removed from topsoil following respreading.

Reason: To facilitate good agricultural restoration.

Policy: OMWLP PE13, PE18

- (50) No development shall take place within 10 metres of any watercourse and that margin shall remain completely unobstructed.

Reason: To retain access to the watercourse to allow the Environment Agency to carry out its functions.

Policy: OMWLP PE7

- (51) There shall be no direct connection between the pits and any watercourse.

Reason: To prevent pollution of the water environment.

Policy: OMWLP PE7

- (52) Surface water drainage of any restored phases shall be in accordance with a scheme to be agreed by the Mineral Planning Authority before extraction begins in that phase.

Reason: To prevent the risk of flooding and of pollution of the water environment.

Policy: OMWLP PE7

- (53) No pumping from the excavations shall take place whilst the adjoining watercourses are running bank full.

Reason: To prevent the risk of flooding.

Policy: OMWLP PE7

- (54) No watercourse shall be incorporated into the workings.

Reason: To prevent pollution of the water environment.

Policy: OMWLP PE7

- (55) No working shall take place that will derogate from any domestic and licensed groundwater sources in the area.

Reason: To prevent adverse effects on groundwater sources.

Policy: OMWLP PE7

- (56) No working shall take place that will adversely affect flows or levels in any river, stream, ditch, spring, lake or pond in the vicinity.

Reason: To prevent adverse effects on surface water sources.

Policy: OMWLP PE7

- (57) Internal haul roads shall be kept free of mud at all times and shall be wetted in dry weather sufficient to prevent dust being formed by the passage of lorries.

Reason: To prevent dust pollution.

Policy: OMWLP PE18

- (58) All access roads and haul roads within the site shall be kept free of potholes.

Reason: To prevent noise intrusion.

Policy: OMWLP PE18

- (59) Notwithstanding condition 15, and except with the prior arrangement of the Mineral Planning Authority in writing, no operations authorised or required by this permission shall be carried out and plant shall not be operated or lorries loaded or dispatched from any land within 350 metres of any dwelling in any phase as defined by condition 61, other than during the following hours:

Between 0730 and 1800 hours Mondays to Fridays
0730 and 1300 hours on Saturdays.

Reason: In the interests of the amenities of the area.

Policy: OMWLP PE18

All the site except Hornton and Alkerton

- (60) No other working on the site shall take place until the area outlined in green on approved plan HORNT/W/RevC has been worked out except that

minerals may be worked in the area outlined in green on approved plan no. ALK/MP/A.

Reason: To restrict the extent of working in order to limit environmental disturbance.

Policy: OMWLP PE18

- (61) No working shall take place outside the areas outlined in green on approved plans HORNT/W/RevC and ALK/MP/A except in accordance with the approved plan ref: GPP/PBL/WF/1/02. Working shall be limited to only one phase at any one time, although works for the preparation of extraction and restoration may take place in other phases in accordance with details approved in writing by the Mineral Planning Authority.

Reason: To restrict the extent of working in order to limit environmental disturbance.

Policy: OMWLP PE18

- (62) No mineral extraction shall take place on any land within the site outside the areas bounded by green lines on approved plans HORNT/W/RevC, ALK/MP/A and phase 1 until details of working, including phasing, method of soil stripping, mineral stockpiling and plant to be used, method of extraction and plant to be used, visual and dust control, access, restoration, landscaping and aftercare have been submitted to and approved by the Mineral Planning Authority in writing.

Reason: In order to properly control mineral working within the site.

Policy: OMWLP PE18

- (63) No development shall commence on any Phase of the site, except that outlined in green on approved plans HORNT/W/RevC, ALK/MP/A and at Phase 1, until a scheme of noise monitoring and control for that part has been submitted to and approved by the Mineral Planning Authority in writing. The scheme shall include:

- (i) measurement of ambient noise levels;
- (ii) noise monitoring locations;
- (iii) frequency of measurements;
- (iv) limits of noise at any specified location; and
- (v) cessation of working until noise reduction measures have been agreed in writing with the Mineral Planning Authority if noise levels have been exceeded.

No development shall take place except in accordance with an approved scheme.

Reason: To reduce noise levels in the vicinity of the working area to acceptable levels.

Policy: OMWLP PE18

- (64) The maximum area of the site, excluding land outlined in green on approved plan ALK/MP/A, which at any one time may be stripped of topsoil in advance of working, or under excavation or excavated but not restored, shall not exceed 12 hectares (excluding roadways, any conservation stone compound, office wheelwash and car parking area and other approved buildings).

Reason: To ensure that the maximum area is available for uses other than quarrying.

Policy: OMWLP PE18

- (65) Noise from the development shall not increase background noise levels by 5 dB LAeq 1 hour freefield, or more, when measured 2.5 metres from a noise sensitive area, except in those areas outlined in green on approved plans ALK/MP/A and HORNT/W/RevC and except in phases 1 and 2 as shown on plan GPP/PBL/WF/1/02.

Reason: To protect residents from noise intrusion.

Policy: OMWLP PE18

- (66) No extraction shall take place within any phase, as defined by condition 61, except in accordance with a scheme to be agreed by the Mineral Planning Authority in writing to ensure the stability of electricity pylons or poles or underground electricity cables.

Reason: To ensure the stability of electricity pylons, poles or cables.

Policy: OMWLP PE18

- (67) With the exception of Phase 1 no development shall take place in any phase of working except in accordance with a scheme of dust suppression approved by the Mineral Planning Authority in writing which shall include:-

- (i) dust monitoring locations;
- (ii) frequency of sampling;
- (iii) suppression of dust from any operations in the site;
- (iv) levels of dust that must not be exceeded when measured at the dust monitoring levels;
- (v) mitigating measures that will be implemented in the event that dust levels are exceeded.

Reason: To control the level of dust from the workings to acceptable levels.

Policy: OMWLP PE18

- (68) Prior to the commencement of extraction operations within any phase except the areas outlined in green on approved plans HORNT/W/RevC, ALK/MP/A and Phase 1 - a detailed landform restoration scheme to include proposals for planting with trees, hedgerows and the progressive return of the land to agriculture or forestry, shall be submitted to the Mineral Planning Authority. The scheme shall also include details of:

- (i) the nature of the intended after-use of the site;

- (ii) the sequence and programming of reclamation showing clearly their relationship to the working scheme;
- (iii) the respreading over the floor of the excavated area of mineral waste, overburden, subsoil and topsoil previously stripped from the site, in that order and the depths and placement of respreading materials;
- (iv) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;
- (v) the machinery to be used in soil respreading operations;
- (vi) the final levels of the reclaimed land and the gradient of the restored slopes around the margins of the extraction;
- (vii) drainage of the reclaimed land, including the formation of suitably graded contours to promote natural drainage where possible or, if not, artificial drainage;
- (viii) the reinstatement of the site and access road by clearing plant, buildings, machinery, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites; and
- (ix) the phased planting and seeding of the restored area.

Any scheme that is approved shall be implemented.

Reason: To ensure the most successful restoration possible.

Policy: OMWLP PE13, PE18

- (69) Within 12 months of the approval of the restoration scheme approved under condition 68, an aftercare scheme requiring that such steps as may be necessary to bring the land to the required standard for whatever restoration is approved, shall be submitted for the written approval of the Mineral Planning Authority. The aftercare steps for agricultural restoration shall include soil testing, the cropping pattern, cultivation practices, stonepicking, remedial treatments, fertilisation treatment, water supply for agricultural and woodland areas, the provision of an efficient field drainage system, seed mixes and shelter belts and hedges. Examination of the soil profile shall take place in the third year.

Reason: To ensure that the restored land is correctly husbanded.

Policy: OMWLP PE13, PE18

- (70) The aftercare of the land, restored under the provisions of condition 68, shall be carried out for a period of five years following the complete restoration of each phase, in accordance with the approved aftercare scheme or as may be subsequently amended with the approval in writing of the Mineral Planning Authority.

Reason: To ensure that the restored land is correctly husbanded.

