



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

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

Monday, 13 April 2015 at 2.00 pm

County Hall, New Road, Oxford

Peter G. Clark.

Peter G. Clark
County Solicitor

March 2015

Contact Officer: **Graham Warrington**
Tel: (01865) 815321; E-Mail:
graham.warrington@oxfordshire.gov.uk

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 are required for Item 6 (Stanton Road, Harcourt Hill).**
- **Date of next meeting: 18 May 2015**

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 Glenn Watson on (01865) 815270 or glenn.watson@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 2 March 2015 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Spreading of sub and topsoil arising from construction works at site of Greenacre, onto part of adjacent field on land at Greenacre, Stanton Road, Harcourt Hill - Application MW/0021/15 (Pages 9 - 22)**

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

This is a planning application to dispose of approximately 100m³ of subsoil and topsoil by spreading it on the application site to a depth of approximately 10cm. The waste arose from the digging of the foundations for the houses on the adjoining site. The site would be restored as a wildflower meadow.

It is RECOMMENDED that planning permission for application no. MW.0021/15 be refused planning permission for the following reasons:

- The proposed development would be inappropriate development in the Green Belt for which Very Special Circumstances have not been shown. The proposal is therefore contrary to policy GS3 of the Vale of White Horse Local Plan, policy CP13 of the Vale of White Horse Local Plan Consultation Draft, policy W7 of the Oxfordshire Minerals and Waste Local Plan, policy W5 of the Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document and paragraph 6 of the National Planning Policy for Waste.***
- The proposal would result in disposal of waste on a green field site and other than at an existing landfill site. The proposal is therefore contrary to policies W5 and W6 of the Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document, policy W7 of the Oxfordshire Minerals and Waste Local Plan and paragraph 4 of the National Planning Policy for Waste.***

7. Relevant Development Plan and other Policies (Pages 23 - 34)

Paper by the deputy Director for Environment & Economy (Strategy & Infrastructure Planning)(PN8)

The paper sets out policies in relation to Item 6 and should be regarded as an Annex to that paper.

8. Review of Detailed Scheme Approved Pursuant to Condition 31 (External Lighting Scheme) of Planning Permission 08/02472/Cm (Mw.0044/08) (Pages 35 - 36)

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

Condition 31 of planning permission no. 08/02472/CM (MW.0044/08) required the submission for approval of details of the external lighting to the Ardley Energy from Waste (EfW) site. The detailed scheme was approved by the Planning and Regulation Committee at its meeting on 12th May 2014. Part of the approval was that the scheme should be reviewed in November 2014. Further to this, a members' site visit was carried out on the evening of 19th March 2015 in order to inform members' consideration of the review of the external lighting. The purpose of this report is therefore to invite those members who attended the site visit to report back on what they saw and for the Committee to discuss and advise officers what aspects, if any, of the external lighting scheme approved pursuant to condition 31 they believe should be taken back to the site operator for review. Whilst the purpose of the site visit was to inform the review of the external lighting scheme, there was light spillage from within the EfW building. This does not form part of the approved external lighting scheme and so does not fall within the review approved as part of that. Nonetheless, observations with regard to this will also be taken back to the operator for consideration.

It is RECOMMENDED that members discuss what was seen at the site visit on 19th March 2015 and advise officers:

- i) What, if any, aspects of the external lighting scheme for the Energy from Waste facility approved pursuant to condition 31 of planning permission no. 08/02472/CM (MW.0044/08) they believe the site operator should review;***
- ii) Whether there are any concerns about the impact of the internal lighting of the Energy from Waste facility that they would wish to be drawn to the attention of the site operator whilst recognising that strictly this is not controlled by the permission.***

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 13 April at 12 midday/12.30** (depending on the time of return to County Hall after the site visit) for the Chairman, Deputy Chairman and Opposition Group Spokesman.

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 2 March 2015 commencing at 2.00 pm and finishing at 3.10 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair

Councillor Mark Cherry
Councillor Patrick Greene
Councillor Pete Handley
Councillor Bob Johnston
Councillor Stewart Lilly
Councillor Charles Mathew (in place of Councillor Neil Owen)
Councillor Glynis Phillips
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor Lawrie Stratford (In place of Councillor David Bartholomew)
Councillor John Tanner

Officers:

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

Part of meeting

Agenda Item	Officer Attending
6.	M. Thompson (Environment & Economy)
7 & 8	K. Broughton (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.

8/15 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Neil Owen Councillor David Bartholomew	Councillor Charles Mathew Councillor Lawrie Stratford

9/15 DECLARATIONS OF INTEREST

(Agenda No. 2)

<i>Councillor</i>	<i>Item</i>	<i>Interest</i>
Stewart Lilly	Development of a single carriageway road between the B4493 (Didcot Road) and the A417 (London Road), including new roundabout junctions with the B4493 and A417, diversion of 'The Driftway' bridleway along the eastern edge of the new link road, provision of a Pegasus signalised crossing, combined footway/cycleway along the full length of the link road, surface water drainage balancing pond, site compound, street lighting, signage, landscaping and planting on land between the B4493 Didcot Road and A417 London Road, to the east of the A34 - Application No R3.0133/14	Local Member for Hendreds and Harwell Division. He advised that he had not expressed a decision on this application and therefore intended to take part in the discussion and voting thereon.
Charles Mathew	Construction of Residential Children's Home - New	Local Member for Eynsham Division. He advised that due to his

	<p>Assessment Centre building and associated external recreation areas and car parking. Change of use from Farmland to Residential care provision on Litchfield Farm land, Merton Court, Eynsham. - Application No R3.0020/15</p>	<p>participation locally in this issue including charring the local liaison group he would make a statement as local member and take no further part in the discussion or decision thereafter.</p>
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10/15 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 12 January 2015 were approved and signed.

Matters of clarification were sought by Councillor Bob Johnston and Councillor Peter Handley with regard to Minute 4/15.

Minute 5/15 – Request to withdraw notice of periodic review in accordance with the Environment Act 1995, on land at Thrupp Farm Radley

Mr Broughton advised that the prohibition order had not been confirmed. Officers were still carrying out research with regard to the permissions at this site but a preliminary date of 31 March 2015 had been set to re-serve the order. He undertook to keep the local member informed and report back to Committee if required.

11/15 CHAIRMAN'S UPDATES

(Agenda No. 5)

Mr Broughton advised that the Shenington prohibition order had been confirmed.

Councillor Reynolds confirmed that this news would be a great relief to local residents and thanked officers for their efforts in bringing this matter to a satisfactory conclusion.

