



To: **Members of the Planning & Regulation Committee**

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

Monday, 2 December 2013 at 2.00 pm

County Hall, New Road, Oxford

Peter G. Clark.

Peter G. Clark
County Solicitor

November 2013

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 Mrs Catherine Fulljames
Deputy Chairman - Councillor Neil Owen

Councillors

David Bartholomew
Mark Cherry
Patrick Greene
Pete Handley

Bob Johnston
Stewart Lilly
Glynis Phillips
Anne Purse

G.A. Reynolds
John Tanner

Notes:

- **Site visits will be held on Thursday 28 November 2013 in respect of Items 6 (Caversham Quarry) and 7 (Sutton Courtenay)**
- **Date of next meeting: 13 January 2014**

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** (Pages 1 - 8)

To approve the minutes of the meeting held on 21 October 2013 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Extension to Caversham sand and gravel quarry with restoration to agiculture and flood plain habitats using suitable inert restoration material and construction of a new access off the A4155 on land to the east of Spring Lane, Sonning Eye - Application No MW.0158/11**
(Pages 9 - 64)

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

This application is for the extraction of approximately 1.86 million tonnes of sand and gravel from an area adjacent to existing workings at Caversham Quarry near Sonning Eye in South Oxfordshire. The land would be restored to agriculture and nature conservation using approximately 860,000 cubic metres of imported inert waste material. It is proposed that the extraction would take 15 years and the completion of the restoration works would take a further 2 years. The application is being reported to this Committee as objections have been received to the proposal from local residents and Parish Councils. The main areas of concern are flooding and traffic. However, objections have also been received on grounds of nuisance and loss of amenity, impact on landscape, historic environment and wildlife, use of inert waste and the continuation of quarrying activity in this area.

The report describes why the proposals have been put forward and outlines the objections and other responses to the application. Relevant planning policies are included along with the comments and recommendation of the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) on the proposal.

The proposed development would be beneficial in terms of contributing towards the supply of sharp sand and gravel and it is considered that the concerns raised on issues including flood risk, transport, protection of amenity, restoration, landscape and

archaeology can be adequately addressed through planning condition. There would be no increase in flood risk as a result of this development.

It is RECOMMENDED that:

- (a) the Planning and Regulation Committee indicates support for application no. MW.0158/11;***
- (b) resolves that the application be forwarded to the Secretary of State to provide the opportunity for the application to be called in for his own determination, should he consider that to be necessary in view of the policy issue raised;***
- (c) that in the event of the Secretary of State not intervening the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) be authorised to approve application no. MW.0158/11 subject to the applicant first entering into a Section 106 legal agreement to cover the funding and implementation of a 20 year long term management of the restored site and subject to conditions to be determined by the Deputy Director (Strategy and Infrastructure Planning) but in accordance with those set out below:***

Heads of Conditions

- 1. Complete accordance with plans***
- 2. Commencement within 3 years***
- 3. End date for extraction (12 years)***
- 4. End date for restoration completion (2 years from completion of mineral extraction)***
- 5. 5 year aftercare period***
- 6. Submission of an aftercare plan including agricultural drainage***
- 7. Standard working hours***
- 8. Restriction of permitted development rights***
- 9. New access to be provided in accordance with plans to be approved***
- 10. Provision of vision splays on new access***
- 11. No export of mineral from new access***
- 12. Lorry sheeting***
- 13. No deposit of mud or dust on the highway***
- 14. Development in accordance with approved dust suppression measures***
- 15. Development to take place in accordance with approved noise report***
- 16. Noise monitoring***
- 17. Noise limits***
- 18. White noise on reversing beepers***
- 19. No external lighting, other than in accordance with an approved scheme***
- 20. No vegetation clearance during bird nesting season***
- 21. Retention and maintenance of trees and vegetation shown as retained on approved plan***
- 22. Scheme for protection of retained trees and hedgerows***
- 23. Soil protection conditions***
- 24. Signage on site to ensure HGV drivers are aware of permitted route***
- 25. Display of approved plans in site office***
- 26. Restriction on materials that can be used for backfill***
- 27. 16 metre fenced standoff from Berry Brook***
- 28. Submission of surface water drainage scheme for each phase of***

extraction

29. *Submission of a surface water drainage scheme for each phase of restoration*
30. *Submission of scheme to show that there shall be no surface water drainage to highway*
31. *Submission of details of flood compensation for bunds*
32. *Development in accordance with flood risk assessment*
33. *Submission of landscape and ecological management plan*
34. *Discharges to Berry Brook to be upstream of the active phase*
35. *Groundwater monitoring locations around the perimeter prior to commencement of development*
36. *Groundwater monitoring, including in relation to archaeology*
37. *Details of conveyor crossing over Spring Lane and public rights of way*
38. *Archaeological monitoring in accordance with written scheme of investigation*
39. *Works to take place in accordance with ecological mitigation scheme*
40. *Weed control scheme*
41. *Submission of a detailed restoration scheme*
42. *Development to be carried out in accordance with mitigation and enhancement scheme in ES*
43. *Local liaison committee*
44. *Requirement for additional otter surveys prior to each extraction phase*
45. *Submission of details of screening of rights of way*
46. *Submission of a flood management plan including details of safe access and escape routes*

(d) the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (iii) above is not completed within 10 weeks of the date of the Secretary of State confirming that he does not wish to call the application in for his own determination on the grounds that it would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF (in that there would not be satisfactory provisions for the long term management of the restored site).

7. **Waste transfer facility to handle 60,000 tonnes per annum of non-hazardous waste and 200 tpa of clinical waste; and associated operational development including a northern egress to Corridor Road, concrete pad, soil storage bunds, perimeter fencing, transformer pad and transformer, traffic (Armco) barriers and traffic lights at the consented Materials Recycling Facility on land to the west of Corridor Road within the boundary of the existing Sutton Courtenay Waste Management Centre - Application No. MW.0136/13 (Pages 65 - 86)**

This report describes an application to allow part of the MRF building to be used for waste transfer operations. Waste collected from households would be brought to the building and transferred onto larger vehicles for transport to the Energy from Waste facility at Ardley. The building would also accept clinical waste and have some capacity for commercial and industrial waste.

The consultation responses and third party representations received are outlined in the report along with the relevant development plan policy implications and the views of the Deputy Director of Environment and Economy (Strategy and Infrastructure Planning) who recommends that the application be approved as the proposed development is in accordance with relevant planning policy relating to waste management and protection of amenity.

It is RECOMMENDED that subject to:

- i) a Section 106 agreement to ensure that waste imports to the waste transfer operation are only from within the catchment area (Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell) secured by the Section 106 agreement dated 4 November 2008 for the landfill site and that the total waste import to the MRF and WTS building is 200 000tpa and this is part of and not additional to the 600,000 tpa limit on the landfill; and***
- ii) a routeing agreement to ensure that vehicles associated with the development are routed via the A4130 and A34 as for other developments on the site,***

application MW.0136/13 be approved subject to conditions to be determined by the Deputy Director (Strategy and Infrastructure Planning) but in accordance with those set out at Annex 3 to the report.

8. Two separate classroom extensions to provide two additional classrooms at Botley County Primary School, Elms Road, Oxford - Application No. R3.0061/13 (Pages 87 - 94)

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

This is a planning application for two extensions at an existing primary school. The report is being put before committee because of the objections raised from local residents to parking issues on Elms Road which is the road leading to the school. The report also assesses other policy and material considerations, such as the general; presumption in favour of such development and the effect on the local amenity.

It is RECOMMENDED that planning permission be approved for Application R3.0061/13 subject to the following conditions:

- Detailed Compliance with approved plans and details***

- *Development to be carried out within three years*
- *School Travel Plan to be updated prior to occupation.*
- *Construction Management Plan to be approved prior to the development taking place, and then implemented.*
- *Drainage scheme to be agreed.*

9. **Application to consolidate the existing school facilities for the current pupils: The permanent retention of the existing modular buildings, erection of an additional building to allow the existing old school room to be used as an assembly hall, construction of a multi use games area, reorganisation of existing hard play area to allow for staff parking on the site, and the erection of a polytunnel at Aston Rowant C of E Primary School, School Lane, Aston Rowant - Application No. R3.0110/13 (Pages 95 - 104)**

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

This is a planning application to consolidate the existing school facilities, provide a school hall and better external play areas and comes before Committee because of objections on traffic grounds, aesthetics, potential flooding and potential noise disturbance. The report also assesses other policy and material considerations, such as the general; presumption in favour of such development, and the effect on the Conservation Area.

It is RECOMMENDED that application R3.0110/13 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the following:

1. ***Development to be commenced within 3 years of the date of permission.***
2. ***Development to be built in accordance with the plans and details of the development.***
3. ***Within one year of the date of this permission a School Travel plan to include within it provision for disabled parking and management of the use of the School Lane access.***
4. ***Prior to the development taking place a drainage scheme to be submitted and approved.***
5. ***Prior to commencement of the development a Construction Traffic Management Plan to be submitted and approved.***
6. ***That the MUGA shall only be used as a school play area, and only during normal school times.***
7. ***Prior to the commencement of the development. details of the polytunnel***

to be submitted for approval

10. Relevant Development Plan and other Policies (Pages 105 - 118)

Paper by the Deputy 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, 2 December** at **12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 21 October 2013 commencing at 2.00 pm and finishing at 3.30 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair

Councillor Neil Owen (Deputy Chairman)
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor Pete Handley
Councillor Bob Johnston
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor John Tanner
Councillor Nick Hards (In place of Councillor Glynis Phillips)
Councillor David Wilmshurst (In place of Councillor Stewart Lilly)

Officers:

Whole of meeting G. Warrington and D. Mytton (Law & Culture); C. Kenneford and D. Periam (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
6 & 7	D. Groves (Environment & Economy)
6	K. Broughton (Environment & Economy)
7	M. Thompson (Environment & Economy)
8 & 9	C. Hodgkinson (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.

44/13 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for absence</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor Glynis Phillips	Councillor David Wilmshurst Councillor Nick Hards

45/13 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor	Item	Nature of interest
Neil Owen and Peter Handley	7. Waste Transfer Station, Stanton Harcourt – Application No. MW.0097/13	Bias. As members of West Oxfordshire District Council they declared that as there could be a risk of potential challenge as a result of a perceived bias because of the objection lodged by West Oxfordshire DC on financial grounds they would withdraw from the meeting for the duration of item 7.

46/13 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 9 September 2013 were approved and signed subject to amending the name Matthews in paragraphs 16 and 19 of Minute 41/13 to read Marsh.

Minute 41/13 - Sutton Courtenay Waste Management Site

The Committee were advised that Application MW.0090/13 had been resubmitted but nothing further had been received as yet with regard to Application MW.0088/13.

47/13 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

Speaker	Item
Michael Roberts – Wroxton Parish Council	6. Wroxton Fields Quarry – Application No. MW.0108/13
Claire Locke (West Oxfordshire District Council) Richard Hollidge) 7. Waste Transfer Station, Stanton) Harcourt – Application No.)MW.0097/13

48/13 SECTION 73 APPLICATION TO VARY CONDITION 109 OF PLANNING PERMISSION 12/01365/CM TO ALLOW THE IMPLEMENTATION OF AN UPDATED RESTORATION SCHEME AT WROXTON FIELDS QUARRY - APPLICATION MW.0108/13

(Agenda No. 6)

The Committee considered (PN6) an application to vary the existing restoration aftercare scheme to allow biosolids to be imported and used as part of the site restoration.

Mr Broughton advised that the Environmental Health Officer at Cherwell District Council supported the officer recommendation and that the applicant had not responded to requests for further information.

Mr Roberts advised that since he had last addressed the Committee in March more had been learned about the regulations governing this issue. The Environment Agency had since expressed serious reservations regarding the issue of the first licence and the applicants had now withdrawn a second although they apparently retained an option of applying for what was called a customised application. The initial deposit of biosolids had totalled 50,000 tonnes. That had breached accepted limits by a factor of 20:1 effectively limiting future use after restoration to forestry for some years. He understood that if a S73 application were approved then it could allow a loophole for further applications and so he urged that if the Committee were minded to agree this application then it must be made clear that it was a one off approval.

Councillor Reynolds thanked Wroxton Parish Council and Cherwell and County Council officers for helping to resolve this issue. He was in no doubt that it represented waste disposal but under the terms of the licence there had been no control over what had been brought in to the site and recently more material had been imported than exported. He urged the Committee to be wary of setting a precedent.

RESOLVED: (on a motion by Councillor Reynolds, seconded by Councillor Greene and carried unanimously) that Application no. MW.0108/13 (13/01257/CM) a section 73 application to vary condition 109 of planning application 12/01365/CM to allow the implementation of an updated restoration scheme, be refused planning permission for the following reasons:

- 1) As submitted, the application could not be approved as a variation to the existing planning permission no. 12/01365/CM on the grounds that it would permit disposal of waste on the site which was new development that had not been contemplated by the original planning permission;
- 2) The proposed development would result in pollution through the generation of odour and consequent loss of amenity to local residents contrary to the provisions of policies PE18 of the OMWLP, ENV1 of the CLP, EN3 of the CNSLP and SO15 of the CLPPSD;
- 3) Insufficient information had been submitted to demonstrate that the proposed development would not cause undue harm to the water environment and nature conservation interests contrary to the provisions of policies PE5, PE7 and PE18 of the OMWLP, and EN1, EN12 and EN23 of the CNSLP and ESD10 of the CLPPSD.
- 4) The continued disturbance of restored areas would result in an adverse impact on an Area of High Landscape Value contrary to the provisions of policies PE13 of the OMWLP, C13 of the CLP and ESD13 of the CLPPSD.

49/13 PROPOSED DEVELOPMENT AND OPERATION OF A WASTE TRANSFER STATION INCLUDING ANCILLARY DEVELOPMENT AT FORMER CON BLOC WORKS, STANTON HARCOURT - APPLICATION MW.0097/13

(Agenda No. 7)

Councillor Owen and Councillor Handley withdrew from the meeting.

The Committee considered (PN7) an application to build a waste transfer facility and noted three further submissions from West Oxfordshire District Council, the Waste Disposal Authority and County Councillor Charles Mathew all of which had been tabled with the addenda sheet.

Officers explained that routeing agreements avoiding Sutton village had been completed for other developments at Dix Pit in recent years. The proposed routeing agreement plan was shown to the Committee.

Claire Locke, West Oxfordshire District Council advised that the District Council supported the waste transport strategy and endeavoured to operate its waste collection service efficiently within that strategy in order to minimise both the cost of service and its environmental impact. However, this proposed routeing agreement would impact severely on the current service through increased fuel costs of £28,000 pa and the likely requirement of an additional vehicle and crew at a cost of approximately £148,000 pa and the District Council objected strongly to it. There

would also be an environmental cost. This would not be in the District Council's interest and they would therefore be instructing their waste collection contractor not to sign up to the agreement. Without the consent of all parties the routeing agreement would not be put in place and the permission could not be issued therefore making the imposition of an agreement as part of any planning approval effectively unenforceable. They considered the removal of the existing agreement to be disproportionate particularly as the transfer operation would lead to no overall increase in vehicles delivering waste. Furthermore they considered the consultation process flawed as it had not referred to a routeing agreement but which was now being recommended as a condition to planning permission. The District Council formally requested that their refuse collection vehicles be exempted from any routeing agreement and that it be applied only to bulked waste vehicles. As a minimum the District Council sought deferral of a decision pending a joint meeting to discuss the wider implications including the strategic implications on waste operations in Oxfordshire.

She then responded to questions from:

Councillor Tanner – a high proportion of their fleet would be affected estimating a third of vehicles. She also explained the current route through Sutton.

Councillor Cherry – the District Council had not negotiated revised costs with the contractor but had based their increased costs on the additional mileage which would be required. The other cost was a standard cost for crewing an additional vehicle.

Councillor Greene – it would be difficult to monitor but if imposed solely on the haulage contractor then the County Council could do so.

Councillor Johnston – confirmed that if the status quo was maintained then villages would be no worse off.

Councillor Reynolds – confirmed the District Council would not sign up to a new agreement as proposed.

Mr Mytton confirmed that neither the District Council nor the contractor would be a party to the agreement but they would nevertheless be affected by it.

Mr Periam confirmed that the routeing agreement had not been part of the consultation process.

Councillor Greene considered it reasonable to alter the agreement to enforce contractors to use the agreed route and to exclude West Oxfordshire refuse collection vehicles.

Richard Hollidge advised that the Company did not believe that traffic movements would significantly increase as waste received at the transfer station was currently delivered to the adjacent Dix Pit landfill site. The only increase in vehicle movements would be the bulking vehicles taking waste away from the site and that would equate to approximately 7 additional vehicles a day. Although the application had received no objections during the first or second round of consultation FCC had, in relation to

this particular aspect, agreed to a restriction on tonnages through both the existing landfill and proposed transfer station to ensure that vehicle movements were maintained at current levels. There was currently no tonnage restriction on the landfill so this therefore had been a voluntary move on FCC's behalf .

The company had also agreed to a routeing agreement for vehicles under its control i.e. bulking, trade and commercial waste vehicles. However, the Planning Authority had asked that it include all vehicles visiting the site including Local Authority refuse collection vehicles. Those vehicles were not within FCC's control and they were concerned about the impact that the proposed agreement might have on those collection rounds and he asked that those concerns be considered when any routeing agreement was drafted.

The original application had assumed that the site would be open from 7am to 5pm seven days a week and had been fully assessed in terms of noise. No objections had been received. However, in the light of comments raised by the nearest resident, FCC had voluntarily proposed an amendment to clarify the extended hours on Saturday afternoons and Sundays, as follows: The site would be only used during these times for the receipt of local authority waste following bank holidays, if required. No commercial waste would be accepted on Sundays, extended Saturday afternoons and Bank holidays .

FCC had undertaken local community liaison via a number of open days, which had helped shape the application including the reduction in tonnage from that originally envisaged and the location. A second round of consultation had been undertaken as a result of the proposed amendments and again no objections had been raised. The applicants believed that the application demonstrated that the proposal would not have a significant impact on the environment or local amenity and the Environment Agency had prepared a draft permit which it was waiting to issue and he asked the Committee to agree the application.

With regard to Councillor Mathew's request the Company considered that an airlock system was unnecessary as the housing of waste within the building complied with Environment Agency regulations.

He then responded to questions from:

Councillor Reynolds – confirmed that the company would be happy with an exclusion for West Oxfordshire DC vehicles.

Councillor Hards – FCC monitored vehicle movements through spot checks and also responded to reports from local residents. If one of the company's drivers were guilty of a misdemeanour then he would be disciplined. If it was found to be a commercial vehicle then a warning would be issued with eventual restrictions if it continued to transgress.

Councillor Johnston and Cherry – he confirmed vehicles were fitted with tachographs and satellite tracking.

Councillor Greene then moved that the officer recommendation be agreed subject to an amendment to the routing agreement to ensure that HGVs associated with the development with the exception of refuse collection vehicles were routed via the A415 and the A40. The motion was seconded by Councillor Cherry.

Councillor Tanner however supported moves to encourage vehicles to use main roads as soon as possible and the officer recommendation as set out in the report did that in line with County policies. He did not support the District Council's submission nor accept their argument for special arrangements and was cautious regarding setting any precedents.

Councillor Hards stated that policies as set out in the report were there for a reason and should be enforced. The A40 would be quicker and therefore more cost effective.

Councillor Reynolds echoed concerns regarding exceptions for refuse collection vehicles and the precedent that might set.

The motion by Councillor Greene was then put to the Committee and lost by 5 votes to 4.

RESOLVED: (on a motion by the Chairman, duly seconded and carried 6 votes to 0) that subject to a routing agreement to ensure that vehicles associated with the development are routed via the A415 and the A40, subject to exclusions for waste collection vehicles collecting in the local area that Application MW.0097/13 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) but in accordance with those set out in Annex 3 to the report PN7.

Councillor Neil Owen and Councillor Peter Handley rejoined the meeting.

50/13 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING & ENFORCEMENT

(Agenda No. 8)

The Committee considered (PN8) an update on monitoring of minerals and waste planning permissions and progress on enforcement cases for the period 1 April 2013 to 30 September 2013.

Ewelme – responding to concerns expressed by Councillor Wilmshurst regarding the number of visits to that site Mr Hodgkinson explained that due to reduced staff levels visits were down by 40%. However, he had visited the site the previous week and staff levels were now back up to a full complement.

Woodeaton Quarry – responding to Councillor Purse he would clarify for future reports the site's exact location.

Worsham Quarry – responding to Councillor Handley he advised that a charge could only be made for an active landfill site or one which was winning minerals.

Waterstock – responding to Councillor Purse officers advised that the owners were considering whether or not to submit a planning application on the basis of advice given to them by county officers.

Bicester Golf Course – noted it was situated in Chesterton not Kirtlington.

Ferris Hill Farm – responding to Councillor Reynolds Mr Hodgkinson advised that further information was being gathered before formal action taken.

Members thanked officers for the clear and helpful report and welcomed particularly those notifications regarding cases closed.

RESOLVED: that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 to the report PN8 be noted.

51/13 THE OXFORDSHIRE LOCAL MONITORING AND ENFORCEMENT PLAN

(Agenda No. 9)

The Committee considered (PN9) a report setting out a Local Monitoring and Enforcement Plan for Oxfordshire to replace the existing enforcement policy.

RESOLVED: that the Oxfordshire Local Monitoring and Enforcement Plan as set out at Annex 1 to the report PN9 be adopted.

..... in the Chair

Date of signing

For: PLANNING AND REGULATION COMMITTEE – 2 DECEMBER 2013

By: DEPUTY DIRECTOR (STRATEGY AND INFRASTRUCTURE PLANNING)

Development Proposed:

Extension to Caversham sand and gravel quarry with restoration to agriculture and flood plain habitats using suitable inert restoration material and construction of a new access off the A4155

Division Affected: Sonning Common

Contact Officer: Mary Thompson **Tel:** 01865 815901

Location: Land to the east of Spring Lane, Sonning Eye

Application No: MW.0158/11
P11/E2133/CM

District Council Area: South Oxfordshire

Applicant: Lafarge

Application Received: 8 December 2011

Consultation Periods: 22/12/11 – 26/01/12
20/09/12 – 11/10/12
17/01/13 – 07/02/13
04/03/13 – 25/03/13

Contents

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

Recommendation: The report recommends that the application be **approved** subject to conditions and a legal agreement

• **Part 1- Facts and Background**

Location (see plan 1)

1. Caversham Quarry is located in the south east of the county 4 miles (6.5 km) east of the centre of Reading.

Site and Setting (see Plan 2)

2. There have been extensive workings in the Caversham area in the past with the most recent workings stretching east near the village of Sonning Eye which is a Conservation Area. The proposed new extraction site lies to the east of Spring Lane, south of the A4155 and north of the B478. The village of Sonning Eye lies 300 metres¹ to the south of the site boundary and the village of Playhatch lies 300 metres to the west of the area of the site identified for processing operations. The River Thames and the county boundary with Berkshire lie 200 metres to the east of the edge of the site.
3. The boundary of Sonning Eye conservation area lies 130 metres from the south west corner of the site. The conservation area lies entirely south of the B478.
4. The site is 78.1 hectares in extent. This includes a 33.5 hectare area for extraction and also a corridor for the conveyor, the existing processing plant and ready mixed concrete plant to the south of Playhatch Road and areas for the proposed new northern access road, weighbridge and offices and soils storage.
5. The conveyor would run to the south west of the site across the recently completed extraction site known as Playhatch Triangle, over the existing bridge and to the processing plant located south of the B478.
6. The proposed extraction area is bounded to the north by Berry Brook. The site is relatively flat but slopes up north of this watercourse to the A4155. The site is agricultural and contains blocks of woodland and lengths of mature hedgerow.
7. The closest properties are identified on Plan 2. These include properties on Spring Lane, the closest of which is 100 metres from the edge of the extraction area and 20 metres from the application boundary and an area for soils storage. The Flowing Spring public house on the A4155 is 40 metres from the site boundary and 100 metres from the extraction area. Properties on the B478 lie 40 metres to the east of the application boundary around the plant site area.

¹ All distances are approximate.

8. The site is located 1 mile (1.6km) south of the boundary of the Chilterns Area of Outstanding Natural Beauty (AONB).
9. There is a 0.5 hectare allotment site off Spring Lane to the south of the south west corner of the extraction site.
10. The site contains 54.6 hectares of agricultural land, 71% of which is classified as 'best and most versatile' (grades 1, 2 and 3a.) It contains a number of mature hedgerows.
11. The extraction area is located almost entirely in flood zone 3b, the functional floodplain. The plant site area is located partly in zone 2, which has a medium probability of flooding.
12. There is a public right of way along the western boundary alongside Spring Lane.

Planning Background

13. The proposed site for extraction is agricultural land with no prior history of development for minerals or waste. However, sand and gravel extraction has taken place at the wider Caversham Quarry complex since the 1950s.
 - Phase A (see plan 2) is located to the south of the B478 adjacent to the existing plant site. This has been worked out and restored to various water based uses. The plant site which is currently being used and is proposed to continue to be used is within this area.
 - Phase B is located on the triangle of land north of the B478 bounded by Spring Lane and the A4155. Lafarge obtained permission for this area in 2007 and extraction was completed in 2012.
 - Phase C is the proposed new extraction area in adjacent fields to the east of Phase B. The company is proposing moving into this area as reserves of mineral in Phase B have now been exhausted.