Policy: OMWLP PE13, PE18

- (71) For land restored under the provisions of condition 68, for every year and before 31 August each year during the aftercare period, a report shall be submitted to the Mineral Planning Authority recording the operations carried

out on the land during the previous 12 months and setting out the intended operations for the next 12 months.

Reason: To ensure that the restored land is correctly husbanded.

Policy: OMWLP PE13, PE18

(72) For the land restored under the provisions of condition 68, every year during the aftercare period the developer shall arrange a site meeting to be held before 30 November to discuss the report prepared in accordance with condition 70 to which the following parties shall be invited:

- (a) the Mineral Planning Authority,
- (b) DEFRA,
- (c) the owner of the land within the site, and
- (d) all occupiers of land within the site.

Reason: To ensure that the restored land is correctly husbanded.

Policy: OMWLP PE13, PE18

(73) No access shall be formed or used to any part of the site except that outlined in green on approved plans HORNT/W/RevC, ALK/MP/A or Phase 1 until the Mineral Planning Authority has agreed the position, design and construction details of that access.

Reason: For the safety of users of the highway.

Policy: OMWLP PE18

(74) No working shall take place in any other phase except Phase 1 until a plan showing landscaping has been submitted to and approved by the Mineral Planning Authority. That plan shall include protection of all trees and shrubs on the boundaries, tree and shrub planting in woodland groups and on margins and new hedgerows once restoration has taken place. The plan shall show the species, sizes, spacing, position of all new planting and details of their protection, and any planting that fails in the aftercare period shall be replanted. Any landscaping plan that is approved shall be implemented before working takes place in a subsequent phase.

Reason: To enhance the landscape value of the restored land.

Policy: OMWLP PE18

(75) Before work commences in any phase, after Phase 1, a scheme showing the direction of working, the height and extent of mineral stockpiles, lagoon locations and dimensions, depths of excavation and haul roads in that phase shall be submitted to and approved by the Mineral Planning Authority in writing and any that is approved shall be implemented.

Reason: To ensure control of operations in the interests of the amenities of the area.

Policy: OMWLP PE18

Hornton and Alkerton only

- (76) In the area outlined in green on approved plan ALK/MP/A monitoring of dust shall be carried out in accordance with the approved dust monitoring protocol. This monitoring shall be undertaken continuously for a period of one month per quarter of a year, to include months when soil stripping or soil replacement is taking place.

Reason: To ensure that dust levels are monitored.

Policy: OMWLP PE18

- (77) In the areas outlined in green on approved plans HORNT/W/RevC and ALK/MP/A the land shall be progressively restored to agriculture in accordance with the approved restoration schemes for those areas.

Reason: To achieve restoration levels that match with the surrounding landscape.

Policy: OMWLP PE13, PE18

- (78) The aftercare of the land outlined in green on approved plans HORNT/W/RevC and ALK/MP/A shall be carried out in accordance with the respective approved aftercare schemes.

Reason: To ensure that the restored land is brought back to its full agricultural potential.

Policy: OMWLP PE13, PE18

- (79) All fixed plant and machinery shall be removed from the areas outlined in green on approved plans HORNT/MP/C and ALK/MP/A, with the exception of land outlined in red on approved plan ASC 06.096 B, once working has ceased in that area and the land shall be restored in accordance with agricultural restoration schemes approved by the Mineral Planning Authority.

Reason: To ensure that restoration takes place as quickly as possible.

Policy: OMWLP PE13, PE18

Hornton only

- (80) The area outlined in red on approved plan PJF/omjt/MAR04/PF/8824.01 shall not be used other than for a stone processing area as described by the applications 06/01116/CM, 06/01117/CM and 06/01119/CM.

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

Policy: OMWLP PE18

- (81) The development shown outlined in red on approved plans ASC.06.096, ASC.06.096A and ASC.06.096B, and as modified by plans 002/12/2011 and TPB0100 hereby permitted shall be for a limited period expiring on 31 December 2023 and the site shall be restored by 31 December 2024.

Reason: To ensure development is removed at a reasonable time to enable the land to be restored.

Policy: OMWLP PE13

- (82) Within 2 years of the date of this permission, a scheme of restoration for the land shown outlined in red on approved plans ASC.06.096, ASC.06.096A and ASC.06.096B be submitted to and approved by the Mineral Planning Authority.

Reason: To ensure satisfactory restoration of the site.

Policy: OMWLP PE13

- (83) The land shown outlined in red on plan ASC.06.096 (permission 06/01116/CM) shall not be used except for the storage of mineral associated with the stone processing area that is the subject of this application.

Reason: To restrict the development to that proposed. (MWLP PE18)

- (84) Within 6 months of the date of this permission, details of a scheme of landscaping shall be submitted to and approved by the Mineral Planning Authority; such details shall incorporate the general principles indicated in the application and shall include:
- a. the position, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations; and
 - b. the positions, species, density/ planting distances and initial sizes of all new trees and shrubs.

Upon approval such scheme shall be implemented within the first available planting season.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings, and to assist in absorbing the site back into the local landscape.

Policy: OMWLP PE18

- (85) The existing trees and hedgerows around the boundaries of the area outlined in red on approved plan PJF/omjt/MAR04/PF/8824.01 shall not be lopped, topped, felled or uprooted insofar as they are within the applicant's control without the prior approval of the mineral planning authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted by this permission shall be replaced with specimens of such size and species as

may be specified by the mineral planning authority in the planting season immediately following such occurrences.

Reason: In the interests of visual amenity.

Policy: OMWLP W3

- (86) No soil shall be removed from the site.

Reason: To retain material for site restoration.

Policy: OMWLP PE13

- (87) Noise from the development in the areas outlined in red on approved plans ASC.06.096, ASC.06.096A and ASC.06.096B shall not increase background noise levels by 5dBLAeq 1 hour free field, or more, when measured 2.5 metres from a noise sensitive area. In the event that it is established by the Mineral Planning Authority that this noise limitation has been breached, then development shall cease until a scheme for noise reduction has been approved by the Mineral Planning Authority in writing and has been implemented.

Reason: To protect residents from noise intrusion.

Policy: OMWLP PE13

- (88) The import of stone brought into the site as shown outlined in red on approved plans ASC.06.096, ASC.06.096A and ASC.06.096B to be processed shall not exceed 12,000 tonnes per annum for the duration of the workings for which planning permission is granted.

Reason: To enable the level of traffic flow to the site to be controlled in the interests of the amenity of the residents on and near to the approaches to the site.

Policy: OMWLP PE13

- (89) No operations authorised or required by this permission and outlined in red on approved plan PJF/omjt/MAR04/PF/8824.01, shall be carried out and plant shall not be operated or lorries loaded or despatched, other than during the following hours:

Between 0700 and 1800 hours, Mondays to Fridays;
Between 0700 and 1300 hours on Saturdays.

No such operations shall take place on Sundays or recognised public and bank holidays or on Saturdays immediately following bank holiday Fridays.

Reason: In the interests of the amenities of the area.

Policy: OMWLP PE13

- (90) The sole vehicular access for the working of the area edged in green on approved plan HORNT/W/RevC shall be by the existing tarmac road shown coloured in green on that approved plan accessing onto the A422. No other access shall be used.

Reason: To prevent lorries using unsuitable roads.

Policy: OMWLP PE18

- (91) The wheel cleaning facilities shown on approved plan HORNT/E/B shall be maintained in the positions shown on the approved plan during the working of stone in the areas outlined in green on approved plan ALK/MP/A and for the period of operation of the conservation stone compound as shown on approved plan HORNT/E/B.

Reason: To prevent mud being brought onto the highway for the safety of users of the highway.

Policy: OMWLP PE18

- (92) The access road to the area bounded in green on approved plan HORNT/W/RevC shall be kept sufficiently free of mud to prevent mud being deposited on the highway.

Reason: To prevent mud being brought onto the highway for the safety of users of the highway.