12/15 DEVELOPMENT OF A SINGLE CARRIAGEWAY ROAD BETWEEN THE B4493 (DIDCOT ROAD) AND THE A417 (LONDON ROAD), INCLUDING NEW ROUNDABOUT JUNCTIONS WITH THE B4493 AND A417, DIVERSION OF 'THE DRIFTWAY' BRIDLEWAY ALONG THE EASTERN EDGE OF THE NEW LINK ROAD, PROVISION OF A PEGASUS SIGNALISED CROSSING, COMBINED FOOTWAY/CYCLEWAY ALONG THE FULL LENGTH OF THE LINK ROAD, SURFACE WATER DRAINAGE BALANCING POND, SITE COMPOUND, STREET LIGHTING, SIGNAGE, LANDSCAPING AND PLANTING ON LAND BETWEEN THE B4493 DIDCOT ROAD AND A417 LONDON ROAD, TO THE EAST OF THE A34 - APPLICATION NO R3.0133/14

(Agenda No. 6)

The Committee considered (PN6) an application for the construction of a new 1.1km section of single carriageway road running adjacent to the A34 to the east of Harwell. Also in attendance were Isaac Webb (Project Sponsor) and Mark McCappin (Skanska).

Ms Thompson presented the report and set out the terms of a revised recommendation as set out on the addenda sheet. In response to Councillor Tanner she confirmed that a 3 metres wide shared cycle/pedestrian track would be provided. That facility would then switch to a shared cycle/bridleway track.

Councillor Lilly advised that the cycling facilities proposed as part of this scheme should be seen as integral to the cycle improvements associated with the Science Vale project. He added that he understood an application had been submitted to the Vale of White Horse in this area for 4,550 plus houses representing a considerable increase.

Councillor Mathew asked whether any form of segregation was proposed such as a tree boundary between the A34 and the proposed bridleway and questioned the principle and safety of a shared right of way for 3 users.

Mr Webb confirmed that as part of the design for the new road it was intended to make that provision together with some form of screening to prevent dazzle. He also confirmed the shared horse and cycle facility would be 8 metres wide.

Responding to Councillor Cherry he confirmed that negotiations for land acquisition seemed likely to end in the need for compulsory purchase. If that was the case then it would likely to be 18 months before the scheme could be delivered.

Responding to Councillor Greene who had welcomed provision of the road but had some concerns regarding demarcation of the shared cycle and bridleway and the muddy fields along the proposed route of the new road Mr Webb confirmed that a significant amount of design work had gone into the scheme, which would be constructed on an engineered embankment in order to overcome any concerns regarding the surface along the planned route.

Mr Periam confirmed that it would not be possible legally to separate the cycle and bridleway.

Councillor Handley suggested provision of "Caution Pass with Care" signs which, he understood, were acceptable to the British Horse Society.

Councillor Purse sympathised with the view expressed about segregation of the bridle and cycle ways and the importance of not startling horses.

Councillor Lilly advised that he had lived in the area for 28 years and was able to confirm that he was not aware of a significant number of horses in the area. Neither was he aware of a particularly significant deer problem. However, what was evident was the inexorable creeping development from Didcot. He asked whether there was

provision for additional access if, as seemed likely, there would be further development.

Mr McCappin confirmed provision had been made as part of the design for a third roundabout if required.

The Chairman moved and Councillor Lilly seconded that the officer recommendation as revised and set out in the addenda sheet together with an additional condition to secure signage on the cycle/pedestrian/bridleway as suggested earlier by Councillor Handley.

The motion was put to the Committee and **RESOLVED** (unanimously) that subject to a Section 106 planning obligation to secure £40,000 for the long term maintenance and/or improvement of public rights of way in the vicinity of the new road that planning permission for application no. R3.0133/14 be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the matters set out in Annex 1 to the report PN6 together with the following additional condition:

“No development should commence until a scheme had been submitted to the County Planning Authority and approved in writing detailing signage to be erected on the shared cycleway/footway/bridleway to ensure that cyclists were aware of horseriders and informing cyclists that they should give way to pedestrians and horses. Signs should be erected in complete accordance with the approved details prior to the opening of the new road to traffic and should be maintained for the duration of the development. “

13/15 CONSTRUCTION OF RESIDENTIAL CHILDREN'S HOME - NEW ASSESSMENT CENTRE BUILDING AND ASSOCIATED EXTERNAL RECREATION AREAS AND CAR PARKING. CHANGE OF USE FROM FARMLAND TO RESIDENTIAL CARE PROVISION ON LITCHFIELD FARM LAND, MERTON COURT, EYNHAM. - APPLICATION NO R3.0020/15

(Agenda No. 7)

The Committee considered (PN7) a planning application for the construction of a new Children's Home on a green field site on the edge of Eynham in order to provide short term care for vulnerable children aged between 12 and 17.

Presenting the report Mr Broughton highlighted further representations from Eynham Parish Council together with comments submitted at the request of the local member following a joint meeting between the parish council, local residents and the county council (as applicants). West Oxfordshire District Council had also submitted a late representation raising no objection.

The issues raised by the parish council had included:

- Increased perimeter landscaping on the western and southern boundaries
- Restriction on times of external lighting
- Traffic calming

- No occupation of the site until the travellers on the adjoining field had been removed
- A planning obligation in the vicinity of the proposed site for a new cemetery

Speaking as local member Councillor Mathew endorsed the recommendation and current location but raised a number of concerns some of which reflected those raised by the parish council:

- Traffic in the vicinity presented a problem with a number of major accidents having occurred due to the narrow roads and speeding. That had situation had been exacerbated by on-street parking which was required due to a lack of alternative parking options. Consequently there were also hazards for emergency vehicles requiring access.
- Further discussions regarding external lighting.
- Additional parking to be provided on site.
- Careful consideration to be given to retention of trees.
- Need for increased landscaping.
- Security of the status of the unofficial footpath at the southern end of the site.
- Provision of a bund to aid flood defence and privacy.
- Status of the proposed play area on the site.

He concurred with the parish council's view regarding the need to secure removal illegal travellers on an adjacent site before proceeding with any build.

Mr Broughton referred the Committee to the addenda sheet setting set out an officer response to the issues raised by the parish council and the joint meeting. He also apologised for not circulating Annex 2 with the report but confirmed that copies had been available prior to the start of the meeting and that the external recreation area would be reserved for children resident at the facility.

Councillor Mathew then withdrew from the table taking no further part in the discussion or decision on the proposal.

Officers then confirmed that the County Council as landowner had asked the tenant farmer to instigate action to remove the travellers and acknowledged the concerns expressed by a number of members with regard to this. However, it was important for the Committee to recognise that this issue was not a planning matter and the application needed to be considered solely on its merits.

RESOLVED: (on a motion by Councillor Tanner, seconded by Councillor Lilly and carried by 11 votes to 0) that planning permission for application no. R3.0020/15 be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:

- i. Development to be carried out in accordance with the submitted documents and plans.
- ii. The development will be carried out within a period of three years from the date of the permission.