Details of the Development

14. The proposal is to remove approximately 1.86 million tonnes of sand and gravel from the ground and import approximately 860 000 cubic metres of inert waste material to use in restoration.
15. Extraction would take place at a rate of up to 170 000 tonnes per annum over a 15 years period. The completion of restoration would take a further two years.
16. It is proposed to work the site in 12 phases and land would be progressively restored after the mineral has been removed. Soils and overburden removed would either be stored in temporary mounds or

directly placed for restoration. The site would be worked in a generally westwards direction starting in the north east and finishing in the south west.

17. 860 000m³ of imported inert waste would be imported to restore areas of the extraction site to a maximum depth of 5 metres. This would allow 34 hectares of the existing 54 hectares of agricultural land to be returned to agricultural use. This would ensure that all of the 'best and most versatile' agricultural land would be reinstated. The remaining areas of the site would be restored to maximise biodiversity through the creation of floodplain habitats including reedbeds, wet woodland and wet grassland.
18. The proposed operating hours are the standard hours as were in place for the existing quarry. These are 7am - 6pm Monday to Friday and 7am-1pm on Saturdays with no working on Sundays or Bank Holidays.

Traffic and Access

19. A new access would be provided into the north of the site directly from the A4155. This would be used for the importation of restoration material only. Extracted sand and gravel would not be exported from this proposed access as it would be taken by conveyor to the existing plant site which has an access onto the Playhatch Road (B478).
20. There is an existing bridge carrying the conveyor across the B478 from the plant site area. This development would also require a crossing for the conveyor across Spring Lane and the adjacent right of way.
21. The plant site access was used for the export of sand and gravel worked from the Playhatch Triangle (phase B) area of the site, until the working ceased from this area at the end of 2012. The number of vehicle movements from this access would increase as levels of production are anticipated to rise from approximately 130 000 tonnes per year to 155 000 tonnes per year, if this extension is approved. This would increase the number of vehicle movements from this access by an average of 30 per day (from an average of 80 per day during production in 2012 to an average of 110 per day – 55 in, 55 out).
22. The bridges over the Thames in Sonning Eye are subject to a weight restriction. Therefore, all vehicles leaving the plant site must turn left towards the A4153 and away from the village. This arrangement was in place for the existing quarry and would continue if this extension is approved.
23. It is proposed that there would be an average of 50 vehicle movements per day (25 in, 25 out) into the northern access to import inert waste. This would be new traffic generation as the access is not in place at present.

24. Therefore, the development as a whole would generate an average of 160 vehicle movements per day, 80 additional vehicle movements per day compared to 2012.

Environmental Impact Assessment

25. The application is supported by an Environmental Impact Assessment (EIA.) This covers the key environmental impacts of the proposal. Details can be found in Annex 1.

Part 2 – Other Viewpoints

26. There were a total of four consultation periods. The main consultation on the original application was held in early 2012. Following responses from the Environment Agency and local groups concerned about flooding, the applicant submitted further flood modelling information, along with amendments to the scheme resulting from this work and updated noise and visual assessments to assess these amendments. These were received in August 2012 and a further consultation was held on this information in September and October 2012. As a result of queries raised during this consultation, the applicant submitted a Second Supplementary Statement in December 2012 and a consultation was held on this in January 2013. This statement included further technical information on flooding, an updated ecological appraisal and an addendum to the noise appraisal covering the processing area. Details including the plant site layout and potential noise mitigation measures were subsequently received and a final consultation to allow the opportunity for comment on those details was held in March 2013. All documents which have been submitted for approval as part of this application are available to view on the eplanning website using the application reference number.

Third Party Representations

27. A total of 59 third party representations have been received. These are available in the Members' Resource Centre and are detailed and addressed in Annex 3. The main areas of concern are flooding and traffic impact.

Consultation Responses

28. Consultation responses have been received from a number of statutory and non-statutory consultees. The full text of these responses can be seen on the eplanning website. They are also summarised in Annex 4 to this report. There have been objections from local parish councils. There are no objections from statutory consultees. Initial concerns raised by Thames Water, the Environment Agency, Natural England and the Highways Authority have been overcome by the submission of further information and clarifications by the applicant.

29. In response to comments made by the Environment Agency and others during the consultation period, further flooding assessments were undertaken. As a result of comprehensive flood modelling, changes were made to the soil storage mound layout to remove material from the floodplain and shift the area of potential impact from those mounds away from properties. As a result the extraction area was reduced so that the yield from the site would be reduced by 30 000 tonnes and the amount of restoration material required by 20 000 cubic metres.

Part 3 – Relevant Planning Documents

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

30. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
31. The Development Plan for this area comprises:
- Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
 - The South Oxfordshire Local Plan (SOLP) (saved policies)
 - South Oxfordshire Core Strategy (SOCS)
32. The South East Plan (SEP) was revoked on 25th March 2013, with the exception of two policies which are not relevant to this application.
33. The Oxfordshire Minerals and Waste Core Strategy (OMWCS) was withdrawn from the examination process following a decision by full Council on 9 July 2013. A new revised Oxfordshire Minerals and Waste Local Plan in accordance with a new Minerals and Waste Development Scheme is to be prepared. However, work on this is at an early stage and there are not yet any draft policies which could be used in the determination of this application.
34. The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a material consideration in taking planning decisions. The NPPF Technical Guidance Note contains specific advice on matters including flood risk and minerals.
35. Draft National Planning Practice Guidance (NPPG) was published in August 2013 to support the policies contained in the NPPF. It is in draft and has not been finalised. The government has advised that whilst in draft this is a material consideration likely to have limited weight. Pending the adoption of the NPPG, the various Practice Guidance Notes

to the previous Planning Policy Statements and Planning Policy Guidance notes are still relevant – including that which refers to flooding.

Relevant Policies

The full wording of all relevant policies is available in the policy annex. They are summarised below.

- The saved policies of the OMWLP:

SD1 – Landbanks for sharp sand and gravel to accord with current government advice.

W7 – Seeks to control the release and location of landfill sites in such a way as to ensure that satisfactory restoration is progressively achieved with the least possible harm to the environment.

PE2 – Permission for mineral extraction outside areas identified will not be permitted unless demand cannot be met from those identified areas.

PE3 – Appropriate buffer zones to be safeguarded to protect against unacceptable losses of residential or natural amenity.

PE4 – Proposals for mineral extraction and waste disposal will not be permitted if they would have a harmful effect on groundwater.

PE5 – Minerals and waste development should not harm the immediate setting of the River Thames.

PE7 – Mineral and waste development should not harm groundwater levels, water quality or increase the risk of flooding.

PE8 - Archaeological evaluation and mitigation.

PE11 – The rights of way network should be maintained and improvements encouraged.

PE13 – Mineral sites should be restored appropriately and within a reasonable timeframe.

PE14 – Sites of nature conservation importance should not be damaged.

PE18 – Use of planning conditions and planning obligations to regulate and control development.

PB1- Design and siting of mineral processing plants to minimise environmental disturbance.

- The saved policies of the SOLP:

C3 – Maintenance of distinctive quality of the River Thames.

EP2 – Proposals will not be permitted which would have an adverse effect in terms of noise and vibration.

EP6 – Surface water management.

EP7 – Development which would have an adverse impact on groundwater resources will not be permitted.

CON7 – Development affecting a conservation area

- The adopted SOCS:

CSEN1 – Protection of landscape character.

- NPPF – Sections including on facilitating the sustainable use of minerals, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment.
- NPPF Technical Guidance.

Part 4 – Assessment and Conclusions

Comments of the Deputy Director for Strategy and Infrastructure Planning

36. The key planning issues are:
- i) The need for sand and gravel
 - ii) Flood risk
 - iii) Traffic
 - iv) Other potential amenity effects
37. Other important planning issues to consider include:
- i) Soils
 - ii) Restoration
 - iii) Groundwater
 - iv) Archaeology
 - v) Landscape
 - vi) Rights of Way
 - vii) Biodiversity
 - viii) Drainage
- (i) Need for the mineral**
38. Government policy in the NPPF (paragraph 145) states that provision should be made for a landbank of sand and gravel of at least seven years. The annual level of provision to be made for sand and gravel in Oxfordshire will be set in the Oxfordshire Local Aggregate Assessment, but this has not yet been finalised. In the meantime, in line with the NPPF (paragraph 145), the level of provision should be based on the previous 10 year sales average. For sharp sand and gravel this is 0.812 million tonnes per annum (mtpa) worked out on the average sales for the period 2003-2012. The permitted reserves in Oxfordshire at the end of 2012 plus reserves granted permission since then total 6.709 million tonnes (mt). This equates to a landbank of 8.3 years as at the end of 2012. It can be assumed this will have reduced to approximately 7.3 years at the end of 2013. Therefore, the 7 year landbank requirement for sharp sand and gravel is at present met in Oxfordshire, although the 7 year requirement is a minimum figure and new consents will need to be granted to maintain the landbank at this level.

39. OMWLP policy PE2 states that permission for working outside the areas identified in that plan will not be permitted unless the apportioned supply cannot be met from the areas identified. Of the areas identified for sand and gravel extraction in the OMWLP, only limited small areas within existing mineral sites have not yet been granted planning permission. These would not make a significant contribution to the landbank. Therefore, it is the case that although this area is not identified within the OMWLP, a required future landbank for sand and gravel cannot be met solely from the areas identified.
40. The NPPF states that great weight should be given to the benefits of mineral extraction, including to the economy (paragraph 144).
41. The NPPF paragraph 145 states that there should be provision for the maintenance of a landbank of sand and gravel of *at least* seven years and that longer periods may be appropriate to take account of locations of permitted reserves relative to markets. Therefore, the fact that the landbank currently stands at slightly over seven years is not a reason to refuse the development. New permissions are required to maintain the landbank and new permissions are required to serve the market in the south east of the county.
42. The need and potential economic benefits of permitting this application must be balanced against the impacts of the development in this location, as considered in this report.

(ii) Flood Risk

43. The NPPF Technical Guidance Note sets out how planning should direct all development towards areas of lowest flood risk. OMWLP policy PE7 states that mineral extraction or restoration by landfill should not impede flood flows, reduce the capacity of flood storage or adversely affect existing flood defence structures. SOLP policy EP6 requires developments to have surface water management systems which mitigate any adverse effects from surface water run-off and flooding.
44. Flooding is a matter of concern to people living in the local area and there are objections, as detailed in Annex 3, on the basis that this development could increase flood risk. In particular there is concern about whether the development could have been located in an area of lower flood risk, the potential for the bunds and conveyor to obstruct overland flood flows, an increase in surface water run off on the restored site due to the infill material being less porous than gravel, a reduction in floodplain capacity during the workings and the potential for the overflow from dewatering operations to contribute to local flooding.

Sequential Test (see also Annex 2)

45. NPPF paragraph 101 sets out that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Paragraph 102 states that if, following the application of the Sequential Test, it is not possible for the development to be located in zones with lower probability of flooding, an Exception Test be applied if appropriate. For this test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific flood risk assessment must demonstrate that the development would not increase flood risk and where possible would reduce it. Table 2 of the Technical Guidance to the NPPF defines sand and gravel working as water compatible development and landfill as more vulnerable development. Table 3 of the technical guidance to the NPPF confirms that the Exception Test does not apply to water compatible development (which is otherwise considered to be appropriate in flood zone 3b). Of equal significance is the fact that the Exception Test is not appropriate for more vulnerable development in flood zone 3b: this indicates that such development should not be permitted in that flood zone.
46. Paragraph 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
47. The applicant submitted a Sequential Test with the additional information to the application. This is available to view on the e-planning website using the application reference number. It concluded that there were no viable alternative sites to the application site that were located in an area of lesser flood risk. The Minerals Planning Authority is required to undertake a Sequential Test in this case and Atkins consultants were commissioned to do this for the council, this is also available to view on the website. Atkins found five potential alternative sites which could provide the same tonnage of sand and gravel from an area of lesser flood risk. In order to be rigorous, the Atkins report also separately considers alternative sites for the disposal of a comparable volume of

inert waste as landfill as more vulnerable development. It finds two potential alternative sites in areas of lower flood risk for this aspect of the proposed development. However, Atkins overall position is that the proposed restoration of the quarry (using inert backfill) is an implicit part of the sand and gravel working and can therefore be categorised as 'water compatible' development in accordance with Table 2 of the Technical Guidance to the NPPF. By reference to Table 3 of the Technical Guidance to the NPPF, it would therefore be appropriate development in flood zone 3b. The Environment Agency appears to concur with this advice.

48. Annex 2 to this report considers in detail the potential alternative extraction sites identified in the Atkins document. It concludes that given potential planning constraints and timescales related to delivery of those sites they cannot be considered to be 'reasonably available' as required by the Sequential Test.
49. Therefore, it is not possible for the development to be located in a zone with a lower probability of flooding and following NPPF paragraph 102 and Table 3 of the guidance note to the NPPF, the Exception Test is not required where the development is water compatible.
50. The site specific flood risk assessment submitted with the application demonstrates to the satisfaction of the Environment Agency that the development would be safe for its lifetime, would not increase flood risk elsewhere and would reduce flood risk overall. It is considered that the development offers a wider sustainability benefit to the community as it would reduce flood risk through the provision of additional flood plain capacity. It would also provide biodiversity enhancements through the restoration of part of the site to nature conservation.
51. Following the application of the Sequential Test, paragraph 103 of the NPPF must be considered.
52. This requires a sequential approach to site layout . In this case the water compatible operation is located within the area of highest flood risk, flood zone 3b, and the processing operations are located in an area of lesser flood risk, fully according with this approach (please see discussion below). Paragraph 103 also requires development to be flood resistant and resilient including safe access and escape routes and give priority to the use of sustainable drainage systems. Full details of escape routes during times of flood and sustainable drainage systems can be required by condition on any permission granted.
53. It is concluded that the development passes the Sequential Test as required by the NPPF when viewed as a whole as set out above. Even if the development were to be considered in the alternative as including a separate landfill operation, the lack of objection from the Environment Agency and so lack of any identified harm, which is further discussed

below, would be a significant material consideration in the determination of the application.

Flood Risk Policy

54. A site specific flood risk assessment was submitted with the application which concludes that the development is not likely to significantly increase flood risk. Although Oxfordshire County Council is the lead local flood authority on groundwater flooding, in this case the Environment Agency has provided technical advice on all flooding matters, including groundwater and has no objection to the proposals.
55. As set out above, Table 2 in the Technical Guidance to the NPPF classifies sand and gravel working as 'water compatible development' and Table 3 of the Technical Guidance to the NPPF states that it is therefore appropriate development in any flood zone, including flood zone 3b, the functional floodplain (although the sequential test should be first undertaken). Table 1 of the Technical Guidance to the NPPF confirms that water compatible uses must be designed and constructed to remain operational and safe for users in times of flood, result in no net loss in floodplain storage, not impede water flows and not increase flood risk elsewhere.
56. Mineral processing is classified as 'less vulnerable' rather than 'water compatible' in Table 2 of the Technical Guidance to the NPPF. The NPPF guidance is that this type of development should not take place in the functional floodplain (3b). However, the processing plant area is not located in flood zone 3b, apart from a small area of an existing building, which does not form part of the processing operations. Locating a 'less vulnerable' use on the plant site area is appropriate under NPPF Table 3. The effect of the retention of existing buildings and plant on the site has been assessed in a Flood Risk Assessment which concludes that this would have no adverse effects on river flood extent or depths. The applicant has also submitted revised plans showing a proposed reduction in ground levels on part of the processing plant site in response to queries from the Environment Agency. The Environment Agency has confirmed that they are satisfied with the flooding work done in relation to the processing plant site.
57. Therefore, the proposed sand and gravel working and mineral processing in this location is considered to be 'appropriate' in terms of flood risk vulnerability and flood zone compatibility when assessed against the guidance in the Technical Guidance to the NPPF including Tables 1, 2 and 3.

Inert Waste Backfilling and Flood Risk

58. Policy W7 of the OMWLP states that proposed filling should not raise or impede the floodplain of rivers and streams. The policy also seeks to see satisfactory restoration achieved.

59. The development includes a significant amount of backfilling with inert waste in order to restore part of the site to agriculture. The applicant considers that the waste importation proposed as part of this application is necessary to ensure that the parts of the site classified as best and most versatile agricultural land can be restored to agriculture of equivalent quality.
60. As set out above, Table 3 to the NPPF Technical Guidance states that 'more vulnerable' development should not be permitted in flood zone 3b. It does not allow for the application of the Exception Test in flood zone 3b. The proposed backfill of the quarry with inert waste could be regarded as a separate landfill development. If so, it would be contrary to the guidance contained in the Technical Guidance to the NPPF. Neither Atkins nor the Environment Agency take this view, however: both believe the backfill to be part and parcel of the sand and gravel operation and part of its necessary restoration. The implications of both approaches are explained further.
61. The applicant would need to secure an Environmental Permit from the Environment Agency to backfill with waste. This will require either a 'recovery' permit or a 'disposal' permit. The permit type may be relevant in determining whether the backfill operation could be considered to be an integral part of the sand and gravel extraction and its restoration, and therefore part of a water compatible development, or a separate operation and therefore 'more vulnerable.' The Environment Agency will not make a definite decision on the permit type until the permit application has been submitted. Although they have indicated that the development may require a disposal permit, it may be regarded as a recovery operation as the material is required to achieve a return of the site to best and most versatile agricultural land (see also below).
62. There has been local concern that the backfill with inert waste would adversely affect the flooding situation as the inert materials deposited in the void might not allow water to flow through it as well as the sand and gravel currently does. However, detailed flood risk assessment work has been undertaken by the applicant and has concluded that there would be no increase in flood risk as a result of this development. The Environment Agency has considered the proposals and associated assessment work and advised that they have no objection to this development on flood risk grounds.
63. As set out above Atkins take the view that the inert waste backfill for restoration is an implicit part of the extraction of mineral from this location and therefore 'water compatible'. Although the Environment Agency advises that a disposal licence may be required (and that the material being used in the proposed restoration is effectively being disposed in landfill) its assessment of the proposal is that it is acceptable in terms of flood risk. Even if a precautionary approach is taken and the development categorised as 'more vulnerable', it would be difficult to

sustain a refusal of planning permission when the technical advice of the Environment Agency is that the proposal is acceptable in terms of flood risk and no harm can be demonstrated.

64. The NPPF (paragraph 143) requires policies to ensure land worked for minerals to be reclaimed and restored at the earliest opportunity and that the long term potential of best and most versatile agricultural land is safeguarded. In this case the only way to achieve the proposed agricultural restoration is through some backfilling with inert waste. Without the backfill operation the areas of best and most versatile agricultural land would be lost to a water based afteruse. Any conflict with the NPPF paragraphs on filling in flood zone 3b must be weighed against other NPPF paragraphs supporting the proposal for backfill as a necessary part of the restoration to best and most versatile agricultural land. There is strong policy support for the appropriate restoration of mineral workings and specifically for the protection of the agricultural soils through an agricultural restoration. It is also noted that some consultation responses expressed a preference for a restoration using backfill due to the perceived adverse landscape impact of quarries restored to water in the area.
65. Although the proposal to backfill with inert waste can be interpreted to pose some conflict with NPPF policy and guidance, the application that has been submitted must be determined on its merits. The fact that an alternative scheme which avoided waste backfill might be interpreted to have been a better fit with this policy and guidance is not in itself justification for refusing this application on flood risk grounds, particularly in the absence of any demonstrable harm in this respect.

Flood Risk Conclusions

66. There has been no objection from the statutory consultee, the Environment Agency, in terms of flood risk. The development would not increase flood risk and there would be a net increase in floodplain storage both during the development and post restoration. Bunds have been designed to align with flood flows and surface water can be attenuated on site. The Environment Agency have also provided groundwater advice and found the development to be acceptable in terms of groundwater flood risk.
67. The application passes the Sequential Test. Sand and gravel extraction is considered to be water compatible development and appropriate in flood zone 3b. Restoration by back filling can be considered an integral part of the water compatible sand and gravel extraction operation - in which case the development viewed as a whole would be considered appropriate as water compatible development.
68. The proposal to backfill with inert waste in flood zone 3b could be interpreted to create a conflict with NPPF Technical Guidance if viewed as principally a landfill proposal. Nonetheless, even if this precautionary

approach is taken and the backfill operation is considered to be a separate landfill operation, any conflict must be weighed against the fact that the NPPF supports appropriate restoration of mineral sites and for retention of agricultural land classified as 'best and most versatile' - as is the situation here. In this case it is considered to be highly relevant that detailed site specific assessment work by the Environment Agency has shown that the development would not increase flood risk. The aim of the policies and guidance relating to flood risk is to ensure that there is no increased risk of flooding at the site or elsewhere. This has been shown to be the case in relation to this application.

69. Therefore, it is concluded that subject to the development being carried out in accordance with the Flood Risk Assessments and additional conditions required by the Environment Agency, the development is acceptable in terms of flood risk.

(iii) Traffic

70. SOLP policy T1 requires that development provides safe and convenient access onto the highway network and is served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment.
71. The traffic impacts of this development have been a source of local concern, however there is no objection from the Highways Authority.
72. There would be an increase in vehicle movements as a result of this development, however HGVs would either access the A4155 directly or via a short stretch of the B478 from the plant site and would not travel on minor roads through local villages. Therefore, I consider that the site is well located to the strategic road network. I also consider that as HGVs associated with this development would not have to travel through local villages, residential amenity is protected.
73. Although there have been objections on the basis that a new junction onto the A4155 would not be safe, the Highways Authority have considered a Safety Audit carried out on the junction design and are satisfied that the junction meets the relevant criteria. The accident data for the local area does not indicate any particular road safety issues. Therefore, I consider that the design of the proposed highways layout is satisfactory.
74. Henley Town Council are concerned about the impact of increased HGV movements through the town. The Transport Statement states that on a worst case scenario only 25% of vehicles associated with the inert waste import would route through Henley. This represents an additional one movement per hour on a road that usually carries 35-40 HGVs per hour, so is not considered significant.

75. I consider that the proposals are in accordance with policies relating to the location of development in relation to the strategic road network, the safety of the road network and amenity in relation to traffic. Maximum daily vehicle movements could be controlled through condition should planning permission be granted.

(iv) Potential Amenity Effects

76. Planning policy requires that proposals for minerals development should not have unacceptable adverse impacts on residential amenity and other sensitive receptors. OMWLP policy PE3 requires appropriate buffer zones around mineral workings.
77. OMWLP policy PB1 requires that processing plants are sited, designed and landscaped in such a way to minimise environmental disturbance. SOLP policy EP2 states that proposals which would have an adverse impact on occupiers through noise or vibration would not be permitted unless there were effective mitigation measures.
78. The NPPF states that unavoidable noise and dust from mineral workings must be controlled, mitigated or removed at source (paragraph 144).
79. People have raised concerns, as set out in Annex 3, about the potential impacts of this development on residents living near the site. However, there has been no objection from the Environmental Health Officer, subject to conditions to control the noise generated by the development.
80. This development would utilise the same location for the plant site as the existing quarry and so the potential for disturbance for this source would not increase over 2012 levels. Complaints regarding the plant site operations during workings in phase B were rare and when they did occur the operator adjusted operations to attempt to reduce the effect of the nuisance. However, there have been objections on the basis that the level of nuisance would be unacceptable for a longer time period. Therefore, the applicant has submitted details of potential noise mitigation measures that could be implemented should operations cause a nuisance. The implementation of these could be secured through condition should planning permission be granted.
81. The extraction area would be nearer to a greater number of residential properties than the current workings, however it would remain a suitable distance from them with 100 metre buffer zones between houses and the extraction area incorporated into the design. This is consistent with the supporting text accompanying OMWLP policy PE3. Extraction close to these properties would be temporary and for the majority of the duration of the development working would be at greater distances from houses.
82. I consider that the buffer zones are appropriate and potential impacts of noise, dust and visual intrusion have been adequately assessed in the

Environmental Statement and could be satisfactorily mitigated through the use of planning conditions should planning permission be granted.

(v) Soils

83. The NPPF (paragraph 143) supports managing the best and most versatile agricultural land to maintain soil quality.
84. Natural England initially expressed some concern about the level of information supplied in the application regarding the conservation of the best quality soils. However, a further report on the available soil resources and how these will be used in the restoration and further details about under drainage was then submitted. Natural England have confirmed that they are now satisfied with the level of detail which has been provided.
85. Although mineral extraction would cause the temporary loss of some best and most versatile agricultural land, the proposals include restoring the majority of the agricultural land to agricultural use. Although there would be a net loss of agricultural land, all the soils from the best agricultural land would be retained in order to ensure the quality of the agricultural restoration. This is in accordance with the NPPF. There has been no objection from Natural England who are satisfied that it will be possible to restore land to best and most versatile agricultural use. Conditions should be used to ensure that the development and restoration took place in such a way that these soils would be protected should planning permission be granted.