Policy: OMWLP PE18

- (93) The existing conservation stone workings in the area outlined in green on approved plan HORNT/E/B shall be contained within the compound shown on that approved plan and its operations shall be only as set out in the approved 'Working Plan for Hornton Grounds'.

Reason: To ensure that the conservation stone compound is properly controlled.

Policy: OMWLP PE18

- (94) Between the hours of 0700 and 1800 on Mondays to Fridays and 0700 and 1300 on Saturdays, the noise levels arising from the operations shall not exceed the following freefield LAeq 1 hr noise levels at the following positions shown on approved plan HORNT/N/A, 53 dB at positions 1, 48 dB at position 2, 47 dB at position 3, 48 dB at position 4 and 46 dB at Manor Farm.

Reason: To reduce noise intrusion in the Hornton area.

Policy: OMWLP PE18

Alkerton only

- (95) Between the hours of 0700 and 1800 on Mondays to Fridays and 0700 and 1300 hours on Saturdays, the noise levels arising from the operations in the area edged green on approved plan ALK/MP/A shall not exceed 55 dB LAeq

1 hr freefield when measured 2.5 metres from any noise sensitive location at Heath Farm or any other residential property in the vicinity of this area. If these noise limits are exceeded the working will stop until measures have been agreed in writing with the Mineral Planning Authority to ensure that noise limits are not exceeded.

Reason: To reduce noise levels in the vicinity of the working area to acceptable levels.

Policy: OMWLP PE13, PE18

- (96) When workings come within 200 metres of Heath Farm, noise monitoring shall be carried out once every two months. The results shall be kept at the site office and shall be made available to the Mineral Planning Authority on request at all times that the quarry is in operation. If the noise levels exceed 55 dB LAeq 1 hr freefield when measured 2.5 metres from any noise sensitive location at Heath Farm, then working will stop until measures have been agreed in writing with the Mineral Planning Authority to ensure that noise levels are not exceeded.

Reason: To reduce noise levels in the vicinity of Heath Farm to tolerable levels.

Policy: OMWLP PE13, PE18

- (97) The maximum area of that part of the site outlined in green on approved plan ALK/MP/A which at any time may be stripped of topsoil in advance of working, or under excavation, or excavated but not restored, shall not exceed 4.0 ha (excluding roadways, office and wheelwash, that shall not exceed 1.5 ha in area).

Reason: To ensure that the maximum area is available for uses other than quarrying.

Policy: OMWLP PE18

- (98) On the area outlined in green on approved plan ALK/MP/A, soil stripping, excavation of minerals and restoration shall take place progressively from the western boundary and in accordance with the direction and phasing of working shown on approved plan ALK/W.

Reason: To ensure proper working and restoration of the site.

Policy: OMWLP PE13, PE18

- (99) Mineral waste arising from quarrying in the area outlined in green on approved plan ALK/MP/A shall be levelled and graded in accordance with the restoration contours shown on approved plan Alkerton Quarry Revised Restoration Plan - May 2012.

Reason: To achieve a satisfactory restoration.

Policy: OMWLP PE13, PE18

- (100) A screening bund, 3 metres in height, 13 metres wide across the base and 1 metre wide at the top with sides of slopes of 1 in 2 shall be constructed in the location as shown in green on approved plan ALK/W and marked as 'permanent bund' before further working takes place in accordance with this permission. The bund shall be seeded with grass seed within six months of its construction and shall be kept weed-free. The screen bund shall be removed and used in restoration on completion of working in the area.

Reason: To screen Heath Farm from noise, dust and visual intrusions.

Policy: OMWLP PE18

- (101) The sole vehicular access for the working of the area outlined in green on approved plan ALK/MP/A shall be in the location marked 'ramp to temp facilities' on approved plan ALK/W.

Reason: To secure a safe access to the quarry.

Policy: OMWLP PE18

- (102) The layout and access of the area outlined in green on approved plan ALK/MP/A shall be maintained as per the approved plans.

Reason: To maintain a safe access to the quarry.

Policy: OMWLP PE18

- (103) Working of land outlined in green on approved plan ALK/MP/A shall only take place in accordance with the approved plan ALK/W.

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

Policy: OMWLP PE18

- (104) Pegs showing the working margins in the areas outlined in green on approved plan ALK/MP/A shall be maintained in the positions shown on the approved plan (ref: SRL/1-15 (wm)) for the duration of operations in this phase.

Reason: To ensure that workings do not encroach beyond the permitted boundaries.

Policy: OMWLP PE18

Wroxton only

- (105) No vehicular access direct onto the Horley road, or other local roads, shall be obtained from areas, 3, 4 and 6 as shown on approved plans 054/P/02 and 054/P/03. No extraction shall take place in these areas until proposals for an internal haul road to the site access shown on approved plan 054/P/01 has been agreed by the Mineral Planning Authority in writing.

Reason: For the safety of users of local roads in the Wroxton area.

Policy: OMWLP PE18

Phase 1 only

- (106) All workings at Phase 1 shall be undertaken in accordance with the approved plans and documents: 'Discharge of Conditions Planning Permission 97/00430/CM Wroxton Fields Quarry' dated April 2002, including document titled 'Working Plan Restoration and Aftercare Schemes for Wroxton Fields Quarry' dated July 2002, document titled 'Wroxton Fields Quarry Dust Management Scheme' dated April 2002: Abingdon Consulting Engineers' drawing No. 01037/600 and Edge and Pritchard drawings 081204/1 and 081204/2 and Mark Pritchard Limited Drawing WFQ/PBL/2a and plan GPP/PBL/WF/08/02.

Reason: In order to properly control mineral working within the site.

Policy: OMWLP PE18

- (107) Noise monitoring and control at Phase 1 shall be undertaken in accordance with the approved plans and details: Annex C of document titled 'Draft Noise Assessment Ironstone Extractions at Wroxton, Peter Bennie Ltd', dated July 2002.

Reason: To ensure noise levels in the vicinity of the working area are acceptable.

Policy: OMWLP PE18

- (108) At Phase 1 all working shall take place in accordance the approved dust management scheme, ref: 'Wroxton Fields Quarry Dust Management Scheme for Peter Bennie Ltd – R502-R01a/final' dated July 2002 and 'Wroxton Fields Quarry Baseline Dust Monitoring' for Peter Bennie Ltd – R502-R02/final, dated Oct 2002, specifically:

- (i) dust monitoring locations are those that are shown on drawing 001 – Dust Monitoring Locations (which forms part of R502-R01/final);
- (ii) frequency of sampling – dust sampling and analysis shall be undertaken on a monthly basis. The frequency of sampling shall be subject to review by the Mineral Planning Authority depending on the consistency and magnitude of the results obtained;
- (iii) dust suppression measures from operations on site – dust suppression measures shall be undertaken in accordance with section 5, R502-R01a/final;
- (iv) dust levels that must not be exceeded at the dust monitoring locations:
 - the dust deposition rate per day must not exceed 2.5 times the average daily background dust deposition rate (the average dust deposition rate will be taken as that shown in table 4.1 of R502-R02/final); and
 - effective area coverage shall not exceed 0.5% at the dust monitoring locations (see table 4.1 of R502-R02/final); and

- (v) mitigation measures – if any operations are identified as causing or likely to cause visible emissions across the site boundary or if abnormal emissions are observed within the site, then those operations will be immediately suspended until either effective remedial action can be taken or the weather conditions giving rise to the emissions have moderated.

Reason: To ensure that dust pollution is not a problem for residents close to the site.

Policy: OMWLP PE18

- (109) In Phase 1 all restoration shall be undertaken in accordance with the approved landform restoration scheme ref: 'Discharge of Conditions Planning Permission 97/00430/CM Wroxton Fields Quarry', dated April 2002, including document titled 'Working Plan, Restoration and Aftercare Schemes for Wroxton Fields Quarry for Peter Bennie Ltd' dated July 2002, and Edge and Pritchard drawing No. 4, and letter dated 22.07.02.

Reason: To ensure the most successful restoration possible.