- iii. The Planting shall be subject to a two year aftercare scheme to be submitted and approved prior to the development taking place.
- iv. Root deflectors shall be used for any trees or shrubs planted within 5 metres of adjacent hard surfaces.
- v. No external lighting shall be placed on site until details of the lighting has been submitted to and approved by the local planning authority.
- vi. Access, and parking and turning areas shall be provided prior to first occupation of the building.
- vii. A construction traffic management plan shall be submitted to and approved by the Local Planning Authority prior to development taking place.
- viii. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
- ix. Following the approval of the Written Scheme of Investigation, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out.
- x. No trees or hedgerows to be removed between 1 September and 28 February. Any works to trees between 1st March and 31 August (inclusive) must be checked by an ecologist immediately before work is carried out so as to ensure there are no nesting birds present. If nesting birds are present, the tree must be cordoned off and works cannot be carried out until the birds have fledged.
- xi. The grassland sward within the application site is to be maintained at a height of no more than 3 inches between the months of March to August inclusive.

14/15 DETAILS SUBMITTED PURSUANT TO CONDITIONS 12 AND 13 OF PERMISSION NO. MW.0056/13 FOR REMOVAL AND REPLACEMENT OF FENCES AT RADLEY ASH DISPOSAL SITE, THRUPP LANE, RADLEY - APPLICATION NO MW.0145/14

(Agenda No. 8)

The Committee considered (PN8) a details pursuant application for the fencing details at the Radley Ash Disposal Site following the Committee’s decision on 28 July 2014 that a detailed replacement scheme should be brought back to committee.

Mr Broughton apologised that Annex 2 had not been circulated with the papers.

Councillor Johnston highlighted the need to consider the high number of ground nesting birds and stated that although he was not completely delighted with this situation he would be happy to move the recommendation.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Stratford and carried unanimously) that the detailed scheme of replacement fencing pursuant to condition 13 of application MW.0143/14 be approved.

..... in the Chair

Date of signing

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Planning Report

For: PLANNING AND REGULATION COMMITTEE – 13 APRIL 2015

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

Development Proposed:

Spreading of sub and topsoil arising from construction works at the site of Greenacre, onto part of adjacent field.

Division Affected: North Hinksey

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

Location: Greenacre, Stanton Road, Oxford, OX2 9AY.

Applicant: Oxfordshire County Council

Application No: MW.0021/15 District ref No: P15/V0149/CM

District Council Area: Vale of White Horse

Date Received: 9th January 2015

Consultation Period: 22nd January – 112th February 2015

Recommendation: Refusal

Contents:

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

• Part 1 – Facts and Background

Location (see site plan Annex 1)

1. North Hinksey is on the western side of Oxford, and the group of houses that the application site adjoins is on the southern edge of North Hinksey.

Site and Setting (see site plan Annex 1)

2. The site is part of an open field adjoining the rear of two houses currently under construction on Stanton Road. Stanton Road is a private road on which there sits large detached houses with substantial gardens. To the north east of the site there is what appears to be a paddock and stable area and on all other sides the land is open pasture. The land slopes down gently from the rear of the housing plots to a row of trees and small track about 240m from the site.
3. The site is within the Oxford Green Belt. It is also within the North Vale Corallian Ridge, an Area of High Landscape Value (AHLV) designated in the Vale of White Horse Local Plan.
4. The nearest houses will be those that are being built by the applicant on the adjoining site. The two houses either side of the houses under construction have gardens that adjoin the site, but the gardens are substantial and the houses themselves are over 50m from the site. There are substantial hedges on the boundaries of the neighbours gardens.
5. The stable building to the north west is approximately 30m from the site.

Details of the Development

6. The proposed development involves the spreading of subsoil and topsoil that has arisen from the construction of the houses on the adjoining site.
7. The material arose from the digging of the foundations of the houses on the adjoining site. Sandstone extracted as part of the excavation was used in the construction process and the soils were placed on the application site.
8. The soil is currently stored on the application site in bunds that are approximately 1m in height. It is predominantly subsoil, some of which has a substantial amount of rock in it, but there is also a separate bund of topsoil.
9. The applicant estimates the amount of material to be between 80 and 100 cubic metres in volume. The site is 0.1ha in size, so the soil would be spread to a maximum depth of 10cm (4 inches).
10. The applicants would then cover the material with topsoil and sow a grass and wildflower mix.
11. The Applicant does not accept that the development is inappropriate development in the Green Belt nor that it is a departure from the

development plan. Nevertheless they have made the case for very special circumstances, which they believe justifies the development if Oxfordshire County Council are minded to consider this application as inappropriate development.

12. The very special circumstances argument is two-fold:

- i. there would no longer be a need to remove the material from the site, which the applicant estimates to be 24 lorry movements.
- ii. there would be increased biodiversity because of the wildflower seeding afterwards.

• **Part 2 – Other Viewpoints**

Representations

13. There are 4 objections to the proposed development relating to: Green Belt, lack of very special circumstances, effect on the local landscape and other issues. Details of the objections are contained in Annex 2.

Consultations

14. West Oxfordshire District Council – no response yet received.

Oxford Green Belt Network

- If OCC are of the view that the spreading of topsoil is inappropriate development OGBN would support this position.
- If OCC are sympathetic, request that material is scrutinised to ensure that it is topsoils and not builder's rubble.
- The applicants describe it as subsoil which suggests that the soil would contain stones and other material unsuitable for spreading.

Natural England - no objection.

London Oxford Airport - no objection to a condition to prevent any increase in bird activity.

Scottish Southern Electricity - no objection but gives general advice to be passed on to the contractor.

Minerals and Waste Policy:

- not a significant amount of waste;
- consider against saved policy W7 of the OMWLP, policy W7 of the OMWLPCSCD and national policy on development in the Green Belt;

Archaeology - no archaeological constraints.

Rights of Way - no comments.

County Ecologist /Planner – Initially a holding objection because the applicant had not provided sufficient details to show that the development would lead to a net gain in biodiversity and that it would contribute to the aims of the Conservation Target Area. The applicant has since then supplied more details of the seed mix and aftercare. The County Ecologist / Planner now has no objection.

• **Part 3 – Relevant Planning Documents**

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

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

The relevant development plan documents are:

- The Vale of White Horse District Local Plan 2011
- The Oxfordshire Minerals and Waste Local Plan 1996

16. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) has been out to consultation. This document is at an early stage of preparation and as such the weight which can be given to the policies it contains is very limited. At the meeting of the full County Council on 24th March 2015, the OMWCS was approved for publication and submission to the Secretary of State for independent examination following consideration of any representations received. Notwithstanding the limited weight that this plan currently has, it is appropriate to consider draft policies which are relevant to this development.

17. The Draft Vale of White Horse Local Plan 2029 Consultation is also a material consideration albeit that it also carries limited weight.

18. The Government's National Planning Policy Framework (NPPF) and the National Policy for Waste (NPPW) are material considerations in taking planning decisions.