(vi) Restoration

86. OMWLP policy PE13 requires that applications for minerals and waste development are accompanied by satisfactory proposals for the eventual restoration of the site.
87. There has been some concern about the restoration plans from local residents and these are detailed in Annex 3.
88. The acceptability of the proposed restoration in terms of flood risk policy is considered separately. Aside from that issue, I consider the restoration proposals to be satisfactory as they meet a number of competing requirements of different planning policies encouraging the enhancement of biodiversity (please see discussion below), the provision of floodplain storage, the protection of areas of the best and most versatile agricultural land and landscape considerations.
89. It is proposed to restore the site within two years of the date of completion of extraction. The rate of restoration might be constrained by the availability of inert fill which is suitable for use in the floodplain. OMWLP policy PE11 requires that mineral sites be restored within a reasonable timescale. However, this development would be bound by

the conditions which would specify a timescale for restoration. If sufficient quantities of inert restoration material were not available at that time, the applicant would have to apply for an amendment to the restoration scheme or its timescales. The submitted Environmental Statement includes a market appraisal of the need for inert waste capacity in Oxfordshire and this concludes that there would be a shortfall in inert landfill capacity from 2018/9 and the county will require additional capacity.

Groundwater

69. OMWLP policy PE4 states that proposals for mineral extraction and restoration will not be permitted where they would have an impact on groundwater levels or put at risk the quality of groundwater. SOLP policy EP7 states that development that may have an adverse effect on groundwater will not be permitted unless effective preventative measures are taken.
70. There have been objections concerned that the dewatering could lead to a lowering of groundwater levels.
71. The technical work submitted with the application indicates that this is not likely and this view has been reviewed and accepted by the Environment Agency. Therefore, it is considered that these proposals comply with relevant policy regarding the protection of groundwater levels and quality.

Archaeology

72. OMWLP policy PE8 states that a preliminary archaeological assessment will normally be required prior to the determination of an application for mineral extraction. Subject to the results of this an archaeological field investigation may be required to determine the appropriate means of mitigating the impact of extraction. OMWLP policy PE9 states that Scheduled Ancient Monuments and their settings should be preserved in situ. Where this is not possible and for all other remains, adequate provision should be made for their excavation and recording.
73. An archaeological assessment was submitted as part of the ES. There has been no objection from the County Archaeologist. An area of the site was excluded from extraction on the basis that it contains a suspected Bronze Age barrow and working of this area would have the potential to harm archaeology. Other features are not considered to be of enough importance to preserve in situ, however conditions could be attached to enable archaeological recording should planning permission be granted. There should also be a condition covering groundwater monitoring for the protection of the barrow cemetery as there is the potential for dewatering operations to impact this feature.

Landscape

74. SOCS policy CSEN1 states that the district's distinct landscape character and key features will be protected against inappropriate development. High priority will be given to the Chilterns AONB and planning decisions will have regard to its setting.
75. OMWLP policy PE5 states that mineral and waste development should not harm the immediate setting of the River Thames. SOLP policy C3 states that the distinctive character of the River Thames and its valley will be maintained and where appropriate enhanced. SOCS policy CSEN1 states that the landscapes of the River Thames corridor will be maintained.
76. Concern has been expressed by South Oxfordshire District Council, although they have not objected, CPRE and a number of individual representations, regarding the impact of this development on landscape character.
77. The development would inevitably cause a change in the local landscape. However, the proposals include mitigation measures to minimise the visual impact. Immediate visual screening would be provided by new planting on the perimeter of the site and grassed screen mounds. Advance planting around the site was started 15 years ago. In the long term there would be a change from open agricultural land to a mixture of pasture and wetland. However, the restoration scheme has taken into account the guidelines in the Oxfordshire Wildlife and Landscape Study (OWLS). The scheme includes the new hedgerows and tree and shrub planting.
78. I consider that the design of the proposals has taken into account the distinctive features of the landscape character and it is acceptable from a landscape perspective.
79. The Chilterns AONB Conservation Board has objected and expressed specific concern regarding the potential impact on the AONB and its setting. A Strategic Landscape Assessment has been undertaken as part of the preparation of the OMWCS and this concludes that minerals extraction at Caversham is unlikely to impact on the special qualities of the AONB itself. Nevertheless, this study covers a wide area and the specifics of the application have to be dealt with through the planning application process. The applicant's Environmental Statement includes a landscape character assessment and supplementary information on the landscape setting of the AONB was also provided. The application area is outside the AONB and the submitted visual assessment concludes that the proposed mineral working would not be visible from it. There will be some landscape impacts from the Playhatch scarp, but this is outside the AONB and the applicant has demonstrated that they have made efforts to screen impacts from the scarp. Therefore, I accept the conclusions of the ES that there would be no significant impact on the AONB as a result of this development.

Historic Environment

80. Some representations have expressed concern regarding the potential impact on Sonning Eye Conservation Area. SOLP policy CON7 states that planning permission will not be granted for development outside the conservation area which would harm the character or appearance of the conservation area. However, it is considered that the conservation area is a sufficient distance from the application site such that there would be no significant impacts. It is over 200 metres between the edge of the conservation area and the closest part of the extraction area and for most of the duration of the workings extraction would be taking place even further away. The conservation area is also on the other side of the B478 and would be screened from the development by trees and soil storage mounds. Therefore, it is considered that there is no conflict with SOLP policy CON7.

Rights of Way

81. OMWLP policy PE11 states that the rights of way network should be maintained and individual rights of way retained in situ. Improvements to the rights of way network will be encouraged.
82. The development does not require the diversion of any existing rights of way. There is a footpath on the western site boundary, however the scheme has been designed to ensure this can be retained and screening is proposed to reduce the visual impact on users. The proposed conveyor route crosses this footpath and therefore it is important that a safe and convenient crossing is provided. This can be covered by planning condition. There is the potential for some impact on the amenity of users of rights of way in the area due to impact on tranquillity from noise from the operations, however it is considered that any such impact would be minor and limited to working hours.
83. It is also proposed to provide a new section of permissive right of way to a new bird hide, as part of the restoration and long term management. The provision of improvements to the network is encouraged by policy PE11.
84. Overall, it is considered that adverse impacts on the rights of way network in the area would be indirect and could be mitigated through screening.

Biodiversity

85. Guidance in the NPPF (paragraph 118) supports the protection and enhancement of biodiversity especially on designated sites.

86. There has been no objection from Natural England, BBOWT or the County Biodiversity officer in relation to biodiversity, although some concerns have been raised by local residents.
87. Part of the site would be restored for nature conservation and there would be a long term (25 years) plan for its management. This, including its funding for this would be provided through a Section 106 legal agreement. The restored site is likely to result in a net gain in biodiversity value.
88. The County Council has a legal duty to have regard to the requirements of the Conservation and Habitats Regulations 2010. Full details of this requirement in relation to this site are set out in Annex 5. European Protected Species are present but unlikely to be significantly affected by the proposals. Therefore no further consideration of the Conservation & Habitats Regulations is necessary.
89. Therefore, subject to the applicant funding and implementing the long term management plan (5 years of this should be covered by aftercare conditions with the remaining 20 years by legal agreement) I consider that the proposals are in accordance with policies relating to biodiversity. Without this provision, I consider that the development should be refused contrary to the provisions of policy PE13 of the OMWLP and the guidance set out in paragraph 118 of the NPPF. The applicant has confirmed that they would be willing to enter into such an agreement.

Drainage

90. Comments have been received from the County Council drainage team as Lead Local Flood Authority and SODC regarding the need to ensure that the development does not cause localised surface water drainage problems. They have agreed that this can be satisfactorily dealt with through planning condition should planning permission be granted.

Cumulative Effect

91. The NPPF (paragraph 143) states that in relation to minerals, local plans should set out environmental criteria to assess planning applications against and the cumulative effect of multiple impacts from individual sites in a locality should be taken into account. The environmental impacts of the development have been considered above. With regard to cumulative effect, Phase C would replace the workings in Phase B rather than running concurrently. There would be a cumulative impact in terms of change to the landscape as the restoration of this development would increase wetland areas in this locality. However, the impact of this would be reduced due to the importation of inert waste to restore part of the site to agriculture. Also, although this represents a change to the landscape, this change would not necessarily represent harm.

Conclusions

92. The development is generally in accordance with development plan policy and other material considerations, including the policies set out in the NPPF on a range of issues including transport, protection of amenity, restoration, landscape and archaeology. The development would contribute towards the need to meet and maintain an aggregates mineral landbank of at least 7 years.
93. The development would not increase flood risk and would improve the situation due to increased flood storage capacity. However, there is the potential for different interpretations of the NPPF with regard to the appropriateness of backfill in flood zone 3b. As set out above, the view taken by Atkins and the Environment Agency is that inert waste backfill is an implicit part of sand and gravel working and therefore can be categorised as 'water compatible' development. However, objectors to the application have taken the view that this would constitute a landfill operation and should be classified as 'more vulnerable' and therefore not appropriate in flood zone 3b. This application therefore raises a potentially significant issue with regard to the interpretation of the NPPF.
94. Therefore, it is recommended that prior to issue of any planning permission, the application should first be referred to the Secretary of State. This would give the Secretary of State the opportunity to call the application in for his own determination, should he consider that the policy issue raised warrants this. This is set out in the recommendation below.
95. Therefore, it is recommended that the application is approved for the reasons set out below subject to it first being referred to the Secretary of State and the applicant first entering into a Section 106 legal agreement.

Recommendation

96. **It is RECOMMENDED that:**
 - (a) the Planning and Regulation Committee indicates support for application no. MW.0158/11;**
 - (b) resolves that the application be forwarded to the Secretary of State to provide the opportunity for the application to be called in for his own determination, should he consider that to be necessary in view of the policy issue raised;**
 - (c) that in the event of the Secretary of State not intervening the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) be authorised to approve application no. MW.0158/11 subject to the applicant first entering into a Section 106 legal agreement to cover the funding and implementation of a 20 year long term management of the**

restored site and subject to conditions to be determined by the Deputy Director (Strategy and Infrastructure Planning) but in accordance with those set out below:

Heads of Conditions

1. Complete accordance with plans
2. Commencement within 3 years
3. End date for extraction (12 years)
4. End date for restoration completion (2 years from completion of mineral extraction)
5. 5 year aftercare period
6. Submission of an aftercare plan including agricultural drainage
7. Standard working hours
8. Restriction of permitted development rights
9. New access to be provided in accordance with plans to be approved
10. Provision of vision splays on new access
11. No export of mineral from new access
12. Lorry sheeting
13. No deposit of mud or dust on the highway
14. Development in accordance with approved dust suppression measures
15. Development to take place in accordance with approved noise report
16. Noise monitoring
17. Noise limits
18. White noise on reversing beepers
19. No external lighting, other than in accordance with an approved scheme
20. No vegetation clearance during bird nesting season
21. Retention and maintenance of trees and vegetation shown as retained on approved plan
22. Scheme for protection of retained trees and hedgerows
23. Soil protection conditions
24. Signage on site to ensure HGV drivers are aware of permitted route
25. Display of approved plans in site office
26. Restriction on materials that can be used for backfill
27. 16 metre fenced standoff from Berry Brook
28. Submission of surface water drainage scheme for each phase of extraction
29. Submission of a surface water drainage scheme for each phase of restoration
30. Submission of scheme to show that there shall be no surface water drainage to highway
31. Submission of details of flood compensation for bunds
32. Development in accordance with flood risk assessment
33. Submission of landscape and ecological management plan

34. Discharges to Berry Brook to be upstream of the active phase
35. Groundwater monitoring locations around the perimeter prior to commencement of development
36. Groundwater monitoring, including in relation to archaeology
37. Details of conveyor crossing over Spring Lane and public rights of way
38. Archaeological monitoring in accordance with written scheme of investigation
39. Works to take place in accordance with ecological mitigation scheme
40. Weed control scheme
41. Submission of a detailed restoration scheme
42. Development to be carried out in accordance with mitigation and enhancement scheme in ES
43. Local liaison committee
44. Requirement for additional otter surveys prior to each extraction phase
45. Submission of details of screening of rights of way
46. Submission of a flood management plan including details of safe access and escape routes

- (d) the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (iii) above is not completed within 10 weeks of the date of the Secretary of State confirming that he does not wish to call the application in for his own determination on the grounds that it would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF (in that there would not be satisfactory provisions for the long term management of the restored site).

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by:

offering a pre-application advice service, as was the case with this application, and

updating applicants and agents of issues that have arisen in the processing of their application and where possible suggesting solutions as has occurred as part of this application process.

MARTIN TUGWELL

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

November 2013

Annex 1 Environment Statement

1. A landscape and visual assessment has been carried out. It concludes that there would be moderate adverse impacts during the operational phase, but these could be reduced to acceptable levels through mitigation and following the restoration there would be beneficial effects on visual amenity. An addendum to the landscape and visual assessment was provided following changes to the soil storage mound configuration to reduce the volume of soils stored in the floodplain, as a result of detailed flood modelling work. This concludes that there would be no significant changes to the predicted visual effects in the main assessment.
2. The traffic assessment considers the traffic impact from both the mineral extraction and the import of inert waste for restoration. It concludes that there would be no material impact on the safety or operation of the adjacent road network.
3. The potential impacts on air quality are considered. The assessment concludes that standard dust control measures set out in Minerals Planning Statement (MPG2) should be implemented using a dust management plan.
4. The noise assessment indicates that noise would be within statutory guidelines. Noise would be minimised by stand-offs between the extraction areas and sensitive properties and by the use of landscaped screening mounds. An addendum to the noise assessment was submitted to assess the revised mound configuration. This concludes that national guideline limits are expected to be met. However, noise should be monitored and alternative working methods explored if noise levels are found to be exceeding limits.
5. The soils and agriculture section demonstrates how the soils classified as best and most versatile would be retained for use in restoration. Some poorer quality soils would be lost, but the restoration would provide for increased biodiversity which would offset that loss.
6. A flood risk assessment and modelling has been carried out. Measures to ensure that the development would not increase the risk of flooding have been incorporated into the development design. This includes raising the conveyor above ground and minimising soil storage in the floodplain. The restoration scheme would provide additional flood storage capacity. The potential impacts on groundwater and surface water are also assessed and it is found that there would be no significant impact as a result of this development. Overall it is concluded that with appropriate mitigation there would be no adverse impacts on water resources in or adjacent to proposed operational areas. Additional assessments were undertaken following requests from the Environment Agency during the consultation process. This resulted in a revised layout for soil storage mounds. The plant site area was assessed in relation to

flood risk and this study assessment concludes that the potential impact on the surface water regime would be mitigated by a drainage system discharging water from the site in the adjacent silt lagoon. There would be no change to fluvial flooding depths or extents as a result of the loss of floodplain storage as a result of the retention of the plant buildings.

7. The archaeology section identifies areas of archaeological significance. The site contains a feature which may be a Bronze Age barrow cemetery. This has been excluded from the extraction area. It is proposed to implement a mitigation strategy in other areas to ensure any archaeological finds are properly recorded.
8. The rights of way section details a potential new permissive right of way which could be provided to the bird hide as part of the restoration. The existing right of way along the western boundary would be screened from the development. It concludes that there would be no adverse impact on the existing rights of way network.

Annex 2 Sequential Test

1. The applicant submitted a Sequential Test with the additional information to the application. This is available to view on the e-planning website using the application reference number. It concluded that there were no viable alternative sites to the application site that were located in an area of lesser flood risk. The Minerals Planning Authority is required to undertake a Sequential Test and in this case Atkins consultants were commissioned to do this for the council. This is also available to view on the website.
2. The Atkins Sequential Test report identified five potential alternative sites which could provide the same tonnage of sand and gravel from an area of lesser flood risk. However, it also identifies potential planning constraints at those alternative sites. It concludes that it will be necessary for Oxfordshire County Council to decide whether the constraints may be mitigated and within a reasonable timeframe that allows any of those potential sites to be considered as a reasonable alternative to the application site.
3. The Environment Agency has published guidance on applying the Sequential Test ('Demonstrating the Flood Risk Sequential Test for Planning Applications' Version 3.1 issued April 2012.) The final stage is to detail any constraints to the delivery of the identified alternative available options, for example availability within a given time period or lack of appropriate infrastructure. Following on from Atkins' identification of potentially available sites, this annex will consider whether any of those sites could provide an appropriate alternative to the application site, given the potential constraints to their delivery.
4. The potentially alternative sites identified in the Atkins Sequential Test document for sand and gravel working are as follows:

	Site	% in FZ3
1	Land at New Barn Farm, south of Wallingford, OX10 9LA	0% 3A, 2.6% 3B
2	Land north of Drayton St Leonard, OX10 7AP	0% 3A, 28.9% 3B
3	Land at Shillingford, OX10 7EF	0% 3A, 11% 3B
4	Land at Culham, OX14 3DD	9.2% 3A, 34.7% 3B
5	Land at Wallingford Benson, OX10 8LH	0% 3A, 0% 3B

5. Mineral extraction is classified as water compatible development in the NPPF. Notwithstanding the fact that a sequential test is still required for

water compatible development, this should be taken into account when considering to what extent the constraints on delivery affect the appropriateness of the alternative sites.

6. The application site is an extension to an existing quarry and the processing plant and some of the necessary conveyor infrastructure, including one of two bridges needed to carry the conveyor over roads, is already in place. In order to begin operations from the extension area the conveyor would have to be extended and a new conveyor bridge over Spring Lane would need to be constructed. The planning application was submitted in December 2011 and the application form states that site preparation works would take place in 2012/3 and extraction would commence in 2013. The time that it has taken to determine the planning application has delayed these estimated dates, however the anticipated timescale of approximately 1 year to prepare the site for extraction following the commencement of preparatory works is relevant.
7. It is considered that none of the potential alternative sites identified in the Atkins document are capable of being delivered within a comparable timeframe. None of these sites have been the subject of a planning application and so would first have to go through the planning process. It typically takes months to years for an applicant to compile a new planning application and the Environmental Impact Assessment for a large minerals development. Ecological survey work can often only take place at certain times of year and data from a number of years of groundwater monitoring work can be required. In the case of the application site groundwater levels in six monitoring wells around the site have been measured approximately every month since 2004. It would then typically take a number of months to determine an application of this type after it has been submitted by the applicant.
8. In addition to the timescales associated with compiling the application and EIA and the determination of the application, there are also timescales associated with preparing the site for extraction. Because the application site is an extension with some of the necessary processing and transportation infrastructure already in place, it is considered that the potential alternative sites would not be able to provide mineral in a comparable timeframe and so contribute to meeting and maintaining the county's landbank, even if they were at a similar stage in the planning process.
9. Further factors constraining the delivery of the individual identified sites are set out below.

10. Alternative 1 Land at New Barn Farm – This site is located adjacent to the North Wessex Downs AONB and is overlooked by it. This has the potential to pose a constraint on its development. Some landscape impact work was undertaken in the preparation of the Minerals Waste Core Strategy (withdrawn prior to examination) but the North Wessex Downs AONB had maintained an objection to the development of the site. Although the application site is also located close to an AONB boundary, in that case extensive work has been done to assess and mitigate the potential impacts and the EIA has concluded that there would be no significant adverse impacts. Mitigation works include areas of advance planting which have established over a period of years to provide a visual screen. Landscape and Visual Assessment work provided in support of the application has shown that the site would not be visible from the AONB. This level of detailed assessment has not been undertaken for this alternative site and so it is not possible to conclude that the development of this site for sand and gravel would be acceptable in terms of impact on the AONB. Although further work might show in the future that the impact could be mitigated, this is not available at this point in time and the availability of alternative sites within a given timeframe must be assessed.
11. Alternative 2 - Land North of Drayton St Leonard, OX10 7AP – 28.9% of this site lies within flood zone 3b. Whilst this is a smaller percentage than the application site, detailed flood risk assessment work would be required in order to ascertain whether developing this area for sand and gravel extraction would cause an unacceptable impact in terms of flood risk. Although further work might show in the future that the development could be carried out at this site without an increased flood risk, this is not available at this point in time and the availability of alternative sites within a given timeframe must be assessed. In addition, the southern part of this site is in close proximity to Drayton St Leonard village and Berinsfield and potential impacts arising from this would also need to be assessed.
12. Alternative 3 - Land at Shillingford, OX10 7EF – When this site was considered as a nomination in the preparation of the withdrawn Minerals and Waste Development Framework, it was subject to a recommendation that the nomination should not proceed on archaeological grounds. The presence of valuable archaeological deposits is considered to pose a significant constraint on this site and on the basis of the assessment work which has already been undertaken it seems likely that this site would not be available for mineral working given that constraint. Parts of the site are also in close proximity to

Shillingford village and potential impacts arising from this would also need to be assessed.

13. Alternative 4 - Land at Culham, OX14 3DD – 34.7% of this site is flood zone 3b and 9.2% is in flood zone 3a. The comments under alternative site 2, regarding the need for detailed flood risk assessment work to be undertaken, also apply here. The northern extent of the site is also in close proximity to properties at Fullamoor and potential impacts arising from this would also need to be assessed.
14. Alternative 5 – Land at Wallingford Benson, OX10 8LH – The site is in close proximity to the AONB boundary. Comments relating to this as set out under alternative site 1 therefore also apply to this site.
15. The Atkins Sequential Test report also separately considers alternative sites for the disposal of a comparable volume of inert waste as landfill. It finds two potential alternative sites in areas of lower flood risk for this aspect of the proposed development. These are Upwood Quarry and Homefield Sandpit.
16. It is not considered appropriate to separately sequentially test sites for inert waste infill in relation to this development. The backfill operation is being undertaken to achieve a satisfactory restoration of the application site including ensuring that best and most versatile agricultural land is retained as such in the long term. The Atkins report does acknowledge this stating in the conclusions that ‘the preferred approach is that as the sand and gravel quarry is classified as water compatible development and some form of restoration is implicit with development of a quarry, it is not necessary to apply the Sequential Test to the proposed restoration as a separate operation.’ Equally, the Environment Agency regards the proposal as being in accordance with the principles of the NPPF.

Conclusions

17. Having considered the constraints on the potentially available alternative sites identified in the Atkins document, it is concluded that none of the five alternative extraction sites identified is capable of delivery within a comparable timeframe to the application site. Further assessment work is needed in each case and should this work be undertaken in the future it is possible it could find the alternative sites to be unsuitable, or significantly reduce the area of the site which could be worked. In addition, as these are new sites rather than extensions they would take longer to prepare for extraction than the application site even should they reach the stage of having a planning consent.

18. Therefore the application site passes the Sequential Test; there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

Annex 3 – Representations

1. 40 Letters of representation were received from individuals during the first period of consultation.
2. During subsequent periods of consultation, objectors were written to so that they were aware of the further information, but advised that they only needed to write again if they had specific comments on the new information. A further 19 letters were received over the subsequent consultation periods.
3. Some of the points raised by objectors during the first consultation were addressed through the submission of further information. However, the main issues raised during the subsequent consultation periods were concern about the backfilling with inert waste in the floodplain, concern about the safety of the A4155 and noise from the development particularly the conveyor.
4. All objections summarised below along with the officer response to the comments. All the letters can be viewed in the Members' Resource Centre.
5. Detailed comments regarding concerns about the potential impact on flood risk have been submitted by Sonning Eye Action Group (SEAG) and Abington Consultants acting for SEAG.
6. The officer response to the points made is set out in italics under each section

Access/traffic

- Concerned about the safety of a new access – it is very dangerous between Playhatch and the Flowing Spring.
- New access dangerous – A4155 outside 'Botany Bay' is so narrow that two lorries cannot pass without pulling onto the drive. Has narrowed over time as the bank encroaches but no improvements have been made.
- Increase in traffic will affect safety on the A4155 (already dangerous) and cause congestion.
- A4155 very dangerous for pedestrians already
- A4155 very dangerous – have been told by OCC transport that only the death stats matter but the accidents that have occurred have been traumatic
- B478 is in a poor state and this would make it worse

- Already lots of traffic through Sonning, including vehicles which are not suitable for the bridges or roads, this will get worse.
- Road between Sonning Eye and Playhatch roundabout in poor condition due to Lafarge HGVs – are council tax payers responsible for the cost of fixing it?
- Landfill should not be allowed due to the extra traffic that it would create.
- Rail link should be provided.
- Roads are dirty and large rocks have been found on them – this would make it worse.
- Why has a lower speed limit not been applied to this section of the A4155?

There has been no objection from the Highways Authority, which has considered the safety of the proposed new access. The applicant has proposed a new access onto the A4155 after they received a negative response from local residents to a pre-application consultation on a proposed new access off the B478. It was felt that an access off the B478 would bring traffic too close to properties in Sonning Eye. The Highways Authority have indicated that the personal accident rate for roads in the area does not indicate any road safety issues and pedestrian demand associated with the quarry will be light. The percentage increase over existing (2012) HGV levels would not be significant. Conditions can be attached to ensure that HGVs do not leave the site with dirty wheels, to prevent mud being deposited on the highway. HGVs are not permitted to travel through Sonning due to weight restrictions on the bridges. The applicant suggested a lower speed limit for the section of the A4155 near the proposed new access. However, this was not supported by Thames Valley Police or the Highways Authority.