Policy: OMWLP PE13, PE18

- (110) Access to Phase 1 shall be formed and used in accordance with the approved plans, ref: Abingdon Consulting Engineers' drawing no. 01037/600.

Reason: For the safety of users of the highway.

Policy: OMWLP PE18

- (111) Landscaping at Phase 1 shall be completed in accordance with approved plans and details ref: 'Discharge of Conditions, Planning Permission 97/0043/CM Wroxton Fields Quarry' dated April 2002, Edge and Pritchard drawing No. 4 and Mark Pritchard drawing No. WFQ/PBL/2a.

Reason: To ensure the land is appropriately landscaped.

Policy: OMWLP PE18

- (112) In Phase 1 development shall not be completed other than in accordance with the approved plans and details ref: 'Discharge of Conditions Planning Permission 97/00430/CM, Wroxton Fields Quarry', dated April 2002, Edge and Pritchard drawing No. 4 and Mark Pritchard drawing No. WFQ/PBL/2a.

Reason: To ensure control of operations in the interests of the amenities of the area.

Policy: OMWLP PE1, PE18

Phases 1 and 2 only

- (113) Noise levels from quarrying, at phases 1 and 2, shall not exceed:

47 dB LAeq 3.5m from any dwelling in the village of Wroxton;
45 dB LAeq 3.5m from any other dwelling;
averaged over a period of 5 minutes between 0700-0800; and averaged over
a period of 1 hour for all other times when quarrying is permitted.

Reason: To protect residents from noise intrusion.

Policy: OMWLP PE18

- (114) Before any development commences in Phase 1 and 2, a scheme of noise monitoring shall be agreed by the Local Planning Authority, which will include provision for monitoring, in particular, between 0700 and 0800 weekdays, and on Saturday mornings.

Reason: To reduce noise intrusion in the area.

Policy: OMWLP PE18

Informative

Please note the attached document entitled "Oxfordshire Lorry Routes" which has been designed by OCC Highways as an aid to operators and drivers in selecting the most appropriate route for HGV traffic (avoiding unnecessary movement on less suitable roads).

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For: PLANNING & REGULATION COMMITTEE – 22 OCTOBER 2012

By: DEPUTY DIRECTOR FOR ENVIRONMENT & ECONOMY (GROWTH & INFRASTRUCTURE PLANNING)

Development Proposed:

Retention and continued use of a relocatable building unit ref T5 (PR30) for a further period of 5 years.

Division Affected: Bicester

Contact Officer: Naomi Woodcock **Tel:** Oxford 815708

Location: Bicester Children's Centre, Glory Farm School, Hendon Place, Bicester, Oxfordshire, OX26 4YJ.

Application No: R3.0065/12

Applicant: Oxfordshire County Council

District Council Area: Cherwell

Date Received: 11 April 2012

Consultation Period: 23 April 2012 – 15 May 2012

Contents

- **Facts and Background**
- **Other Viewpoints**
- **Relevant planning documents**
- **Assessment and conclusions**
- **Recommendations**
- **Annexes**

Recommendation

The report recommends that the Application R3.0065/12 be approved subject to conditions.

Part 1 - Facts and background

Location (see site plan)

1. Bicester Children's Centre is located on the Glory Farm School site, which is situated within north east Bicester, just off Hendon Place.

Site and Setting (see site plan)

2. The school site is bounded by housing except to the north where it adjoins Bardwell School and Cooper School playing fields and by Cooper School itself to the south.
3. The existing temporary building is situated close to the western site boundary and west of the main school buildings.
4. The main pedestrian and vehicular access is from the eastern end of the school site.
5. The site is also accessible from the south west by a narrow service road which runs between Cooper School and Glory Farm School. Immediately west of the access Road is a narrow adopted footpath which leads to Somerville Drive. A gate is located at the eastern end of the footpath to restrict access onto the Cooper School and Glory Farm School site.
6. The nearest dwellings to the temporary building lie 46 metres away to the west on Somerville Drive.
7. Views of the temporary building are restricted from the nearest residential dwellings by mature trees and hedges located on the access road.

Background and Details of the Development

8. The centre provides services for Oxfordshire County Council's Children Education and Families Directorate. In particular, the centre provides support for families in north and east Bicester with children under five years old.
9. Children centres are part of the government's 'Every Child Matters' Agenda which seeks to provide services to families within their local community.
10. The Children Education and Families directorate considers the renewal of the temporary building to be essential as:
 - there are insufficient spaces within the existing school buildings to provide permanent children centre accommodation; and
 - provision of Bicester Children's Centre forms part of the current government's agenda.

11. The temporary building is of a standard prefabricated design with a mineral felt flat roof, render panelled walls and pvcu windows.
12. The applicant explains that the temporary building is in sound condition and suitable for use for another 5 years.
13. No alterations are proposed to the building. No changes are anticipated to staff or visitor numbers as a result of this proposal.

Part 2 – Other viewpoints

Representations

14. One letter of objection has been received from a local resident group. A copy of the letter is available in the Members' Resource Centre. The key points are:
 - On-going issues with the management of the Somerville Drive footpath and gate.
 - Parking in Somerville Drive and the access road.
 - Retention of previous conditions (see annex 2) with the following alterations:
 - Condition 3 - that use of the facility be restricted until 6.00pm (rather than 7.00pm) on weekdays as the centre is not used after 4.30pm; and
 - Condition 6 - to include complete restriction of the use of the pedestrian gate on Saturdays to prevent users of the facility parking in Somerville Drive on Saturdays.

Consultations

15. Cherwell District Council – No objection.

Bicester Town Council – Disappointed that the application seeks to renew the temporary permission rather than provide permanent accommodation.

The following were consulted but have not responded:

Transport Development Control.

Part 3 – Relevant planning documents

Relevant development plan policy and other guidance (see Policy Annex attached to this Agenda)

16. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
17. The relevant development plan documents and policies are:
 - The South East Plan (SEP) 2026 – policy S3.

- The Cherwell Local Plan (CLP) 1996 – policy C28.
18. The SEP forms part of the development plan. However, the government has made it clear that it intends to abolish regional strategies. The Localism Act enables the Secretary of State to revoke the whole or any part of a regional strategy by order. Whilst no such order had been made at the date this report was drafted, the published intention to revoke is a material consideration to which substantial weight should be given.
19. The following documents are material considerations:
- The National Planning Policy Framework (NPPF) 2012.
 - The Non-Statutory Cherwell Local Plan (NSCLP) 2011 – policy R11; and
 - Circular 11/95: Use of conditions in planning applications (Circular 11/95).

Part 4 - Assessment and conclusions

Comments of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

20. Key planning issues are:
- (i) Whether the renewal of planning permission in this instance is appropriate.
 - (ii) Impacts on neighbouring residents.
- (i) Whether the renewal of planning permission in this instance is appropriate
21. Policy S3 of the SEP2026 encourages planning authorities to work with partners to ensure the adequate provision of pre-school, school and community learning facilities.
22. The NPPF advises that planning decisions should guard against the unnecessary loss of valued community facilities and services.
23. Whilst not objecting to the retention of the temporary building, Bicester Town Council are disappointed that permanent replacement accommodation is not proposed.
24. Although it is not an ideal solution for children centre services to be provided in temporary accommodation, the renewal of planning permission is acceptable in this instance as:
- There is insufficient space within the Glory Farm School to provide permanent replacement accommodation.
 - The proposal supports the aim of policy S3 of the SEP2026 and the NPPF.
25. However, there should be an informative note to encourage the children's centre to investigate a permanent solution to their long term accommodation.