Relevant Policies

19. Oxfordshire Minerals and Waste Local Plan 1996 - Saved Policies (OMWLP):

Policy W7 – Landfill

Policy PE3 – Buffer Zones

Policy PE13 – Restoration, After-use and Nature Conservation

Vale of White Horse Local Plan 2011 – Saved Policies (VWHLP):

- Policy GS3 – Green Belt
- Policy DC5 – Access and Parking
- Policy DC6 – Landscaping
- Policy NE7 – Protection of the North Corallian Ridge

20. Other Material Considerations:

Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document (OMWCS):

- Policy W1 – Oxfordshire Waste to be Managed
- Policy W2 – Oxfordshire Waste Management Targets
- Policy W5 – Siting of waste management facilities
- Policy W6 – Landfill
- Policy C1 – Sustainable Development
- Policy C5 – Local Environment, Amenity and Economy
- Policy C6 – Agricultural Land and Soils
- Policy C7 – Biodiversity and Geodiversity
- Policy C8 – Landscape
- Policy C10 – Transport

Vale of White Horse Local Plan 2029 Consultation Draft (VWHLPCD)

- Policy CP1 – Presumption in Favour of Sustainable Development
- Policy CP13 – The Oxford Green Belt
- Policy CP44 – Landscape
- Policy CP45 – Green Infrastructure.
- Policy CP46 – Conservation and Improvement of Biodiversity

National Planning Policy for Waste (NPPW)

National planning Policy Framework (NPPF)

• **Part 4 – Analysis and Conclusions**

Comments of the Deputy Director (Strategy and Infrastructure Planning)

21. Policy C1 of the OMWCS states that a positive approach will be taken to minerals and waste development. Policy CP1 of the VWHLPCD states that applications that accord with the Local Plan, or where there are no relevant up to date policies, will be approved. This is in accordance with the principle of sustainable development in the NPPF.

22. The main issues in relation to this development are the nature of the development, Green Belt, waste disposal, biodiversity, landscape, transport and access, and local amenity.

Nature of the Development

23. There is some disagreement between the applicant and the objectors as to the precise nature of the development and whether the development is a departure from the development plan. The Landfill Directive was published in the Official Journal of the European Communities on 16 July 1999 (OJ L182, 16.7.1999). Article 2(g) of the Directive defines landfill as a waste disposal site for the deposit of waste onto or into land. The proposal is therefore a landfill operation.
24. The landfilling of waste is not defined in the NPPF as being not inappropriate development. I took the view that the development was therefore inappropriate and therefore the application was a departure from the development plan. In an appeal decision for a quarry, Pynesfield in Hertfordshire, the Inspector concluded that the infilling of the void would be inappropriate development in the Green Belt. The application is different in type and scale, but the principle of the development being inappropriate remains.
25. In conclusion the nature of the development is that it is a landfill operation and it is inappropriate development in the Green Belt.

Green Belt

26. The issues on the landscape setting of the Green Belt will be considered in the section on landscape.
27. Policy W7 of the OMWLP states among other things that proposals for landfill sites should not conflict with the purposes of the Green Belt. Policy W5 of the OMWCS makes similar provision. Policy GS3 of the VWHLPCD states that development will only be permitted if it does not conflict with the purposes of including land in the Green Belt, and if it preserves the openness and the special character of Oxford. Policy CP13 of the VWHLPCD also states that the Green Belt will be protected to maintain openness, and that proposals will only be permitted in very special circumstances. Paragraph 6 of the NPPW seeks that waste planning authorities should look for sites outside the Green Belt for waste management facilities which, if located in the Green Belt, would be inappropriate development.
28. The purposes of the Green Belt are defined in the NPPF as:
- i. to check the unrestricted sprawl of large built-up areas;
 - ii. to prevent neighbouring towns merging into one another;
 - iii. to assist in safeguarding the countryside from encroachment;

- iv. to preserve the setting and special character of historic towns; and
 - v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
29. Although the proposed development would raise the height of the land by only a very small amount it is nevertheless inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and so there is a need to prove very special circumstances.
30. The Very Special Circumstance argument put forward by the applicant is based on two points: the lack of need to take the material away by lorry; and the improvements to biodiversity that would result from the wildflower meadow.

Waste Disposal

31. Policy W1 of the OMWCS states that provision will be made for facilities so that Oxfordshire can deal with its own waste. Policy W2 of the OMWCS states that proposals should show that the waste cannot be managed through processes higher up the waste hierarchy. The material to be disposed of on this site has arisen on the site immediately next to it, it has had the useable stone extracted and is residual waste which would need to be disposed of to landfill. It therefore accords with policies W1 and W2 of the OMWCS.
32. Policy W6 of the OMWCS states among other things that further provision by disposal to landfill will not be made. The amount of waste is extremely small in proportion to the overall waste arising in the county, but the disposal would be contrary to policy W6 because there is no proven need to provide further landfill.
33. Policy W7 of the OMWLP states that the proposed development will be assessed against there being a definite need for facilities which cannot be met at existing landfill sites. Policy W6 of the OMWCS states that provision for disposal of non hazardous waste will be made at existing landfill facilities. The NPPW states that in determining planning applications, Waste Planning Authorities only expect applicants to demonstrate the quantitative or market need for new waste management facilities where proposals are not consistent with an up-to-date Local Plan. This proposal is not consistent with Development Plan.
34. Paragraph 4 of the NPPW states that in preparing plans Waste Planning Authorities should among other things give priority to the re-use of previously-developed land. The proposed development is a green field site and does not accord with the guidance, which although it is aimed at policy provision should nevertheless be borne in mind

when determining applications. This is reflected in policy W5 of the OMWCS.

35. There are existing landfill sites that could accommodate the small volume of waste that is the subject of this application. The waste could be used for the restoration of existing landfill voids. The volume of waste is extremely small and has arisen in close proximity to the proposed disposal site, but there is no provision in policy for small amounts of waste to be disposed of differently. The proposed development, though small is contrary to the waste policies in the development plan and the emerging core strategy.

Biodiversity

36. Policy DC6 of the VWHLPCD states that proposals will be required to include landscaping to maximise opportunities for nature conservation and wildlife habitat creation. Policy C7 of the OMWCS states that minerals and waste developments should conserve and where possible deliver a net gain in biodiversity. Policies CP45 and CP46 of the VWHLPCD respectively state that a net gain in green infrastructure, including biodiversity, will be sought, and that development conserving and enhancing biodiversity will be permitted.
37. The proposed development would include the sowing of the site with a grass and wildflower mix to increase the biodiversity of the site, and this would be maintained for five years in accordance with the submitted aftercare scheme which is in accordance with the seed supplier's guidance. The site is small and the wildflower mix is only required to be maintained for five years, but the development would not result in a reduction in biodiversity; it should lead to an increase in biodiversity.

Landscape

38. Policy W7 of the OMWLP states that mineral and waste developments should not injure the visual amenities of the Green Belt or conflict with its purposes. Policy GS3 of the VWHLPCD states that the visual amenities of the Green Belt will be protected. Policy W7 of the OMWLP also states that developments should not damage the landscape of an AHLV. This is reinforced by policy NE7 of the VWHLPCD which states that development harming the appearance of the North Vale Corallian Ridge, an AHLV will not be permitted unless there is an overriding need.
39. Policy C8 of the OMWCS states that minerals and waste developments shall respect and where possible enhance the local landscape character. Policy CP44 of the VWHLPCD states that the Vale's landscape character will be protected, and where possible, enhanced.