Nuisance

- Property already affected by noise from the plant site, will get worse
- Noise from conveyor
- Evidence that noise is already above the existing permitted
- Existing noise barrier is inadequate
- Site has opened early on a number of occasions
- Reversing beepers cause a nuisance

There has been no objection from the Environmental Health Officer, who has recommended conditions to ensure that noise is kept within acceptable limits.

The Environmental Statement includes detailed noise and dust assessments including mitigation measures and conditions can be attached to require the implementation of these. Further assessment work was supplied to cover the continuation of the processing plant site operations. If noise from the plant or extraction does cause a nuisance to local residents Oxfordshire County Council are able to monitor the conditions to require compliance with the specified noise limits. Outline additional noise mitigation measures have been submitted, which could be used should the agreed limits not be complied with.

Landscape

- Landscape impact
- Not appropriate near AONB
- Destruction of riverside fields
- Restoration could never replace the countryside that would be lost
- Hotel owner concerned that they owe their success to the stunning landscape and would suffer economic damage if it is destroyed
- Permission for extraction on this area of land has been turned down before and the inspector's report makes reference to the attractive and special landscape
- More standing water is not appropriate in area – loss of traditional valley landscape
- The visual assessment has not fully taken into account all significant views

The landscape would change as a result of this development and there would be an increase in wetland. However, the scale of the change would be reduced by the proposal to use backfilled material to reinstate part of the site to agricultural use. Some respondents consider that this wetland would not be in keeping with the character of the area and there should be more inert fill so that the entire site can be returned to agriculture. However, this would mean a much longer time until the development was complete and the end result would not have the same benefits in terms of floodplain storage and biodiversity. Other respondents consider that there should be no inert fill at all. The proposed restoration is considered to be a satisfactory compromise which provides for floodplain storage and biodiversity while ensuring that the highest quality agricultural land is not lost in the long term. The developer has established areas of advance planting prior to submission of the application and so the site is better screened than it was at the time of the inspector's report, which related to allocation of sites for the 1996 Oxfordshire Minerals and Waste Local Plan. Although the landscape would change there is no evidence that there would be significant harm or that this change would affect businesses in the area relying on tourism.

The site is not located in the AONB and the workings are a sufficient distance from this to ensure that there is not an adverse impact. This has been demonstrated by visual assessments submitted with the application.

Ecology

- Concern about impact on wildlife/environment

There has been no objection from Natural England, BBOWT or the County Ecologist Planner in terms of impact on biodiversity. In the long term there would be a benefit for nature conservation through the restoration scheme which would provide improved habitats for wildlife compared to the current agricultural use.

Rights of Way

- Impact on walkers on the Thames Path national trail
- Impact on walkers along the Spring Lane footpath.

The County Council Rights of Way team have considered the proposal and do not object. The main impact on users of the rights of way network would be the conveyor crossing the footpath on the western boundary. However, a condition can be used to ensure that this is done in an appropriate way to minimise disturbance to users. Users of that footpath would be screened from the works by vegetation. It is proposed to create a short new permissive footpath to a bird hide as part of the restoration.

Planning Policy

- Concerned that planning rules will change in the future and proposed restoration will be turned into a landfill site

Proposals do already include backfill with inert waste. Any substantive changes proposed in the future would need to be the subject of a new planning application which would be assessed on its merits.

- Failed to demonstrate that there is no other site that could produce the mineral
- OMWLP still in force and this area is excluded. No new plan yet so application is too soon.

OWMLP allows for mineral to be worked from areas not covered in the plan where sufficient reserves are not available from areas within it. This is the case.

- OMWLP PE4 and PE7 are about development not impacting groundwater. Application admits that this would happen.

Policies refer to an impact on groundwater which would cause harm. The Environment Agency has not objected to this proposal as they are satisfied that the applicant has demonstrated that this development would not harm groundwater levels or water quality.

- Development not part of 'Oxon core plan'
- Wasn't considered during consultation on new minerals sites – planning application shouldn't be allowed to rewrite policy.

This site was considered as part of the consultation on new minerals sites and was taken forward as a principal location for sand and gravel working in the Oxfordshire Minerals and Waste Core Strategy. This strategy was in draft at the time these comments were received, however it was subsequently withdrawn from the examination process. There is no up to date plan identifying areas or sites for future sand and gravel workings. However, there remains a need for new permissions and applications must be determined on their merits.

Restoration

- In other areas of the Caversham works Lafarge have failed to create recreational beauty as set out in original plans.
- Restoration of phase A has not been properly maintained, lake by garden centre does not have an obvious access and the walkway is not maintained. Concerned this would happen on Phase C. How can satisfactory long term management be ensured?
- The new footpath installed as part of previous works is not useful as it doesn't connect anything.

Restoration of the previously worked areas is in accordance with the plans and areas are not signed off from aftercare until the monitoring officer is satisfied that plans have been complied with. A 20 year management plan is proposed to be secured through a legal agreement.

- If this must go ahead there should be recreational advantages to the villages which suffer. Plant mature trees, create walkways, repair roads and screen the works.

The proposals do include planting to screen the works and the provision of a new permissive footpath to a bird hide on the restored site.

- There should not be land filling so close to the river
- Concerned about pollution risk from infill – should be left as lakes
- Waste infill proposal would lead to a problem with rodents

- Difficult to monitor that only inert waste would be used

The backfilling with waste would be regulated by the Environment Agency through their permitting process. The permit would include conditions to prevent pollution. It would be inert waste only and so less likely to attract rodents.

- Concerned that the restored land could be classified as brownfield and housing proposed.

Restored quarries are not classified as brownfield land.

Continuation of quarrying in this area

- Playhatch area has suffered enough – noise and occasional dust on cars, local ecology already under pressure.
- Sonning Eye area has suffered enough, noise, dust, lorries, damage to house
- If this goes ahead then in the future it is likely to spread to the fields adjacent to Shiplake.
- Concern about the length of time for extraction

Sand and gravel can only be worked from locations where the geology is suitable. The emerging new Minerals and Waste Local Plan will identify strategic areas for future workings, however in the meantime applications must be determined on their merits. Noise and dust controls could be imposed by condition.

Concern about historic environment

- Destruction of archaeology
- Impact on listed and historical buildings – flood risk and danger of cracking from dewatering.
- Sonning Eye is a conservation area. Understand that this has been a reason for refusal elsewhere.

An area has been excluded from extraction on the basis that it might harm archaeology. Other features are not considered to be of enough importance to preserve in situ, however there would be conditions for archaeological recording. The proposed extraction is considered to be a sufficient distance from the Sonning Eye conservation area, to ensure that there is not an adverse impact. The impact of dewatering on groundwater has been considered by the Environment Agency and they are satisfied that there would

not be an adverse impact subject to conditions including the requirement for groundwater monitoring.

Other Concerns

- Concerned that local views are being ignored
- Public viewing was poorly advertised and results of that consultation are not representative of the local view

This proposal has been the subject of substantial pre application consultation carried out by the applicant. Local views were sought then, and since through the Council's consultations on the planning application, and are considered in this report

- Devaluation of property prices

Property prices are not a material planning consideration.

- Increase in insurance premiums due to increase in flood risk

The Environment Agency has advised that the proposal would not significantly increase flood risk and have confirmed that there would be an improvement in flood storage capacity.

- Hotel – potential loss of livelihood

The amenity and landscape impacts of the development are considered in the report and it is concluded that they can be adequately mitigated by condition. There is no evidence that the change in the landscape would have an impact on businesses in the area relying on tourism.

- It is misleading to call it an extension due to its scale and location

The proposal is referred to as an extension in the application due to the fact that it uses the same processing plant as the Phase B extraction area and is adjacent to it (although on the other side of Spring Lane). The merits of the proposal itself have been assessed.

- Misleading to call it Caversham Quarry as it affects Sonning Eye

This is an extension to the workings known as Caversham Quarry, however, the workings are indeed much closer to Sonning Eye as described in the report and shown on accompanying plans.

- Brook running through the site already looks toxic, concern there would be further risk to watercourses

Conditions would be added to ensure that the development was carried out in such a way that it did not risk pollution of watercourses, including a 16 metre

stand-off between the workings and Berry Brook. Pollution to main watercourses is the concern of the Environment Agency and any suspected incidents should be reported to them.

- Plant is inconveniently located and should be relocated to the extraction area.

The application put forward has to be considered as it is. The plant has been operating in its existing location for some time and this has not caused significant problems. The use of a conveyor to transport material from an extraction area to a processing area is common practice and reduces noise and dust when compared with internal haulage by lorry. Policy does not support processing plant in the extraction area as it is within the functional floodplain.

Detailed Representations on Flood Risk

Abington Consulting – on behalf of SEAG

- Sequential Test – not been done

The County Council has commissioned Atkins consultants to produce a Sequential Test and this is summarised in the report and available to read in full on the e-planning website.

- Further work is needed on the overland flow of fluvial floodwater

The development includes bunds, a conveyor and access road and these could affect the overland flow of floodwater. However, the EA is satisfied with the information provided and the design of these features. The conveyor would be raised and the bunds would be orientated parallel to flood flow and on areas of higher ground. During the application process the location of some soil storage bunds was amended to remove them from the floodplain.

The EA have commented that the bunds would have only localised impacts on flood levels around the bunds and following a request for further information and resulting amendment to the soil storage mound layout, they are satisfied that the impact on flood levels from bunds would not impact properties.

- Surface Water Run Off – the restored site could increase the risk of flooding unless surface water run-off is adequately managed.

The applicant considers that the proposed restoration would cause a net reduction in run off overall. Run off would be reduced in the parts of the site restored to the lower level. The EA has not objected and has commented that there should be infiltration tests to determine the permeability of restored areas. This will inform the design of the proposed soakaway. They have recommended that this be required by planning condition as it cannot be done until the site is restored.

- Dewatering – Application does not adequately consider the potential for the groundwater recharge lagoon overflow to contribute to flooding in local watercourses.

If necessary the EA would add a condition to the discharge consent requiring that dewatering cease when receiving waters are approaching capacity. This would be a matter for the discharge licence rather than the planning conditions.

- Flood Plain Storage – The application has not considered the impact on floodplain storage during every stage of the development.

The EA is satisfied with the assessment of flood plain storage at various stages in the development and conclude that there would be an increase. Ensuring that there is no reduction in floodplain capacity during each phase is dependent on the operating regime of the extraction, backfilling and operation. The EA has asked for details of this through planning condition. They have confirmed that they do not need these prior to determination as it does not affect the overall acceptability of the scheme.

Sonning Eye Action Group Objection (SEAG)

- Believe that Flood Risk Assessment is inadequate and the development would increase the risk of flooding to properties in Sonning Eye. Specific points included in representation include:

- The siting of the processing plant in the flood plain has been ignored
- More work should be done on groundwater
- Waste should not be landfilled in the floodplain, contrary to NPPF
- Stockpiles and bunds in the floodplain would obstruct flow
- Incorrect to state that floodplain storage capacity would increase. Due to the difference in porosity between gravel and inert waste, there would actually be a reduction.
- Dewatering would cause groundwater level falls and put houses at risk of settlement.

The applicant has provided correspondence to respond to SEAG's concerns and SEAG has in turn produced further letters confirming that they remained concerned. This correspondence is available on the eplanning website.

Compliance with the NPPF is addressed in the main report. The applicant has provided details of the restoration and the EA has no objection.

The effect of the bunds and stockpiles has been modelled and as a result changes have been made to the locations of these during the application

process. The EA is satisfied that in the currently proposed locations these would not result in higher flood risk.

Mineral Products Association (MPA)

Any actions which would effectively ban using inert waste to restore sand and gravel workings in the functional floodplain would sterilise the majority of resources of that material in the UK and hamper the industry's ability to deliver high quality restoration. Do not believe that this was the intention of the NPPF guidance. Backfilling is typically an integral part of a restoration scheme. The wording of the current planning practice guidance should be clarified. Table 3 in the guidance does not appear to contain flexibility to allow the Exception Test to be applied to proposals for sand and gravel working with backfill. The NPPG should not ban outright any form of development in flood zone 3b where it has been demonstrated that the development would not increase flood risk. It should be recognised that the Technical Guidance is guidance and not policy and policy should take precedence. It is significant that the Environment Agency have not objected to this development. Restoration of mineral workings should be considered to be waste recovery and not disposal or landfill. The MPA does not normally comment on individual planning applications but has done in this case because it raises issues of principle which are of fundamental importance to the aggregates industry.

Individual Representations on Flood Risk

Concern about the quality of the submitted assessment work

- Dispute the assumptions in the data and consider that the risk has not been adequately mitigated. Excavation should be constrained to a smaller area.
- The flooding work is inadequate as it does not take into account the loss of absorption caused in removing gravel and replacing with inert waste.
- FRA ignores that fact that groundwater flows from garden of property through the processing plant area, through the triangle and then into the area proposed for working.
- Application and EIA are not sufficiently detailed in terms of assessing flooding and the potential impact on Sonning Eye residents.
- Flood risk assessment does not adequately consider rainfall or surface water flooding, concentrating on flooding from the river.

The Environment Agency is the statutory consultee on flood risk and they are satisfied with the quality of the submitted assessments. Many of these matters have been covered in responses above.

General concern about flooding in the area and the potential risk for the development to make this worse

- Flooding already a problem on the B429 between Sonning Eye and Playhatch.
- Properties in Sonning Eye flooded in 2000 and 2003 and this development might increase the risk of it happening again.
- Who would be responsible if this resulted in flooding which damaged property?
- Property already experiences flooding and this may increase the risk has been there.
- Flooding risk in the area has already increased due to loss of three resident lock keepers, this would make things even worse.
- The river level rises much quicker after heavy rain than it used to – believe this is due to gravel extraction.
- Flooding wasn't a problem in Sonning Eye historically, only since Lafarge

The development is located in the floodplain and it is accepted that the site and surrounding area has been subject to flooding. However, the assessments submitted with the application demonstrate that the proposals would not significantly increase this risk. In the long term the development would lead to an increase in floodplain storage capacity.

Specific reasons for concern about flood risk

- Bunds above ground and infill below ground would impede flood flow. Bunds should not be located in the floodplain.
- Cannot believe the claim that this would absorb flood waters. Existing lakes are full, don't help in floods.
- Global warming is increasing the likelihood and severity of flood events.
- More distance is required between Sonning Eye and the workings to provide more room for water to flow in times of flood
- Clay lining would increase flood risk
- Bunds and concrete foundations for the conveyor bridge on the triangle are already obstructing the normal flow of water during heavy rain.

The location of bunds would be agreed with the Environment Agency to ensure that they were in the most suitable position with the most suitable alignment relative to flood flows. The Environment Agency is satisfied with the currently proposed locations. Climate change has been taken into account in the submitted assessments.

Other

- Double standards – if individuals want permission in the flood plain it is impossible, but it is fine for big business.

Sand and gravel extraction is classified as water compatible development in the NPPF. A full assessment of the proposals against policy is in the main report.

- Council has a responsibility to produce flood risk maps but this doesn't seem to have been done.

The County Council has met its obligations in terms of flooding. The Strategic Flood Risk Assessment has been published.

- Siting of processing plant in the floodplain has not been assessed and is not compatible with planning guidance.

Most of the processing plant site is not located in the floodplain, but in flood zone 2. Following this objection, Lafarge assessed the impact of the retention of the processing plant site in a separate flood risk assessment.

- Infilling with inert waste in the floodplain is contrary to PPS25/the NPPF. Risk of contamination and would increase flooding as would not have the same porous properties as gravel.

The Environment Agency has not objected to backfilling in this location. Compliance with the NPPF is considered in the main report.

- Concern about modeling methodology – which has not been transparent

The flood modeling work has been examined by the Environment Agency and they have requested further information where needed.

Sequential Test Representations

The Sequential Test document produced by Atkins was not sent out for formal consultation as it does not comprise part of the application, but is a document to support the process of determining the application. However, it was made publically available as there had been local interest in the contents of the report. A couple of representations were received on this document which are outlined below together with an officer response.

Representation – applicant

The 30 mile search radius was inappropriate as Caversham Quarry would serve only a local market. Questions the inclusion of sites outside Oxfordshire. Questions the methodology in identifying sites given that the Core Strategy has been withdrawn. Does not consider the five sites identified in the document to be reasonably available as they are not the subject of

planning applications and have not been fully evaluated. Constraints have only been identified at a strategic level. The application site is available, has been through the EIA process including a site specific FRA and contains economic reserves of high quality flint gravel.

Officer comment – The Atkins report was sent to the Environment Agency prior to being made public and they confirmed that they considered the methodology to be sound. The Atkins document was clear that the five identified sites had not been fully evaluated in terms of constraints and this further evaluation should be done by Oxfordshire County Council. This evaluation is contained within the main report.

Representation – Abington Engineering Consultants on behalf of SEAG
Welcome the finding that there are other more suitable sites for sand and gravel extraction. However, the report is fundamentally flawed in stating that restoration of sand and gravel working using inert fill is part of a 'water compatible' development. Restoration could be carried out without the use of inert fill. Landfill can take place in flood zone 3a or 2 if the Exception Test is passed, but not in 3b as proposed. The amount of waste required is likely to require a landfill permit and the fill material should be regarded as landfill. Oxfordshire County Council's Strategic Flood Risk Assessment states that if a quarry is restored to pre-existing ground levels it will need to be classified as 'more vulnerable.' Therefore OCC flood policy contradicts the conclusions of the Atkins report. As Atkins have failed to correctly interpret both the NPPF and OCC flood policy, these sections of the report should be reviewed and rewritten before the conclusions can be relied upon.

Officer comment – The main report covers the issue of how the NPPF should be interpreted with regard to inert waste infill in flood zone 3b. The SFRA document referred to is not OCC flood policy but a supporting document drawn up to aid the preparation of the Core Strategy. In paragraph 9.5.2 it goes on to advise that where the intention is to restore to agriculture at the low level, using a limited amount of fill and top soil material, it may be inappropriate to regard the proposal as involving the creation of a landfill site and that advice should be sought from the Environment Agency and that the flood risk implications of the whole development are properly taken into account. Each proposal must be considered on its merits and this detailed consideration is contained within the main report.

Annex 4 – Consultation Responses Summary

Sonning Parish Council

1. Object. The Thames Valley is a precious and protected natural landscape important for both recreation and natural habitat. Established protected species would have their established environment destroyed. The natural flood plain would be compromised in its ability to cope with excessive flow, increasing the risk of extensive flooding. Communities near the processing plant and HGV routes would suffer noise and air quality problems. Although both Sonning bridges are protected by a weight restriction, this has not always been adhered to. Frequency of breaches would rise with the increase in traffic. Proposal would have an excessively detrimental impact on the Green Belt and countryside.

Eye and Dunsden Parish Council

2. Object. Insufficient consideration has been given to the impact on the villages of Sonning Eye and Playhatch, especially in relation to flooding. The sequential test requirement set out in PPS25 (NPPF) has not been fulfilled. The concerns of the Environment Agency should be fully addressed. The county strategic flood risk assessment states that there should be no infilling with waste in the floodplain. Concerned that inert infill material may include clay, which would cause further flooding. The applicant has previously failed to restore workings in a timely manner. Noise levels at the Sonning Works have recently been exceeded and mitigation has been ineffective. Sonning Eye is a designated conservation area. Agree with the comments made by the Chilterns Conservation Board and SODC. Concerned about a reduction to the amenity value of the allotments if there are changes to water level or air quality.

Shiplake Parish Council

3. Object:
 - Development not part of Oxon Core Plan.
 - Increased HGV traffic will impact A4155 safety.
 - Will adversely affect environment.
 - Concern at impact of creeping development on local flooding risks.

Henley on Thames Town Council

4. Increase in traffic would lead to extra HGV movements through Henley on Thames, this would have adverse effects:
 - NO² air quality
 - Congestion
 - Potential damage to historic buildings due to vibration
 - Narrow streets would force vehicles onto the pavements

- Damage to road surfaces
- Traffic noise

South Oxfordshire District Council

5. The site is classified as 'flat floodplain pasture' in the South Oxfordshire Landscape Assessment. This advises that large scale development of any kind is not considered appropriate in open countryside areas and along river corridors. Concerned about the impact of the development on the landscape character of the area. Given the significant impact on landscape it is vital that the proposals fully accord with existing and emerging minerals policy. If permission is granted the restoration works should reflect the existing landscape character. Concerned about additional traffic through Henley on Thames.
6. The site is classified as 'flat floodplain pasture' in the South Oxfordshire Landscape Assessment. This advises that large scale development of any kind is not considered appropriate in open countryside areas and along river corridors. Concerned about the impact of the development on the landscape character of the area. Given the significant impact on landscape it is vital that the proposals fully accord with existing and emerging minerals policy. If permission is granted the restoration works should reflect the existing landscape character. Concerned about additional traffic through Henley on Thames.
7. Environmental Health – No objection. Requires a condition to ensure that activities are carried out in line with the submitted noise report and noise levels are mitigated to the levels provided in table 6.14 of that report.
9. Drainage – Details should be submitted on local watercourses and highway drainage systems within and around the site area, to ensure that any potential source of localised flooding due to the works is identified at an early stage and proposals put forward for dealing with it.

Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)

10. No objection. Subject to the restoration being restored as proposed it is unlikely that the development would lead to long term adverse ecological impacts and a net gain in biodiversity is likely to be achieved. Supports the proposed section 106 agreement heads of terms and the proposal for a 20 year long term management plan.

Natural England

11. Soils - The majority of the site lying to the south of Berry Brook is classified as best and most versatile agricultural land. Initial response concerned that although the applicant intends to reinstate this agricultural land no target restored soil profiles have been provided and that the submitted restoration and aftercare proposals for the site may

not represent best practice. However, final response confirms that additional information helps to address their concerns and that future agricultural land drainage will need to be an item specifically addressed in the outline aftercare scheme to be submitted.

12. Ecology – An eventual net gain in biodiversity is likely to be achieved. Welcomes the inclusion of nature conservation in the afteruse.

Thames Water

13. No objection and no conditions required. The further information provided by the applicant has satisfied previous concerns that the information submitted does not provide a satisfactorily robust assessment of the impact on groundwater resources in the Playhatch area.

Environment Agency

14. No objection:
15. 23rd January 2012 – Satisfied with the Flood Risk Assessment (FRA) and understand that there will be an increase in flood plain storage. Understand that there is adequate space on site to attenuate surface water. Groundwater model suggests that there could be an increase in levels beneath Berry Brook, however this has not been quantified and other impacts of increasing the groundwater level have not been investigated. If an increase in groundwater caused a spring to become active more often, the risk of flooding to Spring Lane and the B478 should be assessed. Model has not been constructed in a suitable way to represent the hydrological conceptual understanding.
16. 1st March 2012 – Now satisfied with the groundwater model, having considered the Technical Memorandum submitted by the applicant.
17. 14th May 2012– Request that further work is submitted by the applicant prior to the determination of this application. If there is a location outside the flood plain where bunds could be located, this should be investigated further. There should also be further assessment of the sensitivity thresholds of properties in Sonning Eye, to identify if any further mitigation measures are required.
18. 22nd October 2012 – Pleased to see that it is now proposed to locate more of the soil storage bunds outside of the flood plain. The FRA suggests that the majority of the remaining bunds will not increase flood risk off site. The two most westerly bunds may have an impact off-site and it is suggested that this they be moved 30 metres north. The tolerances in the modelling need to be clarified. Welcome the assessment of the processing plant. This concludes that the loss of floodplain storage and increase in surface water run-off will be mitigated by the additional storage capacity created by the silt lagoon. However,

no figure has been provided for the amount of spare surface water capacity in the lagoon. Require further details of the proposal to pump excess water from the groundwater recharge lagoon to Berry Brook and confirmation that this pumping will cease at times of high flow. The conclusion of the FRA that the processing plant does not increase flood risk has apparently been supported by flood modelling, however, the outputs of this modelling work have not been submitted, request that they are.

19. 15th January 2013 – Have reviewed the second supplementary statement and welcome the conclusion of the technical memorandum that properties on Spring Lane would see a small drop in water levels as a result of the proposed development. However, require further explanation of how this drop in levels would be achieved and evidence of model outputs to support the conclusion. Require loss of floodplain storage due to the retention of the existing processing plant to be compensated for on a level for level basis. Not clear that in a 1 in 100 year flood event the silt lagoon would have capacity for surface water or whether it would be entirely utilised as fluvial flood water storage, request clarification on this.

20. 17th September 2013 – No objection to the proposed development subject to proposed conditions. This letter replaces the letter sent on 23rd January 2012 and provides an updated list of conditions. These conditions include development to be carried out in accordance with FRA, submission and implementation of a surface water drainage scheme for processing area and for restoration, submission and implementation of a scheme for managing the pumped discharge of surface and ground water from the working area, scheme for location and size of bunds, detailed topographic survey prior to commencement and following restoration to ensure the restored site is at or below pre-development levels, discharge of water from settling lagoon into Berry Brook or other suitable water drain upstream of the phase being dewatered, continuation of groundwater level monitoring in existing boreholes and commencement of groundwater level monitoring in boreholes to the north of the site, submission of a scheme showing management of buffer zones from Berry Brook, submission of a landscape and ecological management plan.