(ii) Impacts on neighbouring residents

26. Policy R11 of the NSCLP2011 encourages proposals for local community facilities provided that the development would not lead to a significant loss of amenity to adjacent properties.
27. Circular 11/95 sets out government guidance on the application of fair, reasonable and practicable conditions.
28. The proposed retention and continued use of the existing temporary building would have a neutral effect on the amenity of adjacent properties as the building is already on site.
29. In response to the request that the conditions of the previous planning permission be imposed (with minor alterations) Condition 3 (to allow for the restriction of the use of the building until 6.00pm) is needed as it would retain a satisfactory environment for neighbouring residents and, it would allow for the function of the children's centre. However, it is necessary to reword condition 3 as the existing condition is not precise.
30. It would be inappropriate and contrary to Circular 11/95 to condition use of the Somerville Drive pedestrian gate for the following reasons:
 - Enforcement would be difficult as the gate is used by many people accessing the Cooper School, Bardwell School, Glory Farm School sites. It would therefore be difficult to detect whether users of Bicester Children's Centre had breached the condition.
 - Compliance would depend on the cooperation of Cooper School (who own the gate) and other site users, who have keys to the gate.
 - Circular 11/95 requires consideration to be given to whether the application would be refused if a condition were not imposed. In this instance use of the gate would not be a reason to refuse permission.
31. It would be unenforceable to impose conditions requiring users of the children's centre building to park in specific areas as it would be difficult to control where users park. In addition, restricting parking on the access road would be difficult to enforce as the access road is used by Cooper School and Glory Farm School and would therefore be difficult to determine whether users of the children centre building have breached the condition.

Conclusions

32. The retention of consent for this building for a further five years would allow Bicester Children's Centre to continue to operate on the site and provide a valuable local community facility. Although it has been suggested that the conditions of the previous planning permission be retained the retention of conditions 4-7 would be inappropriate and contrary to circular 11/95.

Recommendation

33. It is RECOMMENDED that Application No. R3.0065/12 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the following matters:

- 1. The development must be carried out strictly in accordance with the plans and drawings submitted with the application.**
- 2. Temporary building to be removed by 31 October 2017.**
- 3. The building authorised by this planning consent shall not be used outside the following times:**

**08:30 hours. to 18:00 hours Mondays to Fridays
10:00 hours. to 12:00 hours Saturdays**

Except that it may be used on not more than one weekday evening (Monday to Friday) per week between 18:00 hours and 22:00 hours and it may be used on not more than five Saturdays per year for an extended period between 09:00 hours and 15:00 hours.

The building shall not be used on Sundays or on Public Holidays.

Informatives

The children's centre is advised to carry out investigations into the provision of permanent accommodation.

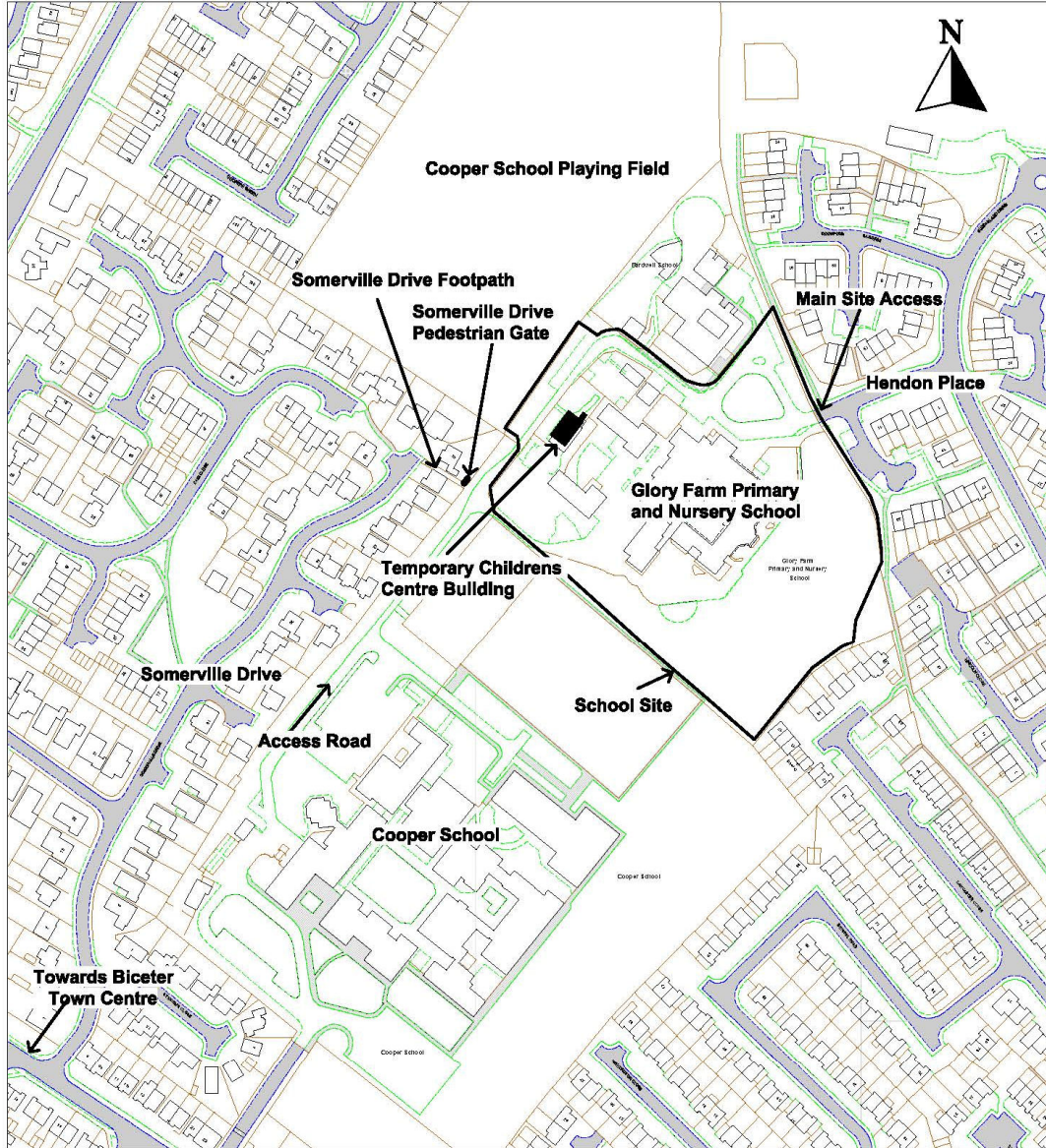
MARTIN TUGWELL

Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

October 2012

Location Plan: Biceter Childrens Centre

Application No: R3.0065/12



This plan shows only an indication of the proposed development and should not be scaled from.

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Conditions from the previously imposed planning permission (R3.0233/09)

1. That the development be carried out strictly in accordance with the particulars of the development contained in application R3.0233/09 as shown on plan numbers 2080, 2081, 2082 & 2083 and the letter dated 17th July, 1996 (see attached) to the Somerville Drive Residents Group accompanying such application except as modified by conditions of this permission unless otherwise agreed in writing by the Head of Sustainable Development.

Reason: To ensure the details of the development are carried out in accordance with the application as approved.

2. That at the expiration of a period ending on the 31/03/2012 the building be removed from the land and the land be left in a tidy and orderly state.

Reason: In view of the temporary nature of the development.
[Policies: CC6 (RSS2026); C28 (CLP1996)]

3. That the hours of operation of the facility shall be restricted to the period between 8.30am and 7pm, Monday to Fridays, to between 10am and 12noon, Saturday for "Saturdads", and to one evening per week until 10pm for training/staff meetings and Adult Education Evening Classes. The facility will open occasionally at weekends for family events most probably linked to Bardwell School.

Reason: In the interests of the amenities of the neighbouring residents [Policies: CC6 (RSS2026); EN4 (Non- Statutory CLP2011)]

4. That the pedestrian gate to Somerville Drive shall not be used for access or egress in connection with the Adult Education Evening Classes.

Reason: In the interests of the amenities of the neighbouring residents [Policies: CC6 (RSS2026); EN4 (Non- Statutory CLP2011)]

5. That car parking by users of the Adult Education Evening Classes shall only take place in the parking areas adjacent to the Children's Centre.