40. Policy DC6 of the VWHLP states that developments will be required to include landscaping to protect the visual amenity of the area.
41. The proposed development would be a negligible change in land level with no long term effect on the landscape. It would therefore not result in any harm to the local landscape, and in particular to the North Vale Corallian Ridge. It would also result in no harm to the visual amenity of the Green Belt. It would therefore accord with the Development and emerging core strategies in terms of landscape.

Transport and Access

42. Policy W7 of the OMWLP states that proposals will be assessed in terms of suitable access to the sites and to suitable transport routes. Policy DC5 of the VWHLP states that developments will only be permitted where the road network can accommodate traffic arising from the development. Policy C10 of the OMWCS states that minerals and waste developments will be expected to make provision for safe and suitable access to Oxfordshire's advisory lorry routes.
43. The proposed development does not include any lorry movements of waste, but the application includes a justification on the grounds of reduced lorry movements. The traffic impact must therefore be assessed in order to weigh up the case for very special circumstances.
44. The A34 is a suitable lorry route and so the access to and from that road will be evaluated. The route from the site to the A34 would be along Stanton Road, Harcourt Hill / Westminster Way.
45. Stanton Road is a narrow private road with no footpath and direct access to the residential properties along it. The site is some 150m from the junction with Harcourt Hill.
46. Harcourt Hill leads to Westminster Way but they are essentially the same road. The road is a no through road that serves an Oxford Brookes campus, the housing along the road itself and the housing on the private roads that lead off it. It is wide enough for two cars to pass easily along most of its length, and lorries could pass with care. The distance from the junction of Stanton Road to the A34 would be approximately 760m.
47. The access to the site is not good, but the distance to the A34 is relatively short. If the proposed site was not used and the material had to be removed from the site, as contemplated in the planning application for the development of the houses, the number of lorry movements would be relatively few and would be for a relatively short period of time.

Local Amenity

48. Policy W7 of the OMWLP states that there should be no damage to amenities of residential or other uses. Policy C5 of the OMWCS states that proposals should demonstrate that they would have no adverse impact on residential amenity.
49. Policy PE3 of the OMWLP states that appropriate buffer zones will be safeguarded around waste disposal sites. The supporting statement points to a policy that the County Council has operated since 1971 which has a requirement for a distance of 100m between a waste disposal site and a small group of dwellings. The proposed development would be half that distance from the neighbouring development but the amount of waste and the nature of the operation are such that in my opinion the buffer zone between this development and the housing would be appropriate.
50. Policy PE13 requires that landfill sites should be restored within a reasonable timescale to an after-use appropriate to the location. Policy W7 of the OMWLP also states that proposals should be capable of progressive restoration within an acceptable period. The proposed development would result in the site being restored quickly to a wildflower meadow which would be appropriate to its surroundings. Once completed, the proposed development would have no adverse impact on residential amenity. The reduced number of lorry movements, due to the lack of need to remove the soil, would be a positive impact in terms of effect on the local amenity which would otherwise arise from the permitted residential development.
51. Policy C6 of the OMWCS states that proposals should make provision for the management of soils in order to maintain soil quality. The proposed development would involve the spreading of predominantly subsoil from the adjoining site to a depth of approximately 10cm. This would have the effect of reducing the quality of the soil at the surface over the short term, but is unlikely to have any long term effect on soil quality over the site in the long term. In addition the site itself is very small.
52. The proposed development would have no significant impact on the local amenity save for the positive benefit of not having the lorry movements from the site.

Very Special Circumstances

53. The reduction in lorry movements would be 24 in total, taking a total of 100 cubic metres off the site. The number of lorry movements reduced would be few and the distance to the nearest lorry route would be less than a kilometre (0.6miles).
54. The proposed wildflower / grassland mix should result in an increase in biodiversity, and this would be maintained for 5 years.

55. The proposed scale of development means that the level of harm to the Green Belt is minor, however the benefits of the proposal are also minor. If the development were to be scaled up, the harm to the Green Belt would be greater, but so too would the benefits. Therefore the scale of the development does not negate the principle of the need to show Very Special Circumstances.
56. The reduction in lorry movements and the increase in biodiversity for this application would be of positive benefit, but would not in my opinion be considered Very Special Circumstances.

Conclusion

57. The proposed development would be inappropriate development in the Green Belt for which Very Special Circumstances have not been shown. The proposal should therefore be refused on the grounds that it is contrary to policy GS3 of the VWHLP, policy CP13 of the VWHLPCD, policy W7 of the OMWLP, policy W5 of the OMWCS and paragraph 6 of the NPPW.
58. The proposal would result in disposal of waste on a green field site and other than at an existing landfill site. The proposal is therefore contrary to policies W5 and W6 of the OMWCS, policy W7 of the OMWLP and paragraph 4 of the NPPW.
59. The proposed development would not cause harm to the landscape or local amenity.

Recommendation

- 60. It is RECOMMENDED that planning permission for application no. MW.0021/15 be refused planning permission for the following reasons:**
- i. The proposed development would be inappropriate development in the Green Belt for which Very Special Circumstances have not been shown. The proposal is therefore contrary to policy GS3 of the Vale of White Horse Local Plan, policy CP13 of the Vale of White Horse Local Plan Consultation Draft, policy W7 of the Oxfordshire Minerals and Waste Local Plan, policy W5 of the Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document and paragraph 6 of the National Planning Policy for Waste.**
 - ii. The proposal would result in disposal of waste on a green field site and other than at an existing landfill site. The proposal is therefore contrary to policies W5 and W6 of the Oxfordshire Minerals and Waste Local Plan Core Strategy –**