21. 8th October 2013 – Confirmation that OCC is responsible for the decision about whether the sequential test is passed, however they would be pleased to assist if their professional opinion is helpful. Confirm that they are viewing the development in its entirety and deem it to be in accordance with the principles of the NPPF. There would be a reduced flood risk through re-contouring of the land to a lower level following restoration. Confirmation that a permit application has not yet been received, however, according to Environment Agency Guidance Note RGN13, backfilling a quarry is likely to be a disposal operation.

The Henley Society

22. Strongly object. Additional HGVs on the Henley- Reading road would inevitably increase congestion, traffic hazard and pollution. If more gravel extraction is considered acceptable at Sonning Eye, it should be subject to the provision of a rail link and a condition that rail transport be used.

The Chilterns Conservation Board

23. Object. Although the site is not within the Chilterns Area of Outstanding Natural Beauty and not particularly visible from it, the impact of the associated traffic movements would be felt within it. It would also affect the setting of the AONB as the site is highly visible from the sloping valley sides between Playhatch and Shiplake which form an integral part of the wider Chilterns landscape. The landscape and visual assessment does not adequately address this.

CPRE

24. Favour an amendment for the whole of the worked area to be infilled with inert waste and returned to agriculture. The creation of further open water in the context of the extensive lakes created by quarrying to the west would reduce the attractiveness of the Thames Valley.

Sonning and Sonning Eye Society

25. Object. Risk of flooding, disruption to traffic and impact on landscape and views, which would seriously impact on the conservation of protected areas including Sonning Eye Conservation Area and the Thames Path.
26. Response to further consultation confirms object as amendment does not go far enough to address flooding and does nothing to answer local concerns on noise and traffic. Object on the basis that there would be an increased risk of flooding, the use of clay lined pits would reduce permeability and impede water flow, road congestion and the impact of noise and disturbance.

Highways Authority

27. No objection.
28. New access – the design of the new access onto the A4155 is adequate. An earth bank may need to be removed to improve sightlines. There should be a condition to ensure that the proposed new access onto the A4155 is used for import of material only. This is because the main concern with any quarry access is the relatively slow speed of laden vehicles turning out of a site, particularly when the site is on an incline. Incoming loaded lorries will have the benefit of a central holding lane

when turning right into the site. There should also be a condition that following restoration this access should be used for agricultural purposes only.

29. Routeing – a routeing agreement is not considered necessary due to the weight limit on the bridge in Sonning.
30. Traffic generation – the proposal is not considered to be of such significance to compromise the operation of the local highway network.
31. Speed limit – the applicant suggests that the speed limit on the A4155 is reduced to 40 mph, however this is not favourably viewed.

County Archaeological Services

32. No objection. The site contains a Bronze Age barrow cemetery that is visible as a series of crop marks. The applicant has taken this into account and excluded this area from the extraction area. However, it could still be damaged if the development caused an adverse impact on the hydrology of this feature. Would like to see plans that take into account the need to ensure that water levels within the adjacent area are maintained during and after extraction. This could be dealt with through a condition for groundwater monitoring around this feature with mitigation to be implemented should specified trigger levels be met.
33. None of the archaeological features revealed during the field evaluation were of such importance as to require preservation in situ, however they do justify a programme of excavation and recording prior to extraction. Conditions to ensure that this takes place appropriately are provided.

Rights of Way and Countryside access

34. The proposed conveyer will cross the route of Eye and Dunsden footpath 12 and should be installed in such a way to minimise interference to pedestrians on the route.
35. It would be preferable if the footpath link between bridleway 205/9 and footpath 205/11 could be made a definitive route rather than permissive. The access to the bird hide could remain permissive.

County Drainage Engineer

36. Concerns about drainage of the road network. The A4155 and the B478 are drained by grips to ditches. Increased traffic will cause the grips to become overrun and may become blocked causing localised flooding. Suggest a condition requiring the grips to be maintained by the applicant. The ditches are maintained by the riparian owners.

County Biodiversity and Landscape

37. No objection, subject to conditions. The site and surroundings include protected habitat for protected and notable species and therefore the proposed mitigation measures should be followed to minimise the impact of the development. Landscape impacts not adequately addressed in the ES and a detailed planting scheme should be provided prior to determination. The use of natural screening and bunding will help mitigate the effects of the development on users of the Thames Path, but there will be residual impacts and audible impacts on tranquillity.

County Ecologist Planner (in response to additional information October 2012)

38. Satisfied with the proposed buffer zone with regard to otters. Recommend conditions for buffer zones, for the monitoring of otters and further mitigation if necessary, gradient of slopes, for a scheme for the protection of existing trees and hedgerows, for a root protection zone for woodland and hedgerow along drainage ditch.

Annex 5 – 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 & 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.

The habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species is likely to be present.

The survey submitted with the application details the following mitigation measures:

“The potential for impacts to bats from the use of floodlighting associated with the office/weighbridge would be mitigated by the sensitive design of lighting. Measures to reduce impacts will include:

- *The use of directional floodlighting to avoid spill;*
- *The use of the lowest intensity possible;*
- *The use of low pressure sodium (as opposed to high pressure) where possible; and*
- *The avoidance of lighting that emits high levels of blue/ultra-violet or red/infra-red light.*
- *Use of sensors during non-working hours to prevent continuous lighting”*

The mitigation measures detailed within the survey are considered to be convincing and in our opinion will secure “offence avoidance” measures.

We therefore recommend the following conditions to secure the implementation of the offence avoidance measures to ensure that no offence is committed:

Protected Species

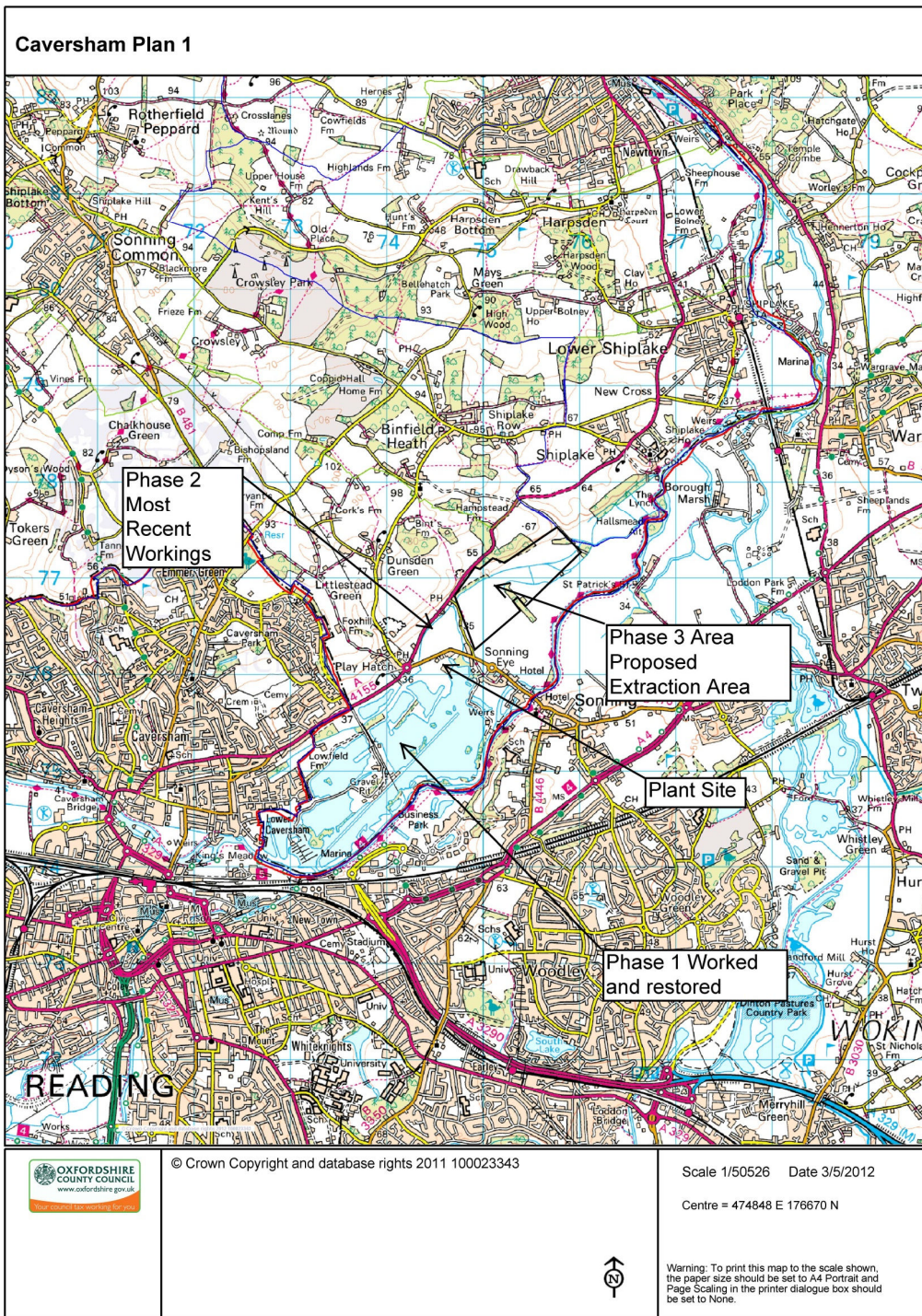
- *All works must be carried out in accordance with the approved mitigation and enhancement scheme detailed in Section 3 of the Environmental Statement*

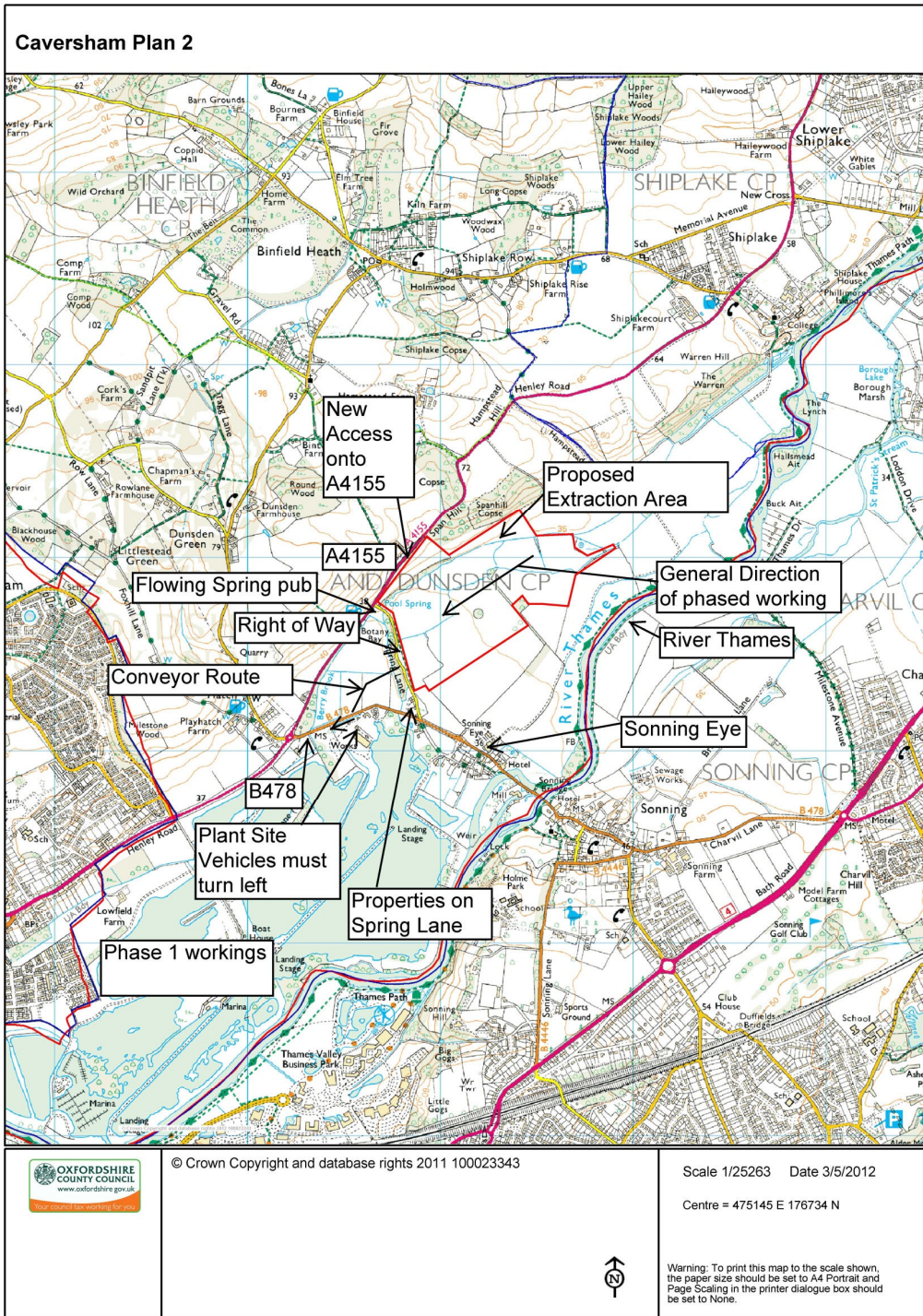
and Restoration Plan C1/PL10/04 submitted by the applicant for the whole site.

Reason: to ensure the protection of flora and fauna and to ensure the development results in biodiversity enhancement in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife & Countryside Act 1981 (as amended), the Badger Act (1992), NPPF (2012), SE plan policy NRM5 and the NERC Act (2006).

Conclusion:

European Protected Species are present but unlikely to be significantly affected by the proposals. Therefore no further consideration of the Conservation & Habitats Regulations is necessary.





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For: PLANNING & REGULATION COMMITTEE – 2 DECEMBER 2013

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

Waste transfer facility to handle 60 000 tonnes per annum of non-hazardous waste and 200 tpa of clinical waste; and associated operational development including a northern egress to Corridor Road, concrete pad, soil storage bunds, perimeter fencing, transformer pad and transformer, traffic (Armco) barriers and traffic lights at the consented Materials Recycling Facility (MRF) on land to the west of Corridor Road within the boundary of the existing Sutton Courtenay Waste Management Centre

Division Affected: Sutton Courtenay and Marcham

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

Location: Sutton Courtenay Landfill Site, Abingdon, OX14 4PW.

Application Nos: MW.0136/13 P13/V2235/CM

District Council Area: Vale of White Horse

Applicant: FCC

Date Received: 30 September 2013

Consultation Period: 10 October 2013 – 31 October 2013

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

Location (see location plan)

1. The site lies in the centre of the Sutton Courtenay landfill complex; 1km (0.6 mile) east of Sutton Courtenay, 1km west of Appleford, 3km (1.8 miles) south of Abingdon and 1.5km (0.9 mile) north of Didcot.

Site and Setting (see site plan)

2. A green waste composting site occupies the western half of the site. A Materials Recovery Facility (MRF) has recently been constructed on the eastern part of the site.
3. Access to the site is to the south onto Portway, which is a byway open to all traffic (BOAT).
4. To the west and south is restored agricultural land. To the north is a gravel processing plant and block crushing area. To the east is the Corridor Road and beyond that is a black top plant next to the Appleford sidings railhead. Sutton Courtenay landfill is 300 metres to the southeast.
5. The closest areas of population are Sutton Courtenay and Appleford villages, 1 km distant. Appleford Crossing and properties on Main Road, Appleford are closest to the site at approximately 950 metres from the site boundary.

Background and History

6. Permission for the existing MRF building was granted in 2008 (APF/616/57-CM) and subsequent Section 73 permissions amended this consent. In 2012 (P12/V1497/CM) a new permission was issued to allow the MRF to be constructed and operated without the IVC. A further permission (P12/V2207/CM) was issued in January 2013. This varied conditions to extend the end date of operations to 2030, increase the annual throughput to 200 000 tonnes per annum (tpa) and alter the approved elevations. A further Section 73 application (P13/V2032/CM) was made to vary a number of conditions to allow for extended opening hours and external storage of waste, amongst other changes. This application was refused by Planning and Regulation committee on 9 September 2013. The reason for refusal was the unacceptable adverse impact on local residents by operations outside standard working hours. The building which has been constructed on this site has a floor area of only two thirds of the consented building. The applicant intends to construct the final third of the building at a later date.
7. FCC originally proposed to use part of the MRF building for bulking of municipal waste from South Oxfordshire and the Vale of White Horse in the Section 73 application made in 2012 and issued in January 2013 (P12/V2207/CM). This

also included an extension of the end date of the MRF facility. The application was approved by Planning and Regulation Committee on 3rd December 2012, however in the course of considering the application it became clear that it would not be possible to approve the proposed bulking of waste and transfer to the Ardley Energy from Waste plant. This is because a Section 73 application can only be used to vary the way that an approved development is carried out and not to add new aspects to that development. As the description of development was for recycling operations and this proposal involved waste transfer with no recycling element, FCC was advised to submit a separate full application for that development.

8. An application (P13/V1523/CM) was made in June 2013 for the use of part of the existing MRF building for the bulking of waste destined for treatment elsewhere in the county. This application was refused by Planning and Regulation committee on 9th September 2013. The reason for refusal was that the development would cause an adverse impact on the local highway network and the amenity of local residents through the generation of additional lorry movements after 2020. The applicant has now resubmitted the application to use part of the MRF building for waste transfer operations and has amended the proposal to address the reason for refusal.

Details of the Development

9. Sutton Courtenay landfill site has permission to accept non-hazardous waste for landfilling until 2030. However, in future Oxfordshire's municipal waste will be treated at Ardley Energy from Waste plant. It is proposed to use part of the permitted MRF building at Sutton Courtenay as a waste transfer station (WTS). 50 000 tpa of waste would be brought there after being collected from households and would be transferred onto HGVs for more efficient transport to Ardley, which is approximately 30 miles (48 km) to the north. Transferring waste onto large vehicles would reduce the overall number of waste related movements.
10. It is also proposed to take up to 200 tpa of clinical waste from the South Oxfordshire, West Oxfordshire and Vale of White Horse District Council areas. This would also be for onward transfer to Ardley only and would not be treated on the site. It would be delivered in sealed containers which would not be opened.
11. It is further proposed to offer contingency capacity for the bulking of 10 000 tpa of non-hazardous commercial and industrial waste (C&I) which is not suitable to be treated through the MRF but which could be incinerated at Ardley rather than disposed of at the landfill. Therefore, the application has been made for a total throughput of 60 000tpa plus 200 tpa clinical waste.
12. It is proposed that waste would be imported from the same catchment area as applies to the existing landfill (Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell). The municipal waste element would be from Oxfordshire only.

13. FCC have proposed standard working hours for the WTS operations (07.00-18.00 Mondays to Fridays and 07.00 to 13.00 Saturdays), however they have also proposed operating 07.00 to 17.00 on Saturdays following Bank or Public holidays and 07.00 to 17.00 on Bank and Public holidays themselves with the exception of Christmas Day, Boxing Day and New Year's Day. This would be to meet the contractual requirements of the County Council for catch-up working during and after holiday periods. The site would be closed on Sundays.

Traffic - Changes from previous application (P13/V1523/CM)

14. This re-submission seeks to address the reason for refusal of the previous application. It is proposed that the throughput to the WTS would fall within the existing consented import to the MRF building, rather than being additional to it. The MRF is already consented to handle 200 000 tpa of waste. It is proposed that the 60 000tpa throughput to the proposed WTS should form part of this leaving a 140 000tpa throughout to the MRF. Therefore there would be no additional import of waste. The application states that there would be no change to the number of vehicles exporting waste from the site because vehicles taking waste from the WTS to treatment at Ardley would replace those transporting waste from the MRF. Therefore it concludes that the transport implications of replacing a percentage of the consented recycling operations with waste transfer within the MRF building would be neutral.
15. The clinical waste transfer is expected to generate an average of 2 vehicle movements per fortnight (7.5 tonne vehicle) importing waste to the site plus a further movement on a larger vehicle exporting the food waste.
16. It is anticipated that there would be an average of 60 daily vehicle movements of vehicles exporting waste from the MRF and WTS combined. Waste import to the WTS/MRF would be the same vehicles that are currently consented to take waste to the landfill site.
17. Associated Operational Development
18. New haul road – It is proposed to use a haul road to allow vehicles to leave the site directly onto Corridor Road without using the same road that they used to enter. This road is already constructed but the applicant states it is not in use. It is proposed that this would be brought into use at the same time as the final third of the MRF/WTS building to facilitate traffic management.
19. Concrete pad - It is proposed to construct a concrete pad on the footprint of where the second phase of the MRF/WTS building will go. It will then form the floor when the final third of the building is erected. This pad will measure 65 metres by 30 metres.
20. Bunds – The bunds on the north boundary of the MRF and the west boundary of the composting site are different on the ground to on the approved plans.

The northern bund is further south and does not connect with the western bund as shown. It is proposed to regularise this through the approval of plans showing the accurate bund locations. There is a central bund between the composting and MRF sites and a bund to the south of the composting plant which are not shown on the approved plans. They are three metres high and serve to store soils which will be required in restoration, screen the composting and create a boundary between the two sites. Permission is sought for these bunds along with one on the eastern MRF boundary which is also not shown on any approved plan but screens the development from the rights of way within the wider site.

21. Fencing- It is proposed to relocate approved fencing so that it is placed on the perimeter of the hardstanding, to the north of the northern bund. This would improve security. It would be a 2.4 metre green palisade fence.
22. Transformer pad and transformer – Details of the connection between the facility and the grid have been finalised and a transformer is required. It is proposed to construct this on a 1m by 1.5m concrete pad located between the MRF building and the previously approved substation building.
23. Traffic barriers – It is proposed to construct 550 mm high corrugated steel ‘Armco’ traffic barriers to reduce potential vehicle damage to perimeter fencing, bunds and the water storage tank from vehicle impact. They would also separate traffic from pedestrians.
24. Traffic lights – It is proposed to construct a traffic light system to control vehicle movements within the external part of the site.

• Part 2 – Other Viewpoints

Representations

25. 64 letters of objection had been received at the time of drafting the report. Copies of these letters are available in the Members Resource Centre. The key points are recorded along with a response in Annex 1.

Consultations

26. A summary of consultation responses received in relation to this application can be found in Annex 2. They are also available to read in full on the eplanning website.

Part 3 – Relevant Planning Documents

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

27. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

28. The relevant development plan documents are:
- The Vale of White Horse Local Plan (VLP) 2011
 - The Oxfordshire Minerals and Waste Local Plan (OMWLP)1996
29. The Government's National Planning Policy Framework (NPPF) is a material consideration in taking planning decisions. It does not contain specific policies in relation to waste, as these will be contained in a forthcoming national waste plan.
30. Planning Policy Statement 10 Planning for Sustainable Waste Management remains extant and contains relevant guidance.
31. The Vale of White Horse District Council is in the process of preparing a new Local Plan (VLP 2029). A draft Local Plan Part One 2029 was out to consultation until 9th May 2013 and the feedback which was received is now being assessed.

Relevant Policies

32. The relevant policies are:
- Vale of White Horse Local Plan (VLP) 2011
 - NE9 - Landscape
 - NE10 – Open/Rural character on urban fringes and gaps between settlements
 - NE11 – Development within areas of damaged or compromised landscapes
 - DC9 – Neighbouring amenity
 - Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996
 - W3 – Location of waste facilities
 - W5 – Screening of waste treatment plant, buildings and stockpiles
 - PE11 – Rights of Way
 - PE13 – Restoration of landfill
 - PE18 – Imposition of conditions to protect amenity
 - SC3 – Routeing agreements in Sutton Courtenay area
 - VLP 2029
 - Policy1- Presumption in favour of sustainable development
 - Policy 34 - Landscape

Part 4 – Analysis and Conclusions

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

33. The key planning issue is whether the proposed use of part of the permitted MRF building as a Waste Transfer Station is consistent with planning policy and whether this change would cause adverse amenity and environmental effects.

Waste Policy

34. The principle of a waste management facility in this location has been found to be acceptable as permission exists until 2030 for recycling operations on this site. The proposal to use part of the permitted building for waste transfer requires a separate consent as this does not involve waste recycling and so does not fall under the original description of development.
35. PPS10 paragraph 1 sets out the overall objective of Government policy on waste and refers to the importance of moving waste up the ‘waste hierarchy’ so that it is reused, recycled or recovered where possible and disposal is a last resort. This development would provide infrastructure to facilitate the diversion of waste from disposal at landfill to treatment at a permitted Energy from Waste plant.
36. The NPPF states that there should be a presumption in favour of sustainable development. VLP 2029 policy 1 reiterates a presumption in favour of sustainable development. This development can be considered sustainable as it would contribute towards the diversion of waste from landfill. It would also allow waste to be taken to Ardley on fewer, larger vehicles compared to a situation where waste was delivered using refuse collection vehicles.
37. Some representations have stated concern that the applicant has not demonstrated an overriding need for this development in this location. As the development is proposed to be temporary for the life of the landfill site, there is no policy requirement for the need for the development in this location to be demonstrated.
38. OMWLP PE13 requires the restoration of landfill sites within a reasonable timescale. Although this is not landfill development it is adjacent to the landfill site and the proposal is temporary to coincide with the end of the permission for the MRF building and of landfilling in 2030. Therefore, there would be no delay to the final restoration of the wider area and no prolonged traffic or other impacts associated with waste activities at this location. The diversion of waste from landfill to treatment at an Energy from Waste plant would reduce the volumes of waste going to the landfill site. If there was a prolonged and significant decline in volumes of waste to the landfill then there is the potential that it might not be possible for the applicant to complete the landfill to approved levels by 2030. However, this would depend on future levels of waste

import which are difficult to predict. FCC have stated their commitment to the 2030 end date and should it not be possible to achieve the approved levels in that time they could apply to amend the restoration contours to restore at a lower level using less waste. The diversion of waste to Ardley EfW and subsequent decline in volumes of waste to landfill would take place regardless of whether this specific site is used as a bulking facility.