Reason: In the interests of the amenities of the neighbouring residents [Policies: CC6 (RSS2026); EN4 (Non- Statutory CLP2011)]

6. That the pedestrian gate to Somerville Drive shall not be used for access or egress in connection with the use of the Children's Centre site during weekends (except for the permitted hours of use under Condition 3) and School Holidays.

Reason: In the interests of the amenities of the neighbouring residents [Policies: CC6 (RSS2026); EN4 (Non- Statutory CLP2011)]

7. That car parking by staff or users shall only take place in the designated car parks at Glory Farm School and that no car parking shall take place to the west of the vehicular gate across the Service Road.

Reason: In the interests of the amenities of the neighbouring residents [*Policies: CC6 (RSS2026); EN4 (Non- Statutory CLP2011)*]

8. That the existing School Travel Plan shall be updated to take account of the development hereby approved and shall be submitted to and approved in writing by the Head of Sustainable Development following consultation with the Travel Plans Team. The amended Travel Plan shall be put into operation by September 2010.

Reason: In the interests of highway safety and to encourage more sustainable means of transport. [*Policies: TR4 (Non- Statutory CLP2011)*]

PLANNING & REGULATION COMMITTEE - 22 OCTOBER 2012

Policy Annex (Relevant Development Plan and other Policies)

The South East Plan - Regional Spatial Strategy for the South East of England, May 2009

POLICY CO4: GREEN BELT

A Green Belt will be maintained around Oxford to:

- i. preserve the special character and landscape setting of Oxford
- ii. check the growth of Oxford and prevent ribbon development and urban sprawl
- iii. prevent the coalescence of settlements
- iv. assist in safeguarding the countryside from encroachment
- v. assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

A selective review of Green Belt boundaries will take place on the southern edge of Oxford through one or more co-ordinated development plan documents. It will identify land to be removed from the Green Belt to facilitate a sustainable urban extension to Oxford with minimal impact on village identity and the landscape setting of the city.

Development in the Green Belt will only be permitted if it maintains its openness and does not conflict with the purpose of the Green Belt or harm its visual amenities.

POLICY M3: PRIMARY AGGREGATES

The supply of construction aggregates in the South East should be met from a significant increase in supplies of secondary and recycled materials, a reduced contribution from primary land-won resources and an increase in imports of marine-dredged aggregates. Mineral planning authorities should plan to maintain a landbank of at least seven years of planning permissions for land-won sand and gravel which is sufficient, throughout the Plan period, to deliver 13.25 million tonnes (mt) of sand and gravel per annum across the region, based on the following sub-regional apportionment:

Berkshire Unitaries	1.57mtpa
Buckinghamshire	0.99mtpa
East Sussex/Brighton & Hove	0.01mtpa
Hampshire/Southampton/Portsmouth	2.63mtpa
Isle of Wight	0.5mtpa
Kent/Medway	2.53mtpa
Milton Keynes	0.12mtpa
Oxfordshire	1.82mtpa
Surrey	2.62mtpa
West Sussex	0.91mtpa

and 2.2 million tonnes of crushed rock per annum across the region, based on the following sub-regional apportionment:

Kent	1.2mtpa
Oxfordshire	1.0mtpa

POLICY W17: LOCATION OF WASTE MANAGEMENT FACILITIES

Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics.

- i. good accessibility from existing urban areas or major new or planned development
- ii. good transport connections including, where possible, rail or water
- iii. compatible land uses, namely:
 - active mineral working sites
 - previous or existing industrial land use
 - contaminated or derelict land
 - land adjoining sewage treatment works
 - redundant farm buildings and their cartilages
- iv. be capable of meeting a range of locally based environmental and amenity criteria.

Waste management facilities should not be precluded from the Green Belt. Small-scale waste management facilities for local needs should not be precluded from Areas of Outstanding Natural Beauty and National Parks where the development would not compromise the objectives of the designation.

POLICY S3: EDUCATION AND SKILLS

Local planning authorities, taking into account demographic projections, should work with partners to ensure the adequate provision of pre-school, school and community learning facilities. Policies should advocate the widening and deepening of participation through better accessibility, reflecting the role the planning system can play in developing and shaping healthy sustainable communities. Policies should:

- i. take account of the future development needs of the economy and the community sector
- ii. encourage mixed use approaches, that include community facilities alongside 'formal' education facilities
- iii. seek to ensure access for all sections of society to education facilities at locations with good public transport access.

Oxfordshire Minerals and Waste Local Plan 1996

POLICY PE1: LOCATION AND CONTROL OF MINERAL WORKINGS

Proposals for mineral workings will be considered in the light of the criteria below:

- (a) the protection of local residential, landscape and natural amenities;
- (b) the provision of adequate buffer zones to protect residential and natural amenities;
- (c) buildings of architectural and historic importance and their setting are not significantly damaged;
- (d) that satisfactory access can be provided onto roads which can safely accommodate the proposed traffic without material harm to the environment;
- (e) where archaeological sites do not need to be preserved, appropriate provision is made for the recovery and recording of remains before extraction takes place;
- (f) sites important for nature conservation, other than covered by Structure Plan policy M9(d), are not seriously damaged;
- (g) woods, copses and belts of trees which are important in the landscape are protected;
- (h) a high standard of restoration and landscaping is provided;
- (i) water supplies and resources are protected and pollution avoided, and hydrological studies are provided where necessary;
- (j) the networks of public rights of way are protected;
- (k) that every care is taken in the siting, design and landscaping of processing plant to minimise the effects on the local area;
- (l) when considering applications for mineral development, the County Council will consider the feasibility of the restoration and aftercare proposals.

POLICY PE2: LOCATION AND CONTROL OF MINERAL WORKINGS

Planning permissions for mineral working will not be granted outside the areas identified in this Plan unless:

- (a) the working would be acceptable under policy SD2, or

(b) (i) the proposal satisfies the policies of the Structure Plan and this Local Plan, and

(ii) in the case of sand and gravel, the apportioned supply from the county cannot be met from within the areas identified, or

(iii) in the case of other minerals, the demand cannot be met from within areas which are identified in the Plan.

POLICY PE3: BUFFER ZONES

Appropriate buffer zones will be safeguarded around mineral working or waste disposal sites for protection against unacceptable losses of residential or natural amenity.

POLICY PE4: GROUNDWATER

Proposals for mineral extraction and restoration (including waste disposal) will not be permitted where they would have an impact on groundwater levels in the surrounding area which would harm existing water abstraction, river flow, canal, lake or pond levels or important natural habitats. Proposals must not put at risk the quality of groundwater.

POLICY PE5: RIVERS AND CANALS

Mineral working or waste disposal should not harm the immediate setting and nature conservation value of the River Thames and other watercourses of significant visual or nature conservation value, or canals.

POLICY PE7: FLOODPLAIN

In the floodplain proposals for mineral extraction and restoration should not result in the raising of existing ground levels. Mineral extraction or restoration by landfill should not adversely affect groundwater levels or water quality, impede flood flows, reduce the capacity of flood storage or adversely affect existing flood defence structures. The developer and/or landowner will be expected to undertake any hydrological surveys necessary to establish the implications of a proposal.

POLICY PE11: RIGHTS OF WAY AND PUBLIC ACCESS

The rights of way network should be maintained and individual rights of way retained in situ. Diversions should be temporary, safe and convenient and should be reinstated as soon as possible. Any proposal for permanent diversion should fulfil the functions of recreational and communications use of the right of way. Improvements to the rights of way network will be encouraged.

POLICY PE18: PLANNING APPLICATIONS

In determining applications covered by this Plan the County Council will:

- (a) Have regard to the appropriate provisions of the Code of Practice in Annex 1, which is part of this Plan, and
- (b) Regulate and control development by the imposition of conditions on the grant of permission. Where this cannot satisfactorily be done, appropriate planning obligations will be sought.

POLICY PE13: RESTORATION, AFTER-USE AND NATURE CONSERVATION

Mineral workings and landfill sites should be restored within a reasonable timescale to an after-use appropriate to the location and surroundings. Proposals for restoration, aftercare and after-use should be submitted at the same time as any application for mineral working. Planning permission will not be granted for mineral working or landfill sites unless satisfactory proposals have been made for the restoration and after-use and means of securing them in the long-term.