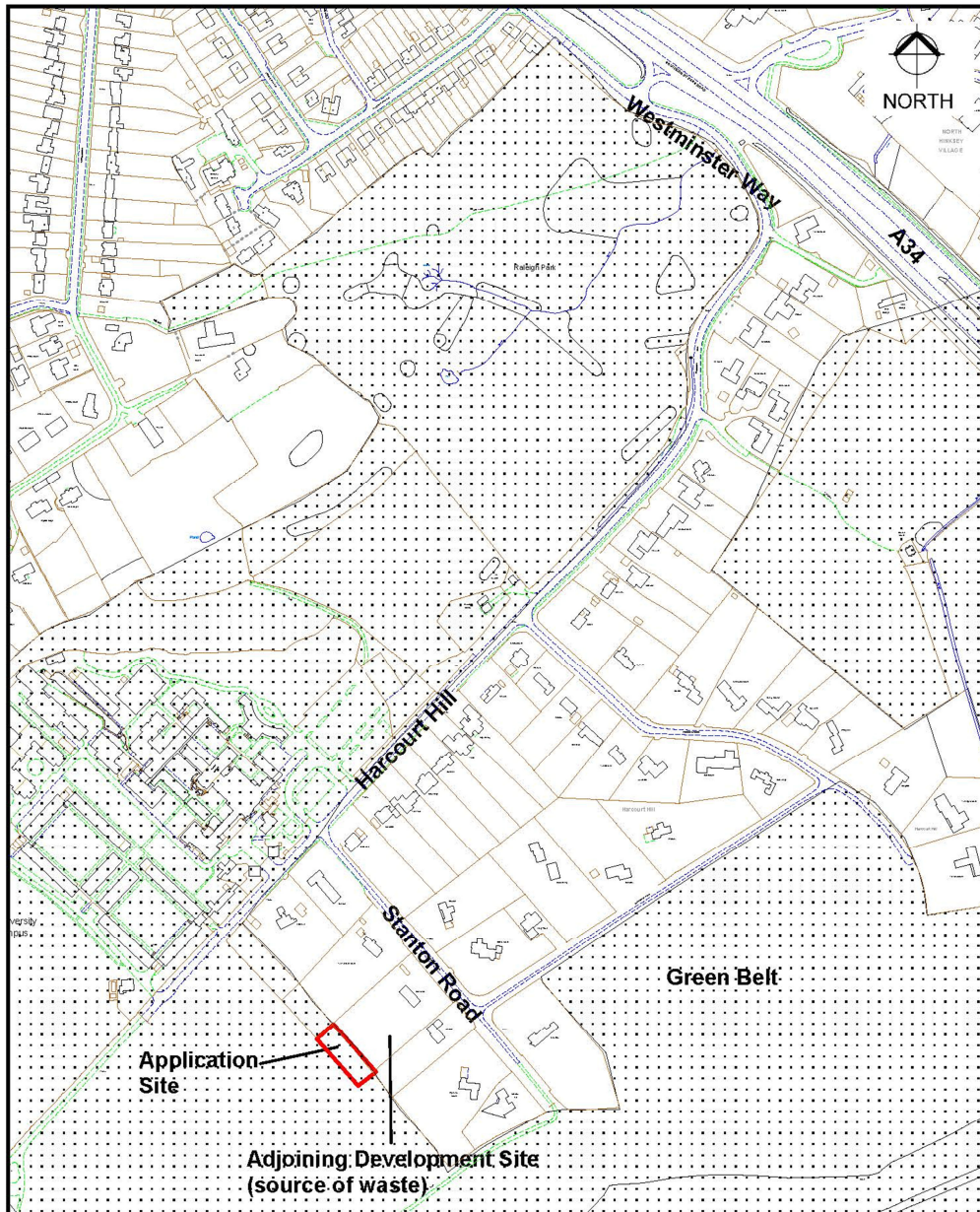
**Proposed Submission Document , policy W7 of the
Oxfordshire Minerals and Waste Local Plan and paragraph
4 of the National Planning Policy for Waste.**

BEV HINDLE

Deputy Director (Strategy and Infrastructure Planning)

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. In this case the applicant did not take advantage of the opportunity. Any issues that occurred during the processing of the application were raised with the applicant and this led to more detail of the wildflower mix in order to satisfy the County's Ecologist/Planner. Once it became clear that the case officer was minded to recommend refusal on Green Belt grounds, the applicant was informed and given the opportunity to amend the application.



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Scale: 1:4000
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Annex 2Green Belt

- Spreading of earth and spoil cannot be very special circumstances.
- This would set a dangerous precedent and would allow dumping of landfill anywhere in the Green Belt.
- The development conflicts with the purposes of the Green Belt.
- Very Special Circumstances have not been proven.

Lack of Very Special Circumstances (Transport of Soils)

- The number of lorry movements would be insignificant, particularly in relation to the number of lorry movements for the housing development.

Lack of Very Special Circumstances (Biodiversity)

- Long term management of the wildflower meadow will not be carried out.
- There are problems with Ragwort, Thistles and Hawthorn on the site. They would need to be removed before the soil is spread.
- Spreading of soil is not necessary for the creation of a wildflower meadow, in fact it might be detrimental to it.
- It is not clear whether the development would create a lasting wildflower meadow.
- The wildflower meadow meadow can be created without spreading the soil on the land.
-

Effect on the local landscape

- The site is visible not only from the footpath but also from the track at the bottom of the fields.

Other issues

- The application should be described as retrospective because the soil is already dumped there.
- The waste material does not appear to include topsoil and this would have to be imported.
- The development is landfill, despite the agent's assertion.
- There is no environmental benefit in spreading the soils on the site.
- The site does not meet the locational requirements in policy W6 of the OMWLPCSCD.
- The soil would be unsuitable for spreading.
- Any permission given would be difficult and expensive to enforce.

Policy Annex (Relevant Development Plan and other Policies)

Development Plan Policies

Oxfordshire Minerals and Waste Local Plan 1996

POLICY W7: LANDFILL SITES

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.

Vale of White Horse Local Plan 2011 – Saved Policies

POLICY GS3: DEVELOPMENT IN THE GREEN BELT

Development (including the change of use of land and engineering and other operations) will only be permitted if it does not conflict with the purposes of including land in the green belt and if it preserves its openness and the special character of Oxford and its landscape setting.

Subject to the above criteria new building will only be allowed for the following purposes:

- i) agriculture or forestry;
- ii) small-scale facilities essential for outdoor sport, recreation, cemeteries and other uses of land which preserve the openness of the green belt;
- iii) limited extension, alteration or replacement of existing dwellings. An extension to or the replacement of a dwelling will not be permitted if it exceeds the following limits:
 - a) existing dwellings with a floorspace of less than 80 square metres – up to 50% of the original volume of the dwelling (excluding outbuildings);
 - b) existing dwellings with a floorspace of 81-120 square metres – up to 40% of the original volume of the dwelling (excluding outbuildings);
 - c) existing dwellings with a floorspace greater than 121 square metres – up to 30% of the original volume of the dwelling (excluding outbuildings);
- iv) limited infilling between existing build development in the villages of Farmoor, Shippon, South Hinksey, Sunningwell, Wootton Old Village and Wytham, as defined on the proposals May. Residential infilling will be limited to schemes of 1 or 2 dwellings unless it is for social housing for the local community in accordance with policy H18.

Proposals for the conversion and adaptation of existing buildings should not have a materially greater impact than the existing or previous use on the openness of the green belt or the purposes of including land in it.

The visual amenities of the green belt will be protected from development within or conspicuous from the green belt which might be harmful by reason of its siting, scale or design.

POLICY DC5: ACCESS AND PARKING

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 DC6: LANDSCAPING

All proposals for development will be required to include hard and soft landscaping measures designed to:

- i) project and enhance the visual amenities of the site and its surrounding including, where appropriate, existing important landscape features; and
- ii) maximise the opportunities for nature conservation and wildlife habitat creation.

POLICY NE7: THE NORTH VALE CORALLIAN RIDGE

Development which would harm the prevailing character and appearance of the North Vale Corallian Ridge, as shown on the proposals map, will not be permitted unless there is an overriding need for the development and all steps will be taken to minimise the impact on the landscape.