Impacts on Amenity

39. PPS10 para 29 states that in considering planning applications for waste management facilities waste planning authorities should consider the likely impact on the local environment and on amenity. OMWLP policy PE18 states that in determining applications the County Council will have regard for the appropriate provisions in the Code of Practice. This sets out details of measures to protect amenity including buffer zones, landscaping, standard hours, noise, dust and odour. VLP policy DC9 states that development would not be permitted if it would unacceptably harm the amenities of neighbouring properties.
40. The use of part of the building for waste transfer rather than materials recycling is not considered to have any additional impacts on amenity. The only changes would be the processes undertaken inside the building. The ancillary development proposed in this application is minor in the context of the wider development and is not considered likely to have any impact on amenity.
41. There have been concerns that the developments on the site could lead to an odour nuisance. There have been complaints in the past about odour arising from the adjacent green waste composting plant. The Environment Agency investigates odour complaints and requires changes to operations as needed through the Environmental Permitting regime. In relation to this particular development it is not considered that the use of part of the building for transfer rather than recycling would cause any additional odour impact.
42. The hours proposed for operations are shorter than those that had been proposed for the MRF operations under the refused application P13/V2032/CM. They are in line with the standard working hours set out in the Oxfordshire Minerals and Waste Local Plan Code of Conduct, with the exception of the proposal to continue WTS operations, including vehicle movements, on some Bank and Public Holidays (07.00-17.00, excluding Christmas Day, Boxing Day and New Year's Day) and until 17.00 on Saturdays following Bank and Public holidays.
43. The code of practice referred to in policy PE18 of the OMWLP requires that except in special circumstances mineral and waste disposal operations, including the movement of lorries entering and leaving the site, will take place only between 7:00 am and 6:00 pm on weekdays and between 7:00 am and 1:00 pm on Saturdays. No operation of any kind will take place on Sundays and Bank Holidays or a Saturday immediately following a Bank Holiday Friday (e.g.

Easter Saturday or a Christmas Saturday). These restrictions on hours of working may be relaxed for civic amenity sites or similar or where plant has to be operated continuously. In these cases special care must be taken to reduce noise.

44. The OMWLP dates from 1996. There is now a growing need for waste management facilities to accept waste on Bank Holidays as District Councils increasingly collect waste from households on Bank Holidays and the County Council as waste management authority is obliged to make provision for the management of the waste collected. Therefore, the proposal to accept waste on Bank Holidays must be considered in the context of the site and the likely impact on amenity.
45. In this case the development is located some distance from residential properties and has good access direct onto the A4130. A noise assessment has been submitted with the application and concludes that subject to the implementation of proposed mitigation measures residential amenity would be adequately protected.
46. It is considered that although the proposal to open the facility on Bank Holidays and after 1.00 pm on Saturdays does not accord with the aim of policy PE18, there would not be a significant adverse impact on amenity and the proposal generally accords with planning policy relating to the protection of amenity.

Traffic

47. PPS10 para 21 states that the capacity of existing transport infrastructure to support the sustainable movement of waste should be considered.
48. The previous refused applications proposed an overall increase in waste tonnage to the Sutton Courtenay waste complex from 350 000tpa by road to 450 200tpa by road. This would have been achieved by the green composting and transfer waste tonnages being additional rather than part of the overall limits to the MRF/WTS building and the wider landfill site. It is no longer proposed to increase the overall annual throughput of either the MRF/WTS building or the wider waste complex.
49. Waste would be brought in to the transfer station on refuse collection vehicles with an average payload of 7.5 tonnes. These are vehicles which in the past would bring this waste for disposal at the landfill, so they are not considered to be additional movements. Waste would be transferred to the Energy from Waste plant on HGVs with an average payload of 24 tonnes. These movements are not considered additional because the annual WTS throughput would replace part of the existing consented MRF throughput and the MRF operation already involves materials being removed from site.
50. The applicant has submitted a Transport Assessment which provides detailed figures regarding the existing and proposed vehicle movements and concludes that there would be no material impact on the highway network as there would be no additional waste import over the existing consented levels and no

additional movements associated with waste export. In fact, the figures within the assessment show that there would be a nominal decrease in vehicle movements associated with export from the MRF building if the WTS becomes operational.

51. OMWLP policy SC3 states that planning permission will not be granted in this area unless a routeing agreement has been secured to encourage HGVs to use the Didcot Northern perimeter road and to avoid the roads through the villages. The MRF permission is subject to a routeing agreement (dated 15th October 2008) which directs traffic to the A34 via the southern access to the Sutton Courtenay complex. However, the existing agreement would not apply to any permission granted further to this application as it is a different development. Therefore, it is recommended that should permission be granted for this development it should be subject to a routeing agreement to ensure that HGVs use the A4130 and the A34 and not local roads.
52. There has been no objection from transport development control subject to ensuring that the tonnage of waste to the WTS is part of the overall tonnage to the MRF. This can be secured through Section 106 agreement.
53. The applicant has proposed that waste imported to the waste transfer station would come from within the same catchment area as that secured by section 106 for the landfill operation (Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell). The landfill section 106 would not apply to waste brought in under any separate consent for the waste transfer operation and so it is recommended that should permission be granted it should be subject to a supplementary Section 106 agreement to ensure that the catchment area provisions also apply to this development.
54. It is considered that this revised application overcomes the reason for refusal of the previous application. A Section 106 agreement to ensure that waste import is part of rather than additional to existing waste imports to the site, will ensure that there is no material impact on the highways network as a result of this development. Subject to that agreement and the proposed routeing agreement the development complies with relevant development plan policies related to transport.

Rights of Way

55. OMWLP policy PE11 requires that the rights of way network be maintained and encourages improvements.
56. There would be no direct impact on any right of way as a result of this development. Vehicles accessing the site would utilise a road (Portway) which is also a designated right of way (BOAT), however this is already permitted under the MRF development. The proposed new egress point from the site onto Corridor Road would reduce traffic flows on the BOAT to the south of the site,

therefore minimising the potential for conflict with other users of the right of way.

57. In 2023 a permissive right of way is due to be installed on Corridor Road which will cross the proposed new egress point. Therefore, it is considered that a condition for the submission of details of signage and other provisions for the safe crossing of the access point.
58. It is considered that the development is in accordance with OMWLP policy PE11.

Landscape

59. VLP policies NE9, NE10 and NE11 are landscape policies stating that development will not be permitted if it has an adverse impact on landscape (NE9), affects the open character of gaps between settlements (NE10) or if a landscaping plan that enhances the appearance of the area has not been provided (NE11). VLP policy 34 states that locally valued landscapes will be protected, maintained and where possible enhanced. Where development is acceptable in principle measures should be sought to integrate it into the landscape character of the area. In this case a landscaping plan has been provided with the application and it is considered to be acceptable. The application also includes ancillary development including a transformer, concrete pad, bunding and fencing, traffic barriers and lights. These elements are not considered to have any significant landscape impact in the context of their location within this site containing the MRF building. The waste transfer operation itself would take place inside an existing building and so there would be no additional landscape impact. The proposals are not considered to be contrary to VLP policies NE9, NE10 or NE11.

Other Issues

60. OMWLP policy PE13 requires the restoration of landfill sites within a reasonable timescale. The development is proposed in relation to a 25 years contract which the applicant has with the Waste Disposal Authority. The timescale proposed for the removal and restoration of this facility is less than the contract length. This could be a material planning consideration in as much as it is relevant to the likelihood of the development being removed and the land restored within the time period proposed. The 2030 restoration date is significant to development on this site because under their existing consents other existing waste development on this and surrounding land would have ceased by that date with a requirement for restoration. The applicant could either apply for an extension of time for the continued use of the facility or elect to fulfil the contract obligations from an alternative site. Any subsequent application to extend the time period would be a matter for consideration on its merits against development plan policies and other material considerations as they pertained at that time.

Conclusions

61. The development is in accordance with relevant planning policy relating to waste management and protection of amenity.

Recommendations

62. It is **RECOMMENDED** that subject to:

- i) a **Section 106** agreement to ensure that waste imports to the waste transfer operation are only from within the catchment area (Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell) secured by the Section 106 agreement dated 4 November 2008 for the landfill site and that the total waste import to the MRF and WTS building is 200 000tpa and this is part of and not additional to the 600,000 tpa limit on the landfill; and
- ii) a **routeing** agreement to ensure that vehicles associated with the development are routed via the A4130 and A34 as for other developments on the site,

application MW.0136/13 be approved subject to conditions to be determined by the Deputy Director (Strategy and Infrastructure Planning) but in accordance with those set out at Annex 3 to this report

MARTIN TUGWELL
Deputy Director (Strategy and Infrastructure Planning)

November 2013

Annex 1 - Representations

There were 64 letters of representation from members of the public. All of these were objecting to the application. The points raised are summarised below, with an officer response in italics.

- Properties on Main Road, Appleford are as close as Hill Farm and would be affected more than suggested by the application.
- Prevailing winds would increase the noise impact on Appleford
- Noise disturbance

OCC officers have measured the closest properties on Main Road as over approximately 950 metres from the site boundary (although some property boundaries are closer), whereas Hill Farm is approximately 1.1km from the boundary. The property at Appleford Crossing appears to be the closest property and was assessed as part of the noise assessment and is located in the same direction from the site as properties on Main Road. Noise has been assessed and can be controlled through condition.

- Concern that the 2030 end date should be enforced
- The site should have returned to agriculture

The landfill site has permission until 2030 and the waste transfer use proposed would sit with that timescale allowing the entire site to be restored following the end of landfilling. This would be a condition on any planning permission issued and therefore legally enforceable. Although it is not possible to prevent an applicant putting in an application to vary this date in the future, such an application would have to be weighed up against planning policy at that time.

- Discrepancy between the end date of the contract and the proposed end date of the facility

The contract does not specify the site for waste transfer. Any permission granted would be subject to a condition requiring the cessation of use and full restoration by 2030. The applicant would need to find an alternative site to continue waste transfer operations elsewhere after that date.

- Clinical waste should not be introduced to this established non-hazardous site, all waste imported should be non-hazardous on principle
- Clinical waste should not be allowed as the applicant is likely to apply to increase the amount in the future
- Concern about potential from infection from clinical waste
- It is not clear that there would be significant savings in transferring clinical waste through this site

Clinical waste would be transferred only and not treated, processed or disposed of on the site. It would not be removed from the sealed containers it was imported in. Conditions would restrict the tonnage to that applied for and any change would require planning permission. It is not a requirement to demonstrate that the proposals would make savings over any existing arrangements. It would also be covered by the permit from the Environment Agency.

- Local Plan policies NE9, NE10 and NE11 should not be ignored.

These landscape policies are not relevant to the waste transfer operation as it would be entirely contained within an existing building. The proposed ancillary development is considered to have minimal landscape impact in the context of its location next to the existing MRF building.

- If permitted the development should only be for OCC waste and commercial and industrial waste which arises within the County/ Vale and South District Councils areas.

The Transport Assessment which accompanies the application states that the commercial and industrial waste would be sourced from within the catchment area approved under the existing landfill consent. This is secured under a Section 106 legal agreement dated 4th November 2008 and the catchment area covers Oxfordshire, West Berkshire, Reading, Wokingham and Bracknell. It is considered that any new permission should be subject to a supplementary agreement restricting the import of waste to the same areas. There is not a planning justification for further reducing the catchment area beyond what is proposed in the Transport Assessment.

- Applicants have a poor record in complying with planning conditions

OCC have powers to enforcement planning conditions to address any breaches of planning control.

- There are existing problems with odour and flies from the landfill and composting site

Odour and flies are controlled through conditions on the environmental permit issued by the Environment Agency. These are unlikely to cause a nuisance in relation to the current proposals because all operations would take place within the building.

- Traffic – building and operation of WTS will put pressure on local roads

The building has been built and has permission for waste recycling operations. The use of part of the building for waste transfer would not give rise to additional traffic and vehicles would be routed to avoid local roads through villages through a legal agreement in any case.

- Traffic – concern that traffic implications will not be neutral as suggested as it would also draw in waste vehicles serving SODC and the Vale as well as landfill vehicles.

Waste collection vehicles from SODC and the Vale do already use the landfill site so these movements would not be additional. The existing landfill routeing agreement includes waste collection vehicles and so they would also be subject to any new agreement.

- Concern about dust

Dust is unlikely to cause a nuisance as all operations would take place inside the building which is located nearly 1km from the nearest dwellings.

- Need for the facility in this location has not been demonstrated

There is no requirement for the application to demonstrate need in this location. OMWLP policy W4 requires that proposals for re-use/recycling will not normally be permitted in the open countryside unless a) there is an established overriding need and no other suitable site available or b) the development is to form part of a landfill site and will be removed on completion of the landfill. Waste transfer operations are not classed as recycling operations and so the policy does not apply. If it did, part a) would not apply because the site is within a landfill and temporary. Therefore there is no policy requirement for the applicant to demonstrate need.

- Drainage has not yet been fully addressed for the developments which already have consent and this would increase the risk further.

There is now an approved drainage plan covering the wider site which FCC must implement. The drainage of this site can be controlled by condition. As the proposed development would take place in an existing building it is not likely to increase drainage or flooding problems.

- Planning creep – usual planning requirements not being adhered to

The timescales for development at minerals and waste sites tend to be relatively long and the technologies and requirements can change during the life of a landfill site permission. The applicant is entitled to make further applications to try to achieve modern waste management facilities on an existing permitted site.

- Application is almost identical to the one refused at September committee

This application is for the same development as the one refused by committee on 9th September. However, the applicant has changed the details of the proposals in order to take account of the reasons for the refusal of the original. It is a valid application and must be determined.

- Concern that FCC is not financially sound as it is a Spanish company

There is no reason to conclude that FCC would not be able to comply with the planning consent, however if the site was to change hands planning conditions would be enforceable on the new owners

- Site is not operated securely as there are regularly motorcycles racing through

The wider landfill site contains a number of public rights of way including a byway open to all traffic, which means that the public can access the site. However, FCC works with the police to address antisocial behaviour. The development under consideration would take place entirely within a building and therefore could be secured.

- Site is designated greenfield

The site has permission for waste use until 2030, after which time it must be restored. Restored minerals and waste sites have greenfield status.

- Storage should be within the building

This application does not propose external waste storage. This was the subject of application MW.0090/13 which was refused by committee on 9th September 2013.

- Object to bank holiday opening, which is not necessary as the waste collection authorities do not collect on these days.

The acceptability of bank holiday opening at this location is considered in the main report.

Annex 2 – Consultation Responses

1. **Vale of White Horse District Council Planning** – No response at the time of drafting report.
2. **Vale of White Horse District Council Environmental Health** – No objection
3. **Sutton Courtenay Parish Council** – Object. There does not appear to be any proven need for a waste transfer station at this location and a sequential approach has not been adopted. It has not been demonstrated that the development could not be located elsewhere. The proposal would have a severe detrimental impact, is inappropriate and would affect the openness of the area contrary to VLP policies NE10 and NE11. The 600 000 tonne annual import limit on the landfill was geared towards an earlier end date and set at a time when background traffic was less. Even if tonnage is unchanged having more vehicles would increase traffic impact. There is no justification for including clinical waste. This site was not nominated for waste transfer under the Minerals and Waste Development Framework process. There would be no benefit in terms of local employment. The Parish has been inundated with applications within a short space of time. Concerns about flooding as FCC do not have a good track record. Should permission be granted it should be subject to the existing working hours and there should be restrictions on the origin of imported waste so that it can only be brought in from the local area. There would be an adverse impact on the local highway network and on local amenity. The original reasons for refusal are still relevant.
4. **Appleford Parish Council** – Object. There is no proof that the plant is needed. Concerned about flooding as the current drainage issues have not been addressed and further concreting can only make the problem worse. Concerned that the waste contract is longer than the planning permission sought. There should be a legally binding end date for the landfill, MRF and any other proposed waste facility. This is a non-hazardous waste site and clinical waste should not be accepted on principal. Permissions on this site in the past have been subject to conditions to protect local people. Appleford residents must continue to be protected from loss of amenity due to noise, unsocial working hours, smells, dust etc and the rural character of the community must be maintained.
5. **Didcot Town Council** - No Strong Views. Concern about the accumulative effect on traffic of this and other planning applications in this area that are currently working through the system. This would have a serious effect on the Power Station roundabout which is already a bottle neck and all the increased traffic will need to get on the A34 at Milton.

6. **Environment Agency** – No objection. The development will need an Environmental Permit, or variation to the existing permit.
7. **CPRE** – Accepts the need to consolidate waste before transport to Ardley. However, require reassurance that the plant will not operate past 2030. Pleased to see that this application does not add gross throughput or significantly change hours of operation. Would like the committee to satisfy itself that the applicant has realistic plans for fulfilling the contract past 2030.
8. **Biodiversity** – No objection subject to conditions securing landscaping plan 427R262C and the previously agreed restoration plan applying following the end of the temporary consent.
9. **Rights of Way** – Responded, no comment.
10. **Highway Authority** – No objection subject to conditions (or a legal agreement) to ensure that the waste imported to the WTS forms part of the overall tonnage imported to the MRF and landfill site to ensure that there is no overall increase in the volumes of waste imported to the site and a routeing agreement if necessary. It is noted that the impact in terms of waste imports would be neutral. The submitted information shows that there would actually be a slight reduction in the number of vehicle movements associated with the export of materials from the MRF as a result of the inclusion of the WTS.

**Annex 3 – Proposed Heads of Conditions for application
MW.0136/13**

1. Complete accordance with plans and particulars;
2. Implementation within 3 years;
3. Development to cease and building removed and site restored in accordance with approved plan by 31st December 2030;
4. Operating hours – as set out in report;
5. Vehicles, plant and machinery to be fitted with effective silencers;
6. Reversing vehicles to use white noise only;
7. No more than 200 tpa clinical waste shall be imported to the waste transfer operation hereby permitted;
8. No more than 50 000 tpa household waste shall be imported to the waste transfer operation hereby permitted;
9. No more than 10 000 tpa commercial and industrial waste shall be imported to the waste transfer operation hereby permitted;
10. Records of waste imports and exports shall be kept and made available to the waste planning authority for inspection;
11. No waste transfer operations shall take place other than when all doors and roller shutters to the building are closed;
12. Implementation of noise mitigation measures as set out in noise assessment.
13. Submission of details of signage and other provisions for the safe crossing of the proposed site egress point by the new permissive right of way by 1st January 2023.

Informative: Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by:

- offering a pre-application advice service, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application and where possible suggesting solutions as has occurred as part of this application process.

Annex 4 - European Protected Species

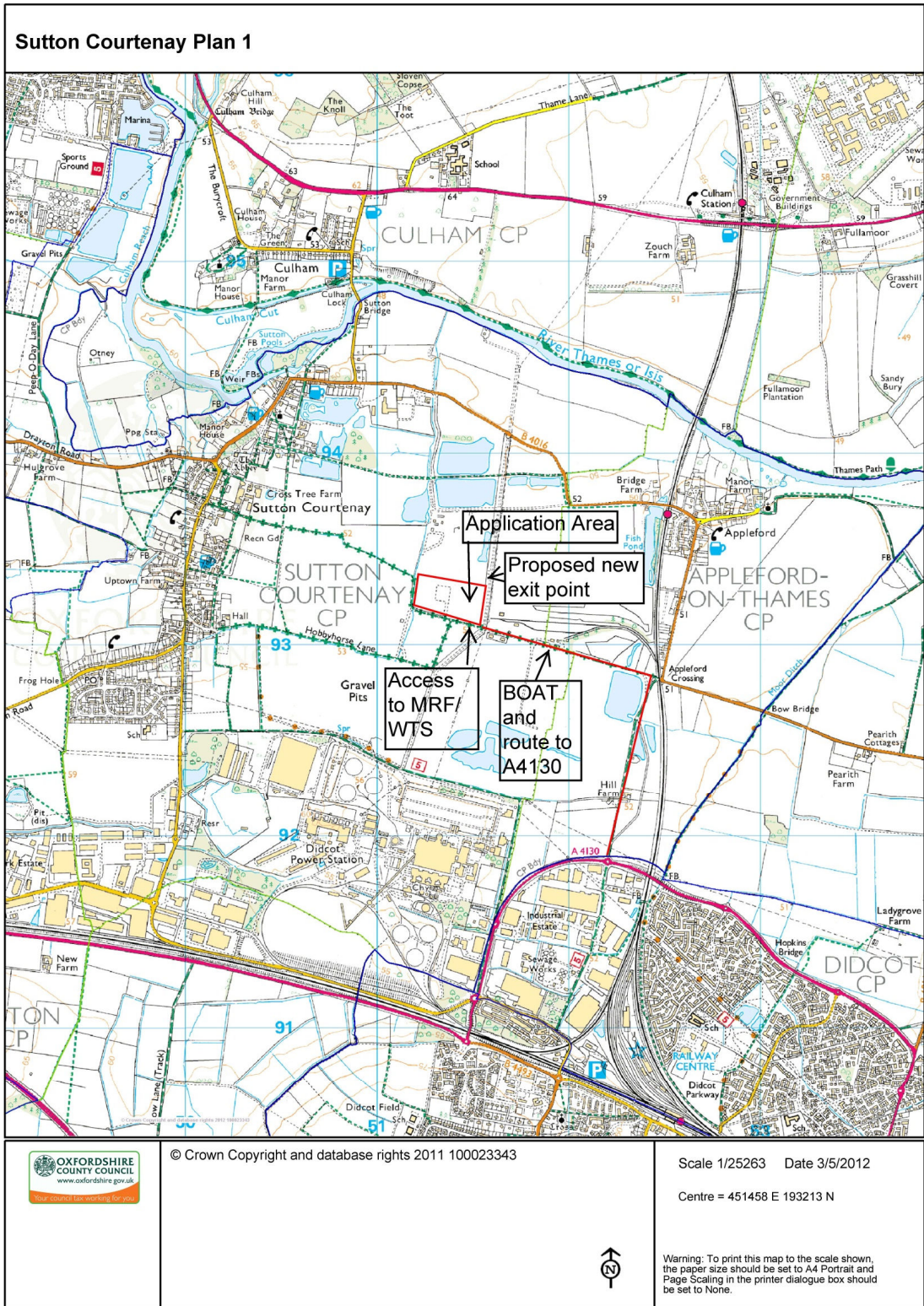
The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

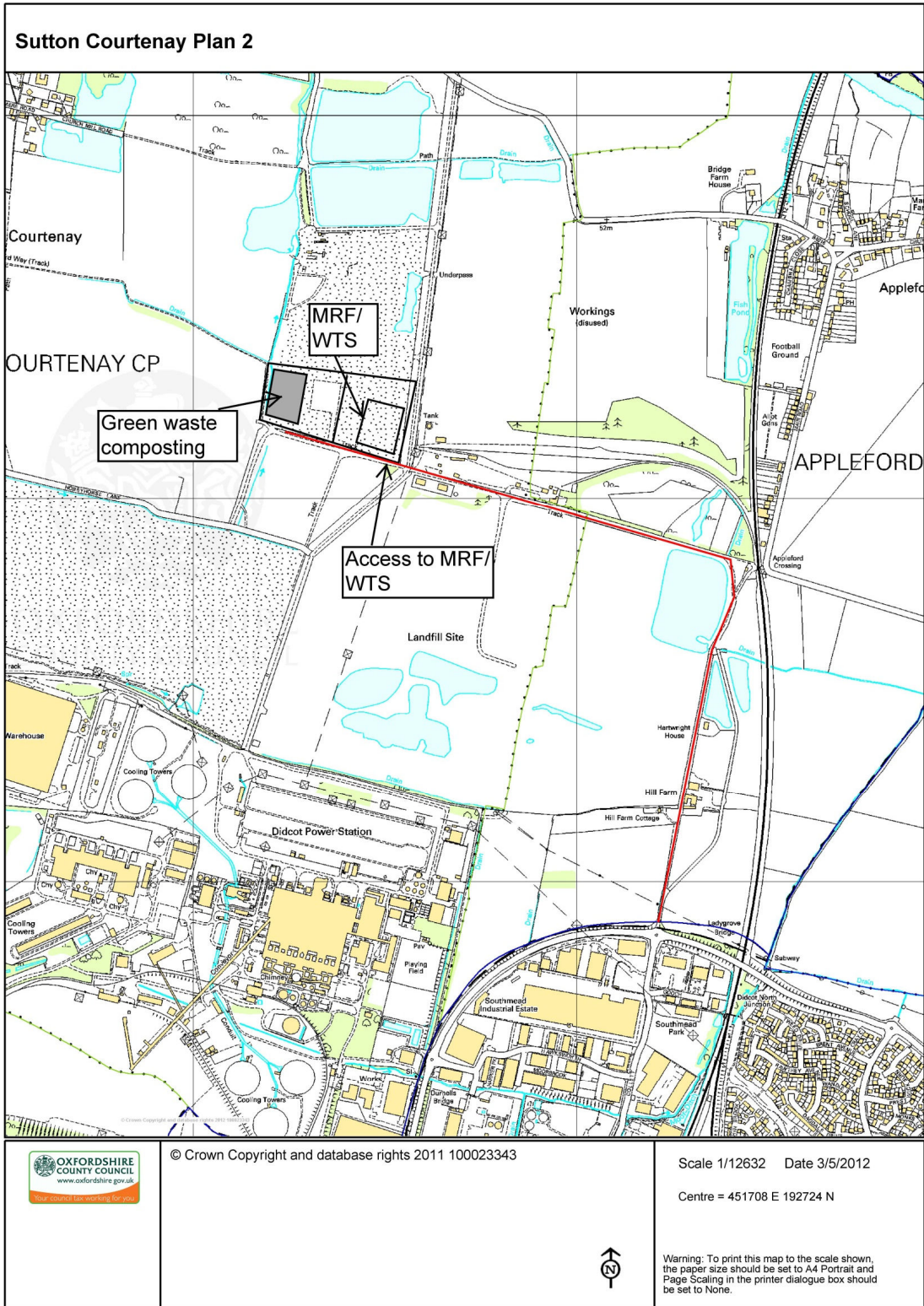
1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
a) to impair their ability –

- 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.