POLICY PB2: PLANT AND BUILDINGS

The County Council will normally require the removal of all processing plant, buildings and associated machinery within 24 months of extraction being completed or expiry of the permission, whichever is the sooner.

POLICY SD1: SAND AND GRAVEL

Separate landbanks will be maintained for sharp sand and gravel and for soft sand at levels which accord with current Government advice and with the current regional apportionment.

POLICY SD2: Planning permission will normally be granted for small extensions to existing operating sand and gravel quarries where they would comply with national, Structure and Local Plan policies. Extraction from a small extension will not be expected to last for more than three years. Subsequent extensions to the same workings will not normally be permitted in advance of a review of the Plan.

POLICY W3: WASTE DISPOSAL

Proposals for re-use/recycling will normally be permitted provided that:

- (a) the site is close to the source of the waste and/or the market for the re-used/recycled material;
- (b) the site is well related to appropriate parts of the transport network, and located where the number and length of motorised journeys is likely to be minimised;
- (c) the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic;
- (d) the proposal will not pose an unacceptable risk to the water environment;
- (e) the proposal does not conflict with Structure and Local Plan policies.

POLICY W4: WASTE DISPOSAL

Proposals for re-use/recycling and ancillary processes will not normally be permitted in the open countryside unless:

- (a) there is an established overriding need and there is no other suitable site available and/or;
- (b) the development is to form part of a mineral extraction/landfill site and will be removed on completion of extraction/landfill.

POLICY W5: WASTE DISPOSAL

In all cases waste treatment plant, buildings, machinery and stockpiles must be properly screened from the surrounding landscape. Such screening – by landscaping or other means – should be in place before any waste stockpiling or treatment begins.

Oxfordshire Minerals and Waste Core Strategy

POLICY C1: FLOODING

Minerals and waste development will, wherever possible, take place in areas that are not at risk 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 Exceptions Test as necessary) and where a flood risk assessment is able to demonstrate that the risk of flooding from all sources is not increased, including:

- any impediment to the flow of floodwater;
- the displacement of floodwater and increased risk of flooding elsewhere;
- any reduction in existing floodwater storage capacity;
- an adverse effect on the functioning of existing flood defence structures.

POLICY C2: WATER ENVIRONMENT

Minerals and waste 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 alternative provision can be made;
- The flow of groundwater at or in the vicinity of the site.

Proposals for minerals and waste development should ensure that the River Thames and other watercourses and canals of significant landscape, nature conservation or amenity value are adequately protected.

POLICY C3: ENVIRONMENTAL AND AMENITY PROTECTION

Proposals for minerals and waste development should demonstrate that they will not have an unacceptable adverse impact on the environment, residential amenity and other sensitive receptors.

POLICY C4: AGRICULTURAL LAND AND SOILS

Proposals for minerals and waste development should demonstrate that they take into account the presence of any best and most versatile agricultural land.

Best and most versatile agricultural land should only be used where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land, taking into account other relevant considerations.

Development proposals should make provision for the management and use of soils in order to maintain soil quality, including making a positive contribution to the long-term conservation of soils in any restoration.

POLICY C5: BIODIVERSITY AND GEODIVERSITY

Minerals and waste development should not take place where it would be likely to have a significant adverse effect on a Site of Special Scientific Interest, either individually or in combination with other development.

Minerals and waste development should not damage or destroy irreplaceable habitats or biodiversity, including ancient woodland and species rich grassland.

Where proposals for minerals and waste development would affect a site designated for its national or local importance for nature conservation, the development proposals should include appropriate measures to protect, conserve and enhance the nature conservation interest of the site.

Nationally and locally important geological features and sites should be protected from harmful development and retained in situ unless there are exceptional reasons justifying their removal, in which event their presence should be appropriately recorded.

Proposals for mineral working and landfill should demonstrate that the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity and geodiversity. Where mineral working or landfill is located in or close to a Conservation Target Area, developers will be expected to make an appropriate contribution to the achievement of Biodiversity Action Plan targets through the maintenance and enhancement of the Conservation Target Area and relevant Biodiversity Action Plan priority habitats.

POLICY C6: LANDSCAPE

Proposals for minerals and waste development should demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals should include measures to mitigate adverse impacts on landscape, including through siting, design and landscaping.

High priority will be given to conservation and enhancement of the natural beauty of the landscape in Areas of Outstanding Natural Beauty (AONB). Proposals for minerals and waste development within or that would affect the setting of an AONB should demonstrate that they take this into account and are informed by the relevant AONB Management Plan. Development within AONBs should normally only be small-scale and should be sensitively located and designed.

POLICY C7: HISTORIC ENVIRONMENT AND ARCHAEOLOGY

Proposals for minerals and waste development should demonstrate that they will not cause loss or harm to designated heritage assets and the setting of those assets, including Blenheim Palace, scheduled monuments, listed buildings, conservation areas, historic battlefields, and registered parks and gardens, or to archaeological assets which are demonstrably of equivalent significance to a scheduled monument.

Minerals and waste development may be permitted on a site of local archaeological interest if proposals demonstrate that suitable archaeological evaluation, recording of assets and publication of findings is carried out, proportionate to the nature and level of the assets' significance.

POLICY C8: TRANSPORT

Minerals and waste development will be expected to make provision for adequate and convenient access to and along advisory lorry routes in a way that maintains and if possible leads to improvement in:

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

Where improvements to the transport network are required to achieve this, developers will be expected to provide the improvements or make an appropriate financial contribution.

Where practicable minerals and waste developments should be located, designed and operated to enable the transport of minerals and/or waste by rail, water, pipeline or conveyor.

Where minerals and/or waste will be transported by road:

- a) mineral workings should as far as practicable be in locations that minimise the road distance to locations of demand for the mineral, using roads suitable for lorries, taking into account the distribution of potentially workable mineral resources; and
- b) waste management and recycled aggregate facilities should as far as practicable be in locations that minimise the road distance from the main source(s) of waste, using roads suitable for lorries, taking into account that some facilities are not economic or practical below a certain size and may need to serve a wider than local area.

POLICY M2: PROVISION TO BE MADE FOR WORKING AGGREGATE MINERALS

Permission will be granted for mineral working to enable landbanks of reserves with planning permission to be maintained of at least 7 years for soft sand and sharp sand and gravel and 10 years for crushed rock, based on the following rates of extraction:

- Sharp sand and gravel – 1.01 million tonnes a year;
- Soft sand 0.25 – million tonnes a year; and
- Crushed rock – 0.63 million tonnes a year.

POLICY M3: LOCATIONS FOR WORKING AGGREGATE MINERALS

The principal locations for sharp sand and gravel working, as indicated in figure 10, will be at:

i. existing areas of working at:

- Lower Windrush Valley;
- Eynsham / Cassington / Yarnton;
- Sutton Courtenay; and
- Caversham;

through extensions to existing quarries or new quarries to replace exhausted quarries; and

ii. a new area of working at Cholsey, to replace Sutton Courtenay when reserves there become exhausted;

Within the Lower Windrush Valley and Eynsham / Cassington / Yarnton areas further working will only be permitted if it would not lead to an increase in the overall level of mineral extraction or mineral lorry traffic above past levels within these areas combined.

Within the Eynsham / Cassington / Yarnton area further working will only be permitted if it can be demonstrated that it would not lead to changes in water levels in the Oxford Meadows Special Area of Conservation; and land to the east and north east of the River Evenlode will not be identified as specific sites for mineral working in a site allocations development plan document.

The principal locations for soft sand working, as indicated in figure 10, will be:

- East and south east of Faringdon;
- North and south of the A420 to the west of Abingdon; and
- Duns Tew.

Within the area north and south of the A420 to the west of Abingdon further working will only be permitted if it can be demonstrated that it would not lead to changes in water levels in the Cothill Fen Special Area of Conservation.