Other Material Considerations:

Oxfordshire Minerals and Waste Local Plan Core Strategy – Consultation Draft (OMWLPCSD)

POLICY W1: OXFORDSHIRE WASTE TO BE MANAGED

Provision will be made for waste management facilities that allow Oxfordshire to be net self-sufficient in the management of its principal waste streams – municipal solid waste (or local authority collected waste), commercial and industrial waste, and construction, demolition and excavation waste – over the period to 2031.

The amounts of these wastes that need to be managed are as identified in the most recent Oxfordshire Waste Needs Assessment or update of these amounts in the Oxfordshire Minerals and Waste Annual Monitoring Reports.

Provision of facilities for hazardous waste, agricultural waste, radioactive waste and waste water/sewage sludge will be made in accordance with policies W7, W8, W9 and W10 respectively.

POLICY W2: OXFORDSHIRE WASTE MANAGEMENT TARGETS

Provision will be made for capacity to manage the principal waste streams in a way that provides for the maximum diversion of waste from landfill, in line with the following targets:

Oxfordshire waste management targets 2012 – 2031

Waste Management / Waste Type	Target Year				
	2012	2016	2021	2026	2031
Municipal waste:					

Composting & food waste treatment	25%	29%	32%	35%	35%
Dry Recycling	33%	33%	33%	35%	35%
Treatment of residual waste	0%	30%	30%	25%	25%
Landfill	42%	8%	5%	5%	5%
Total	100%	100%	100%	100%	100%
Commercial and industrial waste:					
Composting & food waste treatment	0%	5%	5%	5%	5%
Dry Recycling,	50%	55%	60%	65%	65%
Treatment of residual waste	0%	15%	25%	25%	25%
Landfill	50%	25%	10%	5%	5%
Total	100%	100%	100%	100%	100%
Construction, demolition and excavation waste:					
Recycling	52%	55%	60%	60%	60%
Landfill/Restoration*	48%	45%	40%	40%	40%
Total	100%	100%	100%	100%	100%

Targets for 2012 approximate to actual performance for that year

* includes waste disposed as part of a recovery operation

Proposals for the management of all types of waste should demonstrate that the waste cannot reasonably be managed through a process that is higher up the waste hierarchy than that proposed.

POLICY W6: LANDFILL

Non-hazardous waste disposal facilities

Provision for disposal of Oxfordshire's non-hazardous waste will be made at existing non-hazardous landfill facilities which will also provide for the disposal of waste from other areas (including London and Berkshire) as necessary. Further provision for the disposal of non-hazardous waste by means of landfill will not be made.

Permission may be granted to extend the life of existing non-hazardous landfill sites to allow for the continued disposal of residual non-hazardous waste to meet a recognised need and where this will allow for the satisfactory restoration of the landfill in accordance with a previously approved scheme.

Permission will be granted for facilities for the management of landfill gas and leachate where required to fulfil a regulatory requirement or to achieve overall environmental benefit, including facilities for the recovery of energy from landfill gas. Provision should be made for the removal of the facilities and restoration of the site at the end of the period of management.

Inert waste disposal facilities

Provision for the disposal of inert waste which cannot be recycled will be made at existing facilities and in sites that will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Provision will be made for sites with capacity sufficient for Oxfordshire to be net-self-sufficient in the management and disposal of inert waste.

Priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and after use of active or unrestored quarries. Permission will not otherwise be granted for development that involves the disposal of inert waste on land unless there would be overall environmental benefit.

General

Proposals for landfill sites shall meet the criteria in policies C1 – C11.

Landfill sites shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings.

POLICY C1: SUSTAINABLE DEVELOPMENT

A positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework and the aim to improve economic, social and environmental conditions of the area.

Planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise. Where there are no policies relevant to the application, or relevant plan policies are out of date, planning permission will be granted unless material considerations indicate otherwise, taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the National Planning Policy Framework; or
- specific policies in the National Planning Policy Framework indicate that the development should be restricted.

POLICY C5: LOCAL ENVIRONMENT, AMENITY & ECONOMY

Proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on:

- the local environment;
- human health and safety;
- residential amenity and other sensitive receptors; and
- the local economy;
including from:
 - noise;
 - dust;
 - visual intrusion;

- light pollution;
- traffic;
- air quality;
- odour;
- vermin;
- birds;
- litter;
- mud on the road;
- vibration;
- surface or ground contamination;
- tip and quarry-slope stability;
- differential settlement of quarry backfill;
- subsidence; and
- the cumulative impact of development.

Where necessary, appropriate separation distances or buffer zones between minerals and waste developments and occupied residential property or other sensitive receptors and/or other mitigation measures will be required, as determined on a site-specific, case-by-case basis.

POLICY C6: AGRICULTURAL LAND AND SOILS

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

The permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land, taking into account other relevant considerations.

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

POLICY C7: BIODIVERSITY AND GEODIVERSITY

Minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity.

The highest level of protection will be given to sites and species of international nature conservation importance (e.g. Special Areas of Conservation and European Protected Species) and development that would be likely to adversely affect them will not be permitted.

Development that would be likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other development) will not be permitted except where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the Site of Special Scientific

Interest and any broader impacts on the national network of Sites of Special Scientific Interest.

Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will not be permitted except where the need for and benefits of the development in that location clearly outweigh the loss.

Development shall ensure that no significant harm would be caused to:

- Local Nature Reserves;
- Local Wildlife Sites;
- Local Geology Sites;
- Sites of Local Importance for Nature Conservation;
- Protected, priority or notable species and habitats.

Development that would result in significant harm will not be permitted, unless the harm can be adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity) or, if the impact cannot be fully mitigated or compensated for, the benefits of the development on that site clearly outweigh the harm.

All proposals for mineral working and landfill shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity (including fossil remains and trace fossils), including contributing to the objectives of the Conservation Target Areas wherever possible. Satisfactory long-term management arrangements for restored sites shall be clearly set out and included in proposals. These should include a commitment to ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

POLICY C8: LANDSCAPE

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

Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and high priority will be given to the enhancement of their natural beauty. Proposals for minerals and waste development within an AONB or that would significantly affect an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. Major developments within AONBs will not be permitted except where it can be demonstrated they are in the public interest. Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

Where adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts.

POLICY C10: TRANSPORT

Minerals and waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps in ways that maintain and, if possible, lead to improvements in:

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

Where development leads to a need for improvement to the transport network to achieve this, developers will be expected to provide such improvement or make an appropriate financial contribution.

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

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

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

Proposals for minerals and waste development that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, as appropriate, including mitigation measures where applicable.

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 13: THE OXFORD GREEN BELT

The Oxford Green Belt area in the Vale, as amended following local Green Belt Review, will continue to be protected to maintain its openness and permanence.

Development will be permitted in the following settlements, which are inset to the Green Belt (as shown on the Adopted Policies Map), where the proposed development is within the existing built area of the village and in accordance with Core Policies 3 and 4:

- Appleton
- Botley
- Cumnor
- Farmoor
- Kennington
- Radley and
- Wootton

Proposals for inappropriate development will not be approved except in very special circumstances*.