For: PLANNING & REGULATION COMMITTEE – 2 DECEMBER 2013

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

Development Proposed: Two separate classroom extensions to provide two additional classrooms

Division Affected: North Hinksey

Contact Officer: Kevin Broughton **Tel:** 01865 815272

Location: Botley County Primary School, Elms Road, Botley, Oxford, Oxon, OX2 9JZ

Applicant: Oxfordshire County Council

Application No: R3.0061/13
District Ref No: P13/V1137/CC

Application Received Date: 8 May 2013

Consultation Period: 17 May 2013 to 10 June 2013 and
24 July 2013 to 15 August 2013

Last Consultation Response Date: 15 June 2013

District Council Area: Vale of White Horse

CONTENTS

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

Recommendation: Approve with conditions.

Part 1 Facts and background

Site and Setting (see site plan)

1. The School site is on the north eastern edge of Botley which itself is just west of Oxford City.
2. The eastern boundary of the site runs alongside the southern bypass. Housing to the west of the school site on Elms Road is on the far side of the main school building to the extensions. The nearest residential properties would be to the south on Nursery Close at a distance of approximately 22 metres from the southern extension. There is a doctor's surgery to the north on Elms Road and a Children's Centre shares the school site to the south.

Details of the Development

3. The proposed scheme is the result of an amendment to the layout that was necessitated by the discovery of a service pipe on the eastern boundary, and the need to stay outside the protected area of that pipe.
4. The application seeks to provide two new teaching spaces in two separate extensions providing a total of 170.3 m² of new floor space. This would provide the school with adequate facilities for a 14 classroom school, allowing it to convert to two form entry. There would also be minor external works as part of the scheme. Two additional full-time and two part-time members of staff would result from the proposed development.
5. The proposed extensions are on the east side of the school. Extension Area 2 is on the eastern edge of southernmost part of the school building, but it does not take the building any closer to the southern boundary.
6. The two parts of the building to which the extensions would attach are of different architectural styles. The two extensions would be built in the same style as the one to which they attach. The northernmost extension would be of facing brickwork with a "flat" felt roof coloured slate grey and a maximum roof height of 3.448 metres with a ventilation stack measuring an additional 1.005 metres. Windows and doors would be of white powder coated aluminium. The southernmost extension would be of horizontal shiplap cedar cladding with red render to the gable and a duo-pitched roof with Redland Cambrian slate coverings coloured slate grey and a maximum roof height of 6.002 metres with a ventilation stack measuring an additional 1.00 metre. Windows would be of white and doors of red powder coated aluminium. The school takes access onto Elms Road. No changes are proposed to the existing access or parking arrangements. Planning permission was granted in 2012 for 30 car parking spaces (one additional disabled bay) and 40 cycle spaces. In support of this application it was advised that it was intended to address existing issues at the school including for future extensions. That permission has now been implemented.

Part 2 - Other Viewpoints

Representations

7. Three third party representations were received. All of them objected to the development on the grounds of extra traffic that would be generated and would have to use Elms Road. Specific comments were:
 - Unacceptable traffic on Elms Road - this will increase if the extensions are built.
 - Would like to work with the Headteacher and the developers to look at an alternative option including safe dropping off and picking up, and more use of public transport, cycling and walking.

- Elms Road residents are subject to: parking outside properties, parking on double yellow lines, queuing and inhibiting turning on Elms Road, and obstruction of the exit from Elms Road.
- Elms road is very busy, it serves housing, the school, the children's centre and a medical centre. It is constantly in use by lorries delivering to the school and medical centre.
- Elms Road is dangerous for families and young children.
- The School Travel Plan should be updated.
- The road should be made good after construction has finished.
- The school generates significant traffic particularly at peak times.
- No provision is made for increased traffic, particularly at peak times.
- A new road should be created elsewhere to the back of the school.

Consultations

8. The consultation responses received were:
- Vale of White Horse DC - no objection.
 - Protected Species Officer - no objection.
 - Drainage Team - Development should drain to the adjacent green area.
 - Transport Development Control - no objection Subject to:
 - i. An updated Travel Plan prior to occupation of the proposed classrooms. The travel plan to include:
 - Investigating the use of West Way precinct as a park and stride.
 - Services and deliveries to the school to take place outside peak traffic periods.
 - Coordination with the Medical Centre to reduce congestion problems.
 - ii. A construction management plan to be approved prior to the development taking place.

Part 3 - Relevant Planning Policies

Relevant Planning Policies (see Policy Annex to the Committee Papers)

9. Vale of White Horse Local Plan 2011 (VWHLP) Policies:
- GS1 (Concentrate development on main settlements, including Botley)
 - DC1 (Design must be high quality and take into account local distinctiveness)
 - DC5 (Safe and convenient access must be available, including for those with impaired mobility)
 - DC9 (Development will not be permitted if it would unacceptably harm the amenity of neighbouring properties)
 - CF2 (Development for Local Community facilities will be permitted where they meet the other criteria in the plan)
10. Draft Vale of White Horse Local Plan 2029 (VLP) :
- CP1 (Presumption in favour of sustainable development)

- CP37 (New building is expected to be of high quality design)
11. The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. Paragraph 72 states that LPAs should take a proactive, positive and collaborative approach to ensure a sufficient choice of school places is available; they should give great weight to the need to expand or alter schools and work with school promoters to identify and resolve key planning issues prior to submission of applications. This is a material consideration in taking planning decisions. The CLG letter to the Chief Planning Officers dated 15 August 2011 is also relevant.

Part 4 - Analysis and Conclusions

Comments of the Deputy Director (Strategy and Infrastructure Planning)

12. The main issues for this application are: the presumption in favour of development, effect on local amenity, and traffic.

Presumption in Favour of the Development

13. Policy CP1 of the VLP says that there should be a general presumption in favour of sustainable development. Botley, in accordance with policy GS1 of the VWHLP, is an area where new development would be concentrated. An adequate number of school places are part of the infrastructure required to support the development in Botley. The development is therefore sustainable and there is a general presumption in favour of it.
14. Policy CF2 of the VWHLP says that proposals for local community facilities including extensions will be permitted provided there is no overriding amenity or environmental harm.
15. The CLG letter to the Chief Planning Officers dated 15th August 2011 set out the Government's commitment to support the development of state funded schools and their delivery through the planning system. The policy statement states:

"It is the Government's view that the creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations." State funded schools include Academies and free schools as well as local authority maintained schools.

It further states that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools;

- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions;
- Local Authorities should make full use of their planning powers to support state-funded schools applications;
- Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in Circular 11/95;
- Local Authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school or the imposition of conditions, will have to be clearly justified by the Local Planning Authority.

This has been endorsed as part of the National Planning Policy Framework.

Effect on Local Amenity

16. The design of the extensions matches the style of the buildings against which they would be attached. From the housing to the west the development would be unseen as it would lie behind the existing building. From the south it would sit against the existing school building and would be of the same styles. The development therefore accords with policies DC1 and DC9 of the VWHLP, and policy CP37 of the VLP.
17. The drainage team has raised the issue that the sewer system is at capacity and that the development should drain to the adjacent green area. A condition should be attached requiring a soakage system to be agreed prior to development taking place.

Traffic

18. Policy DC5 of the Vale of White Horse Local Plan says that safe and convenient access must be available, and policy DC9 says that development will not be permitted if it would cause unacceptable harm to the amenity of neighbouring properties.
19. Objection has been raised by some local residents on traffic grounds as set out above. There would be some increase in pupil numbers if the new extensions were built because it would provide 60 extra places. Some of those pupils will have siblings and so the extra travel might not be as high as sixty. Nevertheless there would be some impact and a condition could be attached to any permission given requiring the School Travel plan to be updated. This was as suggested by one of the neighbours in their representation.
20. The Highway Authority has not objected to the application on the grounds of highway safety, or indeed any other grounds. Updating the travel plan will in any case address safer access to the school by pupils.

21. The current problems of Elms road are understood, and the effect of the extra traffic generated by the school has been considered. The problems of parking on the road, lorry movements and the activity on the road generated by other sources cannot be solved by this application, however, the permission granted in 2012 for additional car and cycle parking was intended to help to address the issues arising from the school site and it is understood that this has now been implemented. The construction traffic would add to the concerns and a condition requiring a Construction Management Plan should be attached to any permission given. The plan should include the need to make good any damage to Elms Road.
22. I would encourage the residents and the school to work together in order to mitigate some of the traffic concerns on Elms Road, but as planning authority we have to determine the application before us. That application does not include a new road to the back of the school.
23. If the current parking restrictions on the highway are not being adhered to, that would be a matter for the police and other regulatory authorities, and not a matter to be taken into account in the determination of this application.

Conclusion

24. The proposed development would provide a facility enabling the school, a valuable community facility, to meet local need. The development would not cause any significant harm to the local amenity, and the transport concerns can be addressed as far as is reasonable within the context of this specific planning application by the attachment of conditions to update the travel plan and to implement a construction management plan. The development should therefore be granted permission in accordance with the presumption in favour of sustainable development.

Recommendation

25. **It is RECOMMENDED that planning permission be approved for Application R3.0061/13 subject to the following conditions:**
 - **Detailed Compliance with approved plans and details**
 - **Development to be carried out within three years**
 - **School Travel Plan to be updated prior to occupation.**
 - **Construction Management Plan to be approved prior to the development taking place, and then implemented.**
 - **Drainage scheme to be agreed.**

Compliance with National Planning Policy Framework:

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

- offering a pre-application advice service,
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions

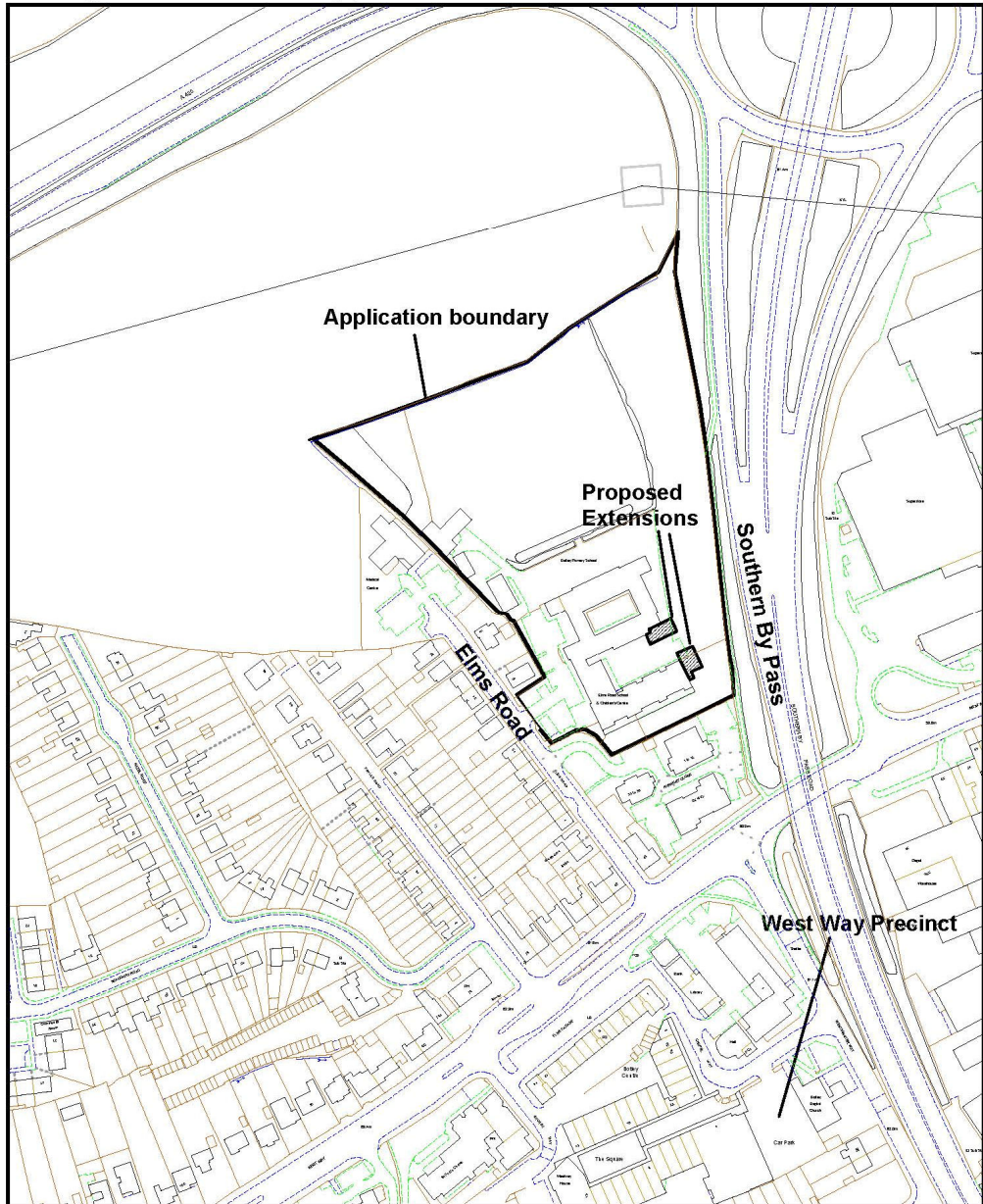
No issues arose with this application requiring updating of the applicant or their agent.

MARTIN TUGWELL

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

November 2013

Botley CP School - Application no R.0061/13



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By: kb
Dept:

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For: PLANNING & REGULATION COMMITTEE – 2 DECEMBER 2013

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

Development Proposed:

Application to consolidate the existing school facilities for the current pupils: The permanent retention of the existing modular buildings, erection of an additional building to allow the existing old school room to be used as an assembly hall, construction of a multi use games area, reorganisation of existing hard play area to allow for staff parking on the site, and the erection of a polytunnel.

Division Affected: Thame and Chinnor

Contact Officer: Kevin Broughton **Tel:** 01865 815272

Location: Aston Rowant C Of E Primary School, School Lane, Aston Rowant, Watlington, Oxfordshire, OX49 5SU

Applicant: Oxfordshire County Council

Application No: R3.0110/13 District ref no: P13/S2639/CC

Application Received: 1st August 2013

Consultation period: 15th August - 16th September and 21st October - 11th November

District Council Area: South Oxfordshire

CONTENTS

- Part 1 - Facts and background
- Part 2 - Other viewpoints
- Part 3 - Relevant planning documents
- Part 4 - Analysis and Conclusions.

Recommendation: Approve subject to conditions.

Part 1 - Facts and background

Site and Setting (see plan 1)

1. Aston Rowant is a village that lies about 2km (about a mile and a quarter) south east of Chinnor.
2. The School is on the north eastern edge of the village within the Aston Rowant Conservation Area. It is bounded by houses to the west. To the south is a School lane which gives access to the school site and is also a footpath that leads through to Kingston Blount. South of School Lane there is a row of trees and then beyond that the residential road, Plowden Park.
3. To the north and east of the school lie open fields.
4. The School is very unusual in that it is almost split in two by the Old School House which is now in private ownership. Most of the classrooms are to the east of the old school house in modular buildings currently with temporary planning permission. The original school building to the west houses the Headteacher's office, one classroom and the rest of the administration.

Details of the Development

5. The application will accommodate a marginal increase in pupils (from 98 to 105, it will also address the ongoing issues that the school faces.
6. A new classroom would be provided alongside the existing temporary classrooms. It would be cedar clad and would have a pitched roof to a maximum height of 3.7 metres The walls would be clad in red cedar and the roof would be a single ply grey membrane with a photo-voltaic display on the veranda roof The new school building would provide a purpose built foundation level classroom for pupils aged 4 and 5. The classroom would be constructed partly of recycled materials, would have high performance insulation and would incorporate photovoltaic cells in the roof.
7. The provision of a new building would enable the single classroom in the school building to be relocated with the other classrooms on the eastern part of the school site. The old school classroom, which has a high ceiling, could then be used as a school hall and for indoor PE lessons. Currently the school assemblies are held in a classroom that has to be reorganised before and after the assembly causing disruption to the school day. Further loss of learning time is caused by the need to bus the children off site for PE lessons.
8. The school currently has no sports hall, and a games court that is too small for most sports. To overcome this shortfall in hard play area the

school are proposing a Multi Use Games Area (MUGA) , to be built of permeable black macadam and providing 814 m² of games area. The proposal is for a MUGA in a north to south orientation to the north of the existing temporary buildings and approximately 15 metres to the north of The Old School House. This is an amended location following an objection from Sport England with regard to the loss of existing school playing field. All consultees were reconsulted on the altered position of the MUGA.

9. The application also includes the use of underused hardstanding at the western area of the site to be used for car parking and the erection of a polytunnel on the eastern part of the site.
10. The unusual layout of the school has led to the majority of classrooms in modular buildings. The school would not be able to operate without those buildings and so the proposal includes permanent retention of the existing modular buildings.

Part 2 - Other Viewpoints

Representations

11. There have been four objections to the application from local residents, including the residents of The Old School House on the following issues:
 - Disruption and congestion caused by contractors' vehicles.
 - Access to the school along School lane would conflict with pedestrian access to the school.
 - Teacher parking is not justified on such a narrow lane.
 - Increased parking in Plowden Park.
 - Use of the playing field is restricted outside school hours, this should be extended to the MUGA as well.
 - The polytunnel will be an eyesore.
 - The MUGA would be unsightly. This could be reduced by having a green surface.
 - The MUGA and the pathway will increase the risk of flooding despite the surface being permeable. Rain currently pools in the school field.
 - The MUGA should be placed in the north east corner of the field.

Consultations

12. South Oxfordshire District Council - no objection subject to tree protection during construction.
13. Sport England - no objection.
14. Environment Agency - no comment.
15. Highway Authority - no objection subject to a construction management plan and a revised school travel plan.

16. County Tree Officer - no objection.
17. Archaeology - no objection.
18. Protected Species Officer Response - no objection
19. Rights of Way - No objection subject to no material being deposited on the public footpath, and any damage to the footpath being made good.

Part 3 - Relevant planning policies

Relevant planning policies (see Policy Annex to the committee papers)

20. South Oxfordshire Core Strategy (SOCS): Policies
CS1 (Sustainable development),
CSM2 (Travel Plans),
CSR3 (Community Facilities),
CSQ2 (Sustainable design and construction),
CSQ3 (Design)
21. South Oxfordshire Local Plan 2011 (SOLP): Policies
G2 (Protection from adverse development)
C4 (Landscape)
CON7 (Conservation Area)
EP2 (Noise)
D1 (Design)
D2 (Adequate parking)
D7 (Adequate disabled access)
CF2 (Community Facilities)
T1 (Safe routes for pedestrians and cyclists)
22. The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. Paragraph 72 states that LPAs should take a proactive, positive and collaborative approach to ensure a sufficient choice of school places is available; they should give great weight to the need to expand or alter schools and work with school promoters to identify and resolve key planning issues prior to submission of applications. This is a material consideration in taking planning decisions. The CLG letter to the Chief Planning Officers dated 15 August 2011 is also relevant.

Part 4 - Analysis and Conclusions

Comments of the Deputy Director (Strategy and Infrastructure Planning)

23. There are three main issues related to this application: presumption in favour of the development; effect on the landscape; visual amenity and the conservation area; and transport issues.

Presumption in favour of the development

24. Policy CS1 of the SOCS states that applications will be approved if they accord with the development plan unless material considerations indicate otherwise.
25. Policy CF2 of the SOLP states that proposals for additional community facilities or services within settlements will be permitted provided there are no overriding amenity, environmental or traffic objections. Further Policy CSR3 of the SOCS says that proposals which would result in provision of services in rural areas will be encouraged.
26. Policy CSQ3 of the South Oxfordshire Core Strategy states that planning permission will be granted for development that among other things responds positively and respects the character of the site and its surroundings. The proposed extension would be in the same style as the existing school which itself sits well within the topography of the constrained site.
27. The CLG letter to the Chief Planning Officers dated 15th August 2011 set out the Government's commitment to support the development of state funded schools and their delivery through the planning system. The policy statement states:

"It is the Government's view that the creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations." State funded schools include Academies and free schools as well as local authority maintained schools.

It further states that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools;
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions;
- Local Authorities should make full use of their planning powers to support state-funded schools applications;

- Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in Circular 11/95;
- Local Authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school or the imposition of conditions, will have to be clearly justified by the Local Planning Authority.

This has been endorsed as part of the National Planning Policy Framework.

28. The development would provide an improvement to the community facility and is of a good design for the site. It should therefore be granted permission unless there are overriding objections.

Effect on the landscape, visual amenity and the conservation area

29. Policy CON7 of the Local Plan seeks to protect the district's heritage assets including conservation areas.
30. Policy D1 of the SOLP says that there should be good design and the protection of local distinctiveness. The proposed school building would be set alongside the existing timber clad buildings which have been established on the site. The cedar cladding and pitched roofs are not unsympathetic to the area and have a relatively rural appearance. In my opinion they would not significantly detract from the value of the conservation area.
31. The proposed MUGA would extend the hardstanding into the playing field and so would have an effect on the visual amenity of the area. This has been raised as an issue by a local resident and has suggested that this could be alleviated by having the tarmac as a green colour. Policy G2 seeks to protect settlements from adverse impacts and policy C4 says that development that would damage the landscape setting of settlements will not be permitted. The proposal is limited to just the playing surface and does not have fencing or lighting associated with the scheme. The views of the surface would be at a low angle and so the visual effect on the landscape would be minimal. In my opinion black would be a reasonable colour in the location and I do not believe it would be necessary to condition the colour of the playing surface.
32. The proposed polytunnel would be functional and arguably not be an attractive addition to the school and would not of itself be in keeping with policy CON7 of the SOLP. However, as part of the application the polytunnel is a minor part. If not included in the application the development would be a small structure that would appear to come within local authority permitted development rights. In my view the proposal would not amount to a reason to override the presumption in favour of the development. However, I would recommend that the details

of this are required to be submitted for approval by condition, should planning permission be granted.

Traffic Issues

33. Policy CSM2 of the SOCS states that Travel Plans will be required for small developments, including education facilities, that generate a significant amount of travel. A local concern over the increased traffic on Plowden Park has been raised. The proposed development would accommodate the modest increase of 7 children but it would also negate the need to bus children off site for PE classes.
34. Policy D2 of the SOLP says that planning permission will not be granted for developments that fail to incorporate safe and secure parking for cars and vehicles. The proposal includes the use of an underused hard surfaced area that is unsuitable for formal games, to be used for car parking.
35. The access to the proposed car parking would be along the same lane that some children would use for walking to the school site, and an objection has been raised as to the justification for that parking. Parking already takes place on Plowden Park with many people making use of a gap in the hedge between Plowden Park and School Lane. A local resident has pointed out that this is over private land, although it appears the landowner is not preventing that access at this time. Policy T1 of the SOLP requires safe and convenient routes for pedestrians and cyclists. The numbers of car parking spaces would be low (6 spaces) and the teachers are likely to come to the school before the children and leave after them.
36. Policy D7 of the SOLP says that the safety and access requirements of those with impaired mobility, hearing or sight should be taken into account in the designing of new parking spaces. The proposed parking space is informal and there is little scope for the layout, but a condition could be attached requiring an updated travel plan including the priority to be given to disabled parking on the site. The travel plan could also include times at which access to the car park is restricted.
37. The Highway Authority has no objection subject to the attachment of conditions requiring an updated Travel Plan and a Construction Management Plan. The Construction management plan would address the concern raised about the disruption that would be caused by the construction traffic. With those two attached the development would not, in my opinion lead to significant traffic concerns and would even reduce the amount of bus traffic coming to the school.