The principal locations for crushed rock working, as indicated in figure 10, will be:

- North of Bicester to the east of the River Cherwell;
- South of the A40 near Burford; and
- East and south east of Faringdon.

Additional working of ironstone for aggregate use will only be permitted in exchange for revocation, without compensation, of an existing permission containing workable resources.

Preference will be given to extensions to existing soft sand and crushed rock quarries. New quarries will only be permitted if sufficient provision cannot be made through extensions.

Planning permission will not be granted for working aggregate minerals outside the locations identified in this policy unless the required provision cannot be met from within these areas.

Further working of minerals for aggregate use will not be permitted within Areas of Outstanding Natural Beauty.

POLICY M6: SAFEGUARDING MINERAL RESOURCES

Mineral resources will be safeguarded for the future and development which would prevent or otherwise hinder the possible future working of minerals will not be permitted unless it can be shown that:

- The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or
- The mineral will be extracted prior to the development taking place.

Mineral Safeguarding Areas will be defined, and identified in detailed maps, and will include the following mineral resources:

- Sand and gravel in the main river valleys and in other areas where there is a proven resource;
- Soft sand, limestone and ironstone in existing areas of working, including the areas proposed for working in policy M3;
- Fuller's earth.

POLICY M7: RESTORATION OF MINERAL WORKINGS

Minerals workings should be restored to a high quality and in a timely and phased manner to an after-use appropriate to the location and the capacity of the transport network and which is sympathetic to the character of the surrounding landscape and the amenity of local communities. Restoration and afteruse should accord with any restoration strategy for the area concerned in a site allocations development plan document.

Planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and after-use of the site, including the means of securing them in the long term. Where appropriate, operators and landowners will be expected to make provision for the management of restored mineral workings for an extended period, beyond any aftercare period required by condition, including making appropriate financial contributions.

Where mineral working is proposed on best and most versatile agricultural land, the restoration should be back to agricultural land if this is practicable.

Within the floodplain, restoration of mineral workings should where possible include provision for increased flood storage capacity to reduce the risk of flooding elsewhere.

Where restoration could assist or achieve priority habitat or species targets and/or Biodiversity Action Plan targets, the relevant biodiversity after-use should be incorporated within the restoration scheme.

Where restoration could protect and/or improve geodiversity and improve educational opportunities this should be incorporated into the proposed restoration scheme, such as by providing for important geological faces to be left exposed and enabling access to the faces.

Where a mineral working site has the potential to provide for local amenity uses, including appropriate sport and recreational uses, these uses should be incorporated into the restoration scheme.

POLICY W5: PROVISION OF ADDITIONAL WASTE MANAGEMENT FACILITIES

Strategic facilities will be located in a broad area around Bicester, Oxford, Abingdon and Didcot as identified in the key diagram (figure 13). Facilities to serve more local needs will be located where they are well related to the other main sources of waste (Witney/Carterton, Wantage/Grove and Banbury). Only small scale facilities, in keeping with their surroundings, will be located elsewhere in Oxfordshire.

Facilities for re-use, recycling and composting of waste and for food waste treatment will generally be encouraged in order to move the management of Oxfordshire's waste further up the waste management hierarchy. Provision will in particular be made for:

- A household waste recycling centre to serve Banbury;
- Municipal waste transfer stations to serve the south and west of the county;
- Recycling plants for commercial and industrial waste and for construction, demolition and excavation waste (to produce recycled aggregates and soils).

Additional plants for treatment of residual municipal and/or commercial and industrial waste arising in Oxfordshire will only be permitted if it can be demonstrated that there is a need for additional treatment capacity to divert residual waste away from landfill that cannot reasonably be met by existing capacity within the county.

Waste sites will be expected to meet the criteria in policy W6 and the Core Policies.

POLICY W6: SITES FOR WASTE MANAGEMENT FACILITIES

Priority will be given to siting waste management facilities on land that:

- is already in permanent waste management or industrial use; or
- is previously developed, derelict or underused; or
- involves existing agricultural buildings and their curtilages; or
- is at a waste water treatment works.

Waste management facilities will not be permitted on green field land unless there is an over-riding need that cannot reasonably be met elsewhere. At mineral working and landfill sites, waste management facilities will be permitted provided that the development is related to and will be removed on completion of the mineral working or landfill operation.

Within the Green Belt, waste management facilities may be permitted provided that very special circumstances are demonstrated. Proposals for such facilities will need to demonstrate that they are required to serve a recognised need arising in Oxford and that there is no reasonable prospect of an alternative site becoming available outside the Green Belt. Controls may be imposed to ensure that such facilities serve a waste management need arising in Oxford.

Within Areas of Outstanding Natural Beauty, only small-scale waste management facilities to meet local waste needs will normally be permitted.

The Cherwell Local Plan (CLP) 1966

POLICY GB1: GREEN BELT

There will be a Green Belt around the built up area of Oxford, approximately 6.4-9.6 Km (4-6 miles) wide, where development will be severely restricted. The purposes of the Green Belt are to:

- (i) protect the special character of Oxford and its landscape setting;
- (ii) check the growth of Oxford and prevent ribbon development and urban sprawl, and
- (iii) prevent the coalescence of settlements.

Inside the Green Belt, approval will not be given, except in very special circumstances, for development other than for agriculture, forestry, recreation, cemeteries, or for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Residential infilling or other appropriate development in settlements in the Green Belt may be permitted provided it does not conflict with the purposes of the Green Belt or its open and rural character. Some settlements within the Green Belt will not be covered by Green Belt policies in order to allow limited expansion.

Care will be taken to ensure that the visual amenities of the Green Belt are not injured by development within, or conspicuous from, the Green Belt which, although not prejudicial to its main purpose, might be inappropriate by reason of siting, materials or design.

POLICY C7: LANDSCAPE CONSERVATION

Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

POLICY C13: AREAS OF HIGH LANDSCAPE VALUE

The Ironstone Downs, the Cherwell Valley, The Thames Valley, North Ploughley, Muswell Hill and Otmoor are designated Areas of High Landscape Value within which the council will seek to conserve and enhance the environment.

POLICY C28: ARCHAEOLOGICAL AREAS

Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development, in sensitive areas such as Conservation Areas, the Area of Outstanding Natural Beauty and areas of High Landscape Value, development will be required to be of a high standard and the use of traditional building materials will normally be required.

The Non-Statutory Cherwell Local Plan (NSCLP) 2011

POLICY EN1:

In determining planning applications the Council will take into account the likely impact of a proposal on the natural and built environment and will seek to enhance the environment wherever possible. Development which would have an unacceptable environmental impact will not be permitted.

POLICY EN22: NATURE CONSERVATION

Development proposals will be expected to incorporate features of nature conservation value within the site. Features of value should be retained and enhanced wherever possible. The use of planning conditions or planning obligations will be sought to secure their protection and management, or the provision of compensatory measures where appropriate.

POLICY EN27: PROTECTION OF SITES AND SPECIES

Development proposals should incorporate the creation of new habitats, particularly those concerning priority habitats or species, wherever possible. The council will promote the interests of nature conservation within the context of new development and will establish or assist with the establishment of ecological and nature conservation areas, where such areas would further the opportunity for environmental education and passive recreation.

POLICY EN34: LANDSCAPE CHARACTER

The council will seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:

- (i) cause undue visual intrusion into the open countryside;
- (ii) cause undue harm to important natural landscape features and topography;
- (iii) be inconsistent with local character;

- (iv) harm the setting of settlements, buildings, structures or other landmark features;
- (v) harm the historic value of the landscape.

POLICY R11: COMMUNITY FACILITIES

Proposals for community centres, village halls, allotments and other local facilities will be permitted provided the development:

- (i) is conveniently located for the population it is intended to serve;
- (ii) is appropriate in terms of scale, siting and design;
- (iii) would not lead to a significant loss of amenity to adjacent properties; and
- (iv) would not be visually intrusive.