The construction of new buildings in the Oxford Green Belt is considered inappropriate except where they are:

- i. buildings for agriculture or forestry
- ii. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- iii. the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building
- iv. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- v. limited infilling of Shippon, South Hinksey, Wootton Old Village and Wytham
- vi. limited affordable housing for local community needs as set out in Core Policy 24, or
- vii. limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The following forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt:

- mineral extraction
- engineering operations
- local transport infrastructure that can demonstrate a requirement for a Green Belt location
- the re-use of buildings, provided that they are permanent and of substantial construction, and
- development brought forward under a Community Right to Build Order.

*Very special circumstances' will not exist unless the potential harm, is clearly outweighed by other considerations (NPPF, Paragraph 88)

CORE POLICY 44: LANDSCAPE

The key features that contribute to the nature and quality of the Vale of White Horse District's landscape will be protected from harmful development and where possible enhanced, in particular:

- i. features such as trees, hedgerows, woodland, field boundaries, watercourses and water bodies
- ii. important landscape settings of settlements
- iii. topographical features
- iv. areas of 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 and/or the townscape of the area. Proposals will need to demonstrate how they have responded to the above aspects of the landscape character and will be expected to:

- vii. incorporate appropriate landscape proposals that reflect the character of the area through appropriate design and management
- viii. preserve and promote local distinctiveness and diversity and, where practical, enhance damaged landscape areas.

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.

CORE POLICY 45: GREEN INFRASTRUCTURE

A net gain in Green infrastructure, including biodiversity, will be sought either through on site provision or off-site contributions and the targeted use of other funding

sources. A net loss of Green infrastructure, including biodiversity, through development proposals will be resisted.

Proposals for new development must provide adequate Green infrastructure in line with Green Infrastructure Strategy. All major applications must be accompanied by a statement demonstrating that they have taken into account the relationship of the proposed development to existing Green Infrastructure and how this will be retained and enhanced. Proposals will be required to contribute to the delivery of new Green Infrastructure and/or the improvement of existing assets including Conservation Target Areas in accordance with the standards in the Green Infrastructure Strategy and the Habitats Regulations Assessment.

CORE POLICY 46: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY

Development that will conserve, restore and enhance biodiversity in the district will be permitted. Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be actively sought, with a primary focus on delivery in the Conservation Target Areas. A net loss of biodiversity will be avoided.

The highest level of protection will be given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species). Development that is likely to result in a significant effect, either alone or in combination, on such sites and species will need to satisfy the Habitat Regulations*.

*Habitats Directive 92/43/EEC of 21 May 1992

Development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or of importance for geological conservation interests, either directly or indirectly, will not be permitted unless:

- i. the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
- ii. it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
- iii. measures can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development.

The habitats and species of importance to biodiversity and sites of geological interest considered in relation to points i. to iii. Comprise:

- Sites of Scientific Interest (SSSI)
- Local Wildlife Sites
- Local Nature Reserves
- Priority Habitats and species listed in the national and local Biodiversity Action Plan
- Ancient Woodland and veteran trees

- Legally Protected Species
- Locally Important Geological Sites

The level of protection and mitigation should be proportionate to the status of the habitat or species and its importance individually and as part of a wider network.

It is recognised that habitats/areas not considered above (i.e. Nationally or Locally designated and not priority habitats) can still have a significant biodiversity value within their local context, particularly where they are situated within a Conservation Target Area and/or they have good potential to be restored to priority habitat status or form/have good potential to form links between priority habitats or act as corridors for priority species. These habitats will be given due weight in the consideration of planning applications. If significant harm to these sites cannot be avoided (through locating on an alternative site with less harmful impacts) it will be expected that mitigation will be provided to avoid a net loss in biodiversity or, as a last resort, compensation will be required to offset the impacts and achieve a net gain in biodiversity.

For: PLANNING AND REGULATION COMMITTEE – 13 APRIL 2015

By: DEPUTY DIRECTOR (STRATEGY AND INFRASTRUCTURE PLANNING)

Development Proposed:

Review of detailed scheme approved pursuant to Condition 31 (external lighting scheme) of Planning Permission 08/02472/CM (MW.0044/08)

Division Affected: Ploughley

Contact Officer: David Periam **Tel:** Oxford 895151

Location: Ardley Energy from Waste Site

Application No: MW.0067/13

District Council Area: Cherwell

Applicant: Viridor

Recommendation

1. The report recommends that members discuss what was seen at the site visit on 19th March 2015 and advise officers:
 - i) What, if any, aspects of the external lighting scheme for the Energy from Waste facility approved pursuant to condition 31 of planning permission no. 08/02472/CM (MW.0044/08) they believe the site operator should review;
 - ii) Whether there are any concerns about the impact of the internal lighting of the Energy from Waste facility that they would wish to be drawn to the attention of the site operator whilst recognising that strictly this is not controlled by the permission.

Background

2. Condition 31 of planning permission no. 08/02472/CM (MW.0044/08) required the submission for approval of details of the external lighting to the Ardley Energy from Waste (EfW) site. The detailed scheme was approved by the Planning and Regulation Committee at its meeting on 12th May 2014. Part of the approval was that the scheme should be reviewed in November 2014.
3. Further to this, a members' site visit was carried out on the evening of 19th March 2015 in order to inform members' consideration of the review of the external lighting. Seven members of the committee attended the site visit.

They were shown the EfW control room and then went outside the building to observe the three-stage shut down of the lighting which is required to be carried out such as to reduce overnight external lighting to the minimum necessary for health and safety. Members were then driven round the local area to look back at the EfW from various viewpoints.

4. The purpose of this report is therefore to invite those members who attended the site visit to report back on what they saw and for the Committee to discuss and advise officers what aspects, if any, of the external lighting scheme approved pursuant to condition 31 they believe should be taken back to the site operator, Viridor, for review. One concern expressed at the visit was that the external lighting scheme had not previously been shut down to its third stage minimum. Officers have subsequently drawn this to the attention of Viridor and emphasised that all relevant staff must be advised that the three-stage shut down must be carried out every evening as required by the approved scheme.
5. Whilst the purpose of the site visit was to inform the review of the external lighting scheme, members also observed that there was light spillage from within the EfW building. This does not form part of the approved external lighting scheme and so does not fall within the review approved as part of that. Nonetheless, if members have observations with regard to this, officers will also take these back to Viridor for consideration.

Recommendation

6. **It is RECOMMENDED that members discuss what was seen at the site visit on 19th March 2015 and advise officers:**
 - i) **What, if any, aspects of the external lighting scheme for the Energy from Waste facility approved pursuant to condition 31 of planning permission no. 08/02472/CM (MW.0044/08) they believe the site operator should review;**
 - ii) **Whether there are any concerns about the impact of the internal lighting of the Energy from Waste facility that they would wish to be drawn to the attention of the site operator whilst recognising that strictly this is not controlled by the permission.**

BEV HINDLE
Deputy Director (Strategy and Infrastructure Planning)

March 2015