Other Issues

38. A concern has been raised about the noise from the MUGA and the proximity to the residents. Policy EP2 of the SOLP says that proposals

which would have an adverse effect on local residents in terms of noise will not be permitted. The nearest local residence is the Old School House which sits almost surrounded by the school site. The proposed MUGA would be farther from that property than the existing hard play area. Condition 9 of the planning permission for the School Playing Field says that the playing field shall only be used as a school playing field, and only during normal school times. This condition should also be added to the MUGA.

39. A concern has been raised by a local resident about drainage. No objection has been received from the Environment Agency. Policy CSQ2 of the SOLP says that SUDS should be included. The MUGA is proposed to have a porous surface and the proposal includes a swale on the edge of the playing field. To add further clarity, a condition could be added requiring drainage details to be submitted and approved prior to the development taking place.

Conclusions

40. The proposed development would allow this Community Facility security in the provision of its service by granting it permanent consent, with sufficient facilities. The proposed development would not cause any significant harm to the landscape, conservation area or local amenity subject to appropriate conditions being attached to any planning permission granted. It should therefore be granted permission in accordance with the presumption in favour of sustainable development set out in policy CS1 of the South Oxfordshire Core Strategy paragraph 72 of the NPPF and the CLG letter to the Chief Planning Officers dated 15th August 2011.

Recommendation

41. **It is RECOMMENDED that application R3.0110/13 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the following:**
- 1. Development to be commenced within 3 years of the date of permission.**
 - 2. Development to be built in accordance with the plans and details of the development.**
 - 3. Within one year of the date of this permission a School Travel plan to include within it provision for disabled parking and management of the use of the School Lane access.**
 - 4. Prior to the development taking place a drainage scheme to be submitted and approved.**
 - 5. Prior to commencement of the development a Construction Traffic Management Plan to be submitted and approved.**
 - 6. That the MUGA shall only be used as a school play area, and only during normal school times.**

7. Prior to the commencement of the development. details of the polytunnel to be submitted for approval

Reasons for Approval:

The proposed development would allow this Community Facility security in the provision of its service by granting it permanent consent, with sufficient facilities. The proposed development would not cause any significant harm to the landscape, conservation area or local amenity. It should therefore be granted permission in accordance with the presumption in favour of sustainable development set out in policy CS1 of the South Oxfordshire Core Strategy.

Compliance with National Planning Policy Framework:

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by;

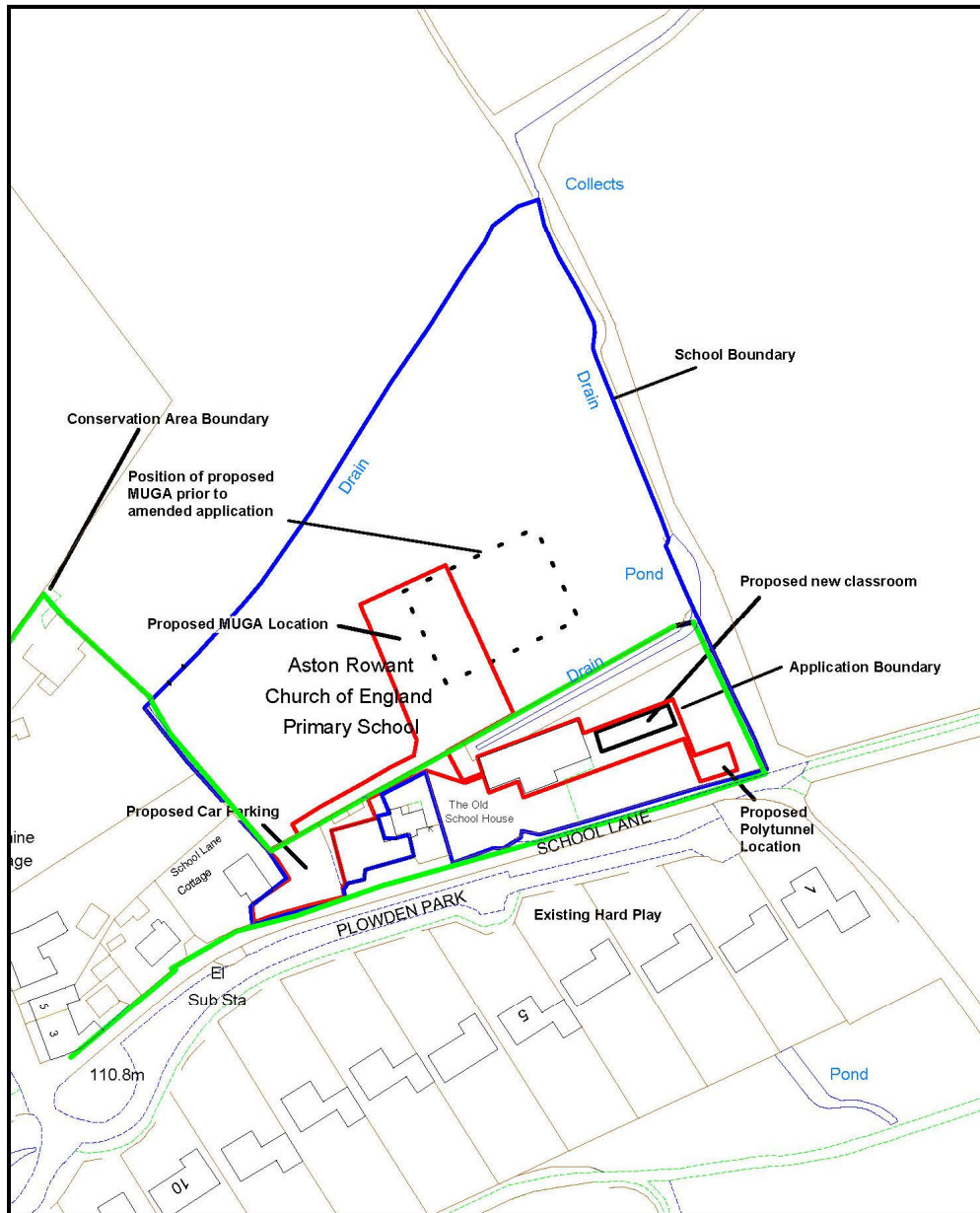
- offering a pre-application advice service, as in this case updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions, as was the case with this application.

MARTIN TUGWELL

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

November 2013

Aston Rowant CP School - Application no. R3.110/13



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PLANNING & REGULATION COMMITTEE – 2 DECEMBER 2013

POLICY ANNEX (RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES)

Oxfordshire Minerals and Waste Local Plan 1996

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 PE8: ARCHAEOLOGY

Before determining an application for mineral extraction the County Council will normally require the applicant to carry out a preliminary archaeological assessment to determine the nature and significance of any archaeological remains. The County Council may, subject to the results of this initial assessment, require an archaeological field evaluation of the site to determine the appropriate means for mitigating the impact of extraction on the archaeological resource.

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 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, after-care 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 PE14: RESTORATION, AFTER-USE AND NATURE CONSERVATION

Sites of nature conservation importance should not be damaged. Proposals which would affect a nature conservation interest will be assessed by taking into account the importance of the affected interest; the degree and permanence of the projected damage; and the extent to which replacement habitat can be expected to preserve the interest in the long-term.

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 PB1: PLANT AND BUILDINGS

The County Council will require processing plants, other necessary buildings and industries associated with a mineral working to be sited, designed, landscaped and maintained so as to minimise environmental disturbance. Any permission will be limited to the life of the mineral working or in the case of a waste disposal site, be subject to conditions requiring that the building or equipment is removed when no longer required in association with waste disposal.

POLICY SC3: THE SUTTON COURTENAY AREA

Planning permission will not be granted unless a routeing agreement has been secured to:

- (a) encourage heavy goods traffic to use the Didcot Northern Perimeter Road;
- (b) prevent heavy goods traffic from entering the villages of Sutton Courtenay, Appleford and Long Wittenham except for local access; and
- (c) limit the use of Culham Bridge to heavy goods vehicles serving local markets in the eastern parts of Abingdon and eastwards along the A415.

POLICY SD1: SAND AND GRAVEL - LANDBANKS

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 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 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.

POLICY W7: WASTE DISPOSAL

To control the release and location of landfill sites in such a way as to ensure that satisfactory restoration is progressively achieved with the least possible harm to the environment. Proposals will therefore be assessed against the following criteria:

- a) there is definite need for the facilities which cannot be met by existing or permitted landfill sites;
- b) there should be no material damage or disturbance to the environment or to the amenities of residential and other sensitive uses or buildings, both during and after operation, by reason of noise, dust, vermin, smell, gas and other pollution, or long-term damage to the visual amenities;
- c) the proposed filling should not raise or impede the floodplain of rivers and streams or create risk of pollution of surface or underground water courses;
- d) the proposal will cause no material damage to any feature of importance within a Site of Special Scientific Interest or other site of nature conservation importance which cannot be protected by measures incorporated within the proposal;
- e) the proposal will cause no material damage to an ancient monument or archaeologically important area requiring permanent preservation;
- f) the proposal will not adversely affect an Area of Outstanding Natural Beauty or of High Landscape Value;
- g) in the case of proposals in the Green Belt the development should not injure the visual amenities of the Green Belt or conflict with its purposes because of inappropriate siting, scale or design;
- h) the proposed access to the site, and transport routes for carrying waste to it, are suitable for the volume and nature of traffic which may be expected;
- i) the site and the methods of operation proposed are capable of progressive restoration and completion within an acceptable period having regard to the particular circumstances in each case;
- j) proposals for sites must meet with the hydrological and geological requirements for safe disposal of the particular waste concerned;
- k) where waste disposal might damage the visual amenities of an area during the period of operation, the site will be screened by earth mounding, tree planting or other techniques appropriate to the area.

Saved policies of the South Oxfordshire Local Plan 2011

POLICY C3: THE RIVER THAMES AND ITS VALLEY

The distinctive character of the River Thames and its valley and the settlements on its banks will be maintained and, where appropriate, enhanced. Proposals for any form of development which detracts from its special character will not be permitted.

POLICY C4: THE LANDSCAPE SETTING OF SETTLEMENTS

Development which would damage the attractive landscape setting of the settlements of the district will not be permitted. The effect of any proposal on important local landscape features which contribute to the visual and historic character and appearance of a settlement will be considered.

POLICY CF2: PROVISION OF COMMUNITY FACILITIES AND SERVICES

Proposals that would result in the provision of additional community facilities or services within settlements will be permitted, provided that there are no overriding

amenity, environmental or traffic objections to the proposals and that there is no conflict with the other policies in this plan.

POLICY CON6: PROPOSALS AFFECTING A CONSERVATION AREA

Consent to demolish a building in a conservation area will be granted only if the loss of the building would not adversely affect the character of the area and, where appropriate, if there are detailed and acceptable plans for the redevelopment of the site.

POLICY CON7: PROPOSALS AFFECTING A CONSERVATION AREA

Planning permission will not be granted for development which would harm the character or appearance of a conservation area.

The following will be required when considering proposals for development in conservation areas:

- (i) the design and scale of new work to be in sympathy with the established character of the area; and
- (ii) the use of traditional materials, whenever this is appropriate to the character of the area.

The contribution made to a conservation area by existing walls, buildings, trees, hedges, open spaces and important views will be taken into account. Proposals for development outside a conservation area which would have a harmful effect on the conservation area will not be permitted.

POLICY D1: GOOD DESIGN AND LOCAL DISTINCTIVENESS

The principles of good design and the protection and reinforcement of local distinctiveness should be taken into account in all new development through:

- (i) the provision of a clear structure of spaces;
- (ii) respecting existing settlement patterns;
- (iii) providing for a choice of routes and transport modes to, from and within the development;
- (iv) providing a development that users find easy to understand through the use of landmarks, vistas and focal points;
- (v) providing landscape structure as a framework for new development;
- (vi) respecting the character of the existing landscape;
- (vii) respecting distinctive settlement types and their character;
- (viii) providing good quality site and building design and appropriate materials; and
- (ix) providing well-designed external areas.

POLICY D2: VEHICLE AND BICYCLE PARKING

Planning permission will not be granted for developments that fail to incorporate adequate, safe and secure parking for vehicles and cycles. Vehicle parking should be provided in a discreet and sensitive manner.

POLICY D7: ACCESS FOR ALL

Proposals for new buildings to which the public have access must include in their design and external layout appropriate measures to ensure adequate access for those with impaired mobility, hearing or sight. The safety and access requirements of those with impairments should also be taken into account in the design and layout of new roads, parking areas, footways, pedestrian routes, cycleways, traffic management measures and pedestrian-priority areas.

POLICY EP2: NOISE AND VIBRATIONS

Proposals which would by reason of noise or vibrations have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation measures will be implemented. In addition, noise sensitive development will not be permitted close to existing or proposed sources of significant noise or vibrations.

POLICY EP6: SURFACE WATER PROTECTION

Developers will be required, wherever practicable, to demonstrate that the surface water management system on any development accords with sustainable drainage principles and has been designed as an integral part of the development layout. The system should effectively mitigate any adverse effects from surface water un-off and flooding on people, property and the ecological value of the local environment.

POLICY EP7: GROUNDWATER PROTECTION

Development that may have an adverse effect upon groundwater resources will not be permitted unless effective preventative measures are taken to ensure that the quality and quantity of these resources are maintained.

POLICY G2: PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT

The district's countryside, settlements and environmental resources will be protected from adverse developments.

POLICY T1: TRANSPORT REQUIREMENTS FOR NEW DEVELOPMENTS

Proposals for all types of development will, where appropriate:

- (i) provide for a safe and convenient access to the highway network;
- (ii) provide safe and convenient routes for cyclists and pedestrians;
- (iii) be accessible by public transport and have a safe walking route to nearby bus stops or new bus stops and appropriate infrastructure should be provided;

- (iv) be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment;
- (v) where new roads, pedestrian routes, cycleways and street lighting are to be constructed as part of the development, be constructed to adoptable standards and be completed as soon as they are required to serve the development; and
- (vi) make adequate provision for those whose mobility is impaired.

South Oxfordshire Core Strategy 2012

POLICY CS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications which accord with the policies in the Development Plan (including, where relevant, Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Planning permission will also be granted where relevant policies in the Development Plan are out of date or silent unless:

- Any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in the Framework or other material considerations indicate that development should be restricted.

POLICY CSM2: TRANSPORT ASSESSMENTS AND TRAVEL PLANS

Proposals for new developments which have transport implications that either arise from the development proposed or cumulatively with other proposals will need to submit a transport assessment. Appropriate provision for works and/or contributions will be required towards providing an adequate level of accessibility by all modes of transport and mitigating the impacts on the transport network.

The assessment should (notwithstanding OCC requirements):

- (i) illustrate accessibility to the site by all modes of transport;
- (ii) show the likely modal split of journeys to and from the site;
- (iii) detail the proposed measures to improve access by public transport, cycling and walking to reduce the need for parking and reduce transport impacts;
- (iv) illustrate the impact on the highway network and the impact of proposed mitigation measures where necessary; and
- (v) include a travel plan where appropriate.

Travel plans will be required, implemented and monitored (notwithstanding OCC requirements):

- (i) for all major developments comprising residential, employment, shopping or leisure uses or services; and

- (ii) for other small developments comprising residential, employment, shopping or leisure or education facilities which would generate significant amounts of travel.

POLICY CSEN1: LANDSCAPE

The district's distinct landscape character and key features will be protected against inappropriate development and where possible enhanced:

- (i) Where development is acceptable in principle, measures will be sought to integrate it into the landscape character of the area.
- (ii) High priority will be given to conservation and enhancement of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs) and planning decisions will have regard to their setting. Proposals which support the economies and social well-being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided they do not conflict with the aims of conservation and enhancement.
- (iii) The landscapes and waterscapes of the River Thames corridor will be maintained and where possible enhanced as will the setting and heritage of the river for its overall amenity and recreation use.

POLICY CSR3: COMMUNITY FACILITIES AND RURAL TRANSPORT

Proposals which result in the provision of facilities and services in the rural areas will be encouraged, those which result in the loss of services and facilities will be resisted.

Rural transport initiatives that improve movement particularly to access services and employment will be encouraged.

POLICY CSQ2: SUSTAINABLE DESIGN AND CONSTRUCTION

Proposals for new development, including the construction of new buildings and the refurbishment of existing building stock, will be acceptable where:

- (i) For developments of 10 or more dwellings or 1,000 m² or more of non-residential floor space, 20% of the energy demand is secured from decentralised (on or near site) and renewable or low carbon energy sources (including the use of Combined Heat and Power where appropriate), where this would be viable.
- (ii) For developments of 200 dwellings or more, it can be demonstrated that the proposal will achieve at least Code Level 4 of the Code for Sustainable homes.
- (iii) For new residential development of less than 200 dwellings, it can be demonstrated that the proposal will achieve at least Code Level 3 of the Code for Sustainable Homes. From April 2013, proposals will need to demonstrate that at least Code Level 4 will be achieved.
- (iv) For the refurbishment of existing residential buildings, it can be demonstrated that the proposal will achieve at least EcoHomes 'Very Good' standard*.

From 2013, proposals will need to demonstrate that at least 'Excellent' standard* will be achieved.

- (v) For proposals for non-residential development up to 500 m² floor space, it can be demonstrated that the proposal will achieve at least BREEAM 'Very Good' standard. For proposals for non-residential development above 500 m² floor space it can be demonstrated that the proposal will achieve at least BREEAM 'Excellent' standard.
- (vi) For all new development SUDS are implemented where appropriate taking into account current policy and good practice guidance, and the emerging national SUDS standards.
- (vii) All new developments incorporate measures that address issues of adaptation to climate change taking account of best practice. These include resilience to increasing temperatures and heavy rainfall events and the need for water conservation and storage.

*or equivalent standard through the forthcoming BREEAM Residential Refurbishment standards

POLICY CSQ3: DESIGN

Planning permission will be granted for new development that is of a high quality and inclusive design that:

- responds positively to and respects the character of the site and its surroundings, particularly the historic significance and heritage values of the historic environment, enhancing local distinctiveness and ensuring that new development is of a scale, type and density appropriate to the site and its setting;
- improves the quality of the public realm with well designed external areas, and, where appropriate a clear structure of open spaces;
- provides and/or links into green infrastructure where available;
- is designed to create safe communities and reduce the likelihood and fear of crime;
- creates a distinctive sense of place and is easy to understand through the use of vistas, landmarks and focal points;
- ensures high levels of accessibility and ease of use by all modes of transport both within the site and with the wider area, also making sure that any new development is properly integrated with existing development ensuring accessibility to local services; and
- is adaptable to changing requirements and constructed with materials appropriate to the area.

All proposals for new development should be accompanied by a design and access statement to show how they have responded to the above criteria.

Vale of White Horse Local Plan 2011

POLICY CF2: PROVISION OF NEW COMMUNITY SERVICES AND FACILITIES

Development which is proposed in connection with the provision of new services and facilities for the social well-being of local communities, including extensions to and changes in the use of existing buildings, will be permitted where the following criteria are met:

- i) the proposal conforms with the general policies for development in the plan and in particular maximises as far as is possible access for all;
- ii) any proposal for a new building is within the built-up area of a settlement or within or adjacent to a group of existing buildings providing for such uses and is not within the green belt outside a village area defined in Policy GS3 or outside a major developed site defined in Policy GS4;
- iii) any extension will not have an adverse effect on the character or setting of the existing building or its surroundings, or significantly alter the character and scale of the existing activity so as to cause harm to the local environment; and

exceptionally development of a small scale community facility adjacent to the built-up area of a settlement will be permitted;

- a) where it meets a clearly identified local need that cannot be met in any other way; and
- b) it is not within the green belt outside a village area defined in Policy GS3.

POLICY DC1: DESIGN

Development will be permitted provided that:

- i) it is of a high quality and inclusive design such that the layout, scale, mass, height, detailing, materials used and its relationship to adjoining buildings and open space do not adversely affect those attributes that make a positive contribution to the character of the locality;
- ii) it take into account local distinctiveness and character either in a modern or a traditional interpretation.

POLICY DC5: ACCESS

Proposals for development will only be permitted provided that:

- i) safe and convenient access will be provided both within the site and to and from the adjoining highway network for all users including those with impaired mobility, and for all modes of transport;
- ii) the road network can accommodate the traffic arising from the development without causing safety, congestion or environmental problems;
- iii) adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning;
- iv) adequate and safe provision will be made for parking vehicles and cycles;
- v) off-site improvements to the highway infrastructure (including traffic management measures), cycleways, footpaths and the public transport

- network can be secured where these are not adequate to service the development; and
- vi) the scheme is designed to minimise the impact of vehicles and give priority to the needs of pedestrians, cyclists, the users of public transport and those with impaired mobility.

POLICY DC9: IMPACT OF DEVELOPMENT ON NEIGHBOURING USES

Development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of:

- i) loss of privacy, daylight or sunlight;
- ii) dominance or visual intrusion;
- iii) noise or vibration;
- iv) smell, dust, heat, gases or other emissions;
- v) pollution, contamination or the use of or storage of hazardous substances; and
- vi) external lighting.

POLICY GS1: LOCATIONAL STRATEGY

The general locational strategy is to:

- i) concentrate development at the five main settlements of Abingdon, Botley, Faringdon, Grove and Wantage, which are designated as local service centres and are defined by the development boundaries on the proposals map. Important open land within these settlements will be protected from development;
- ii) locate development to the west of Didcot, as shown on the proposals map, as part of a comprehensive western expansion of the town; and
- iii) allow small-scale development within the built-up areas of villages as set out in Policies H11, H12 and H13, provided that important areas of open land and their rural character are protected.

Development which accords with this strategy will be permitted provided there is no conflict with other policies in this plan.

POLICY NE9: THE LOWLAND VALE

Development in the Lowland Vale will not be permitted if it would have an adverse effect on the landscape, particularly on the long open views within or across the area.

POLICY NE10: URBAN FRINGES AND COUNTRYSIDE GAPS

In the urban fringes and important open gaps between settlements, as shown on the proposals map, development or changes of use which would harm their essentially open or rural character will not be permitted.

POLICY NE11: AREAS FOR LANDSCAPE ENHANCEMENT

Proposals for development within or affecting areas of damaged or compromised landscape, in particular those areas defined for landscape enhancement on the proposals map, must provide a landscaping scheme which enhances the appearance of the area. Development which would further erode or damage the character of the landscape will not be permitted.

Vale Local Plan 2029 (Consultation draft Feb 2013)

CORE POLICY 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications that accord with this Local Plan (and where relevant, with any subsequent Development Plan Documents or Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, and unless:

- i. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
- ii. specific policies in that Framework indicate that development should be restricted.

CORE POLICY 34: LANDSCAPE

The Vale's distinct landscape character and key features will be protected against inappropriate development and where possible enhanced.

High priority will be given to conservation and enhancement of the natural beauty of the North Wessex Downs AONB and planning decisions will have regard to its setting. Proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes, will be encouraged provided they do not conflict with the aims of conservation and enhancement.

Locally valued landscape and its features will be protected, maintained and where possible, enhanced, in particular:

- i. features such as trees, hedgerows, woodland, field boundaries, watercourses and water bodies
- ii. the landscape setting of settlements
- iii. topographical features
- iv. features of cultural and historic value
- v. important views and visually sensitive skylines, and
- vi. tranquillity and the need to protect against intrusion from light pollution, noise, and motion.

Where development is acceptable in principle, measures will be sought to integrate it into the landscape character of the area. Proposals will need to demonstrate how they have responded to the above aspects of landscape character.

As well as documents produced by the council, development proposals should have regard to the information and advice contained in the Oxfordshire Wildlife and Landscape Study (OWLS) and the North Wessex Downs AONB Landscape Character Assessment and Management Plan.

CORE POLICY 37: DESIGN

All proposals for new development will be expected to be of high quality design, such that the layout, scale, mass, height, detailing, materials, landscaping and relationship to context make a positive contribution to the character of the locality.

All new development schemes should also:

- i. connect to the surrounding area and existing development
- ii. relate well to existing and proposed facilities
- iii. have access to public transport where possible
- iv. have locally inspired or otherwise distinctive character
- v. sensitively incorporate any existing distinctive features on site, such as landscape or structures, as well as having a suitable level of new landscaping
- vi. ensure that buildings and streets are well defined with landscaping and buildings that relate well to the street
- vii. be legible and easy to move through
- viii. encourage low vehicle speeds and allows streets to function as social spaces
- ix. have a sufficient level of well-integrated parking
- x. have clearly defined public and private spaces
- xi. include sufficient external space for bins, recycling and bicycle
- xii. ensure that public and communal spaces are overlooked in the interest of community safety, and
- xiii. be compatible with urban design principles, including Secured by Design and Active Design principles.

Development will be expected to follow the design principles set out in relevant SPD and National Guidance.

National Planning Policy Framework (NPPF)

Sections including on facilitating the sustainable use of minerals, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment.

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