



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

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

**Monday, 11 July 2016 at 2.00 pm**

**County Hall, New Road, Oxford**

A handwritten signature in black ink that reads "PG Clark".

Peter G. Clark  
County Director

June 2016

**Contact Officer: *Graham Warrington***  
*Tel: 07393 001211; E-Mail:*  
*graham.warrington@oxfordshire.gov.uk*

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

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**Membership**

Chairman – Councillor Mrs Catherine Fulljames  
Deputy Chairman - Councillor Neil Owen

**Councillors**

Lynda Atkins  
David Bartholomew  
Mark Cherry  
Patrick Greene

Bob Johnston  
Stewart Lilly  
James Mills  
Glynis Phillips

Anne Purse  
G.A. Reynolds  
John Sanders

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**Notes:**

- ***A site visit is required for Item 8 (Matthew Arnold School, Arnolds way, Cumnor Hill). Meet on site at 10.45.***
- ***Date of next meeting: 5 September 2016***

## 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](mailto: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 - 12)

To approve the minutes of the meeting held on 23 May 2016 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Continuation of development without complying with condition 40 (aftercare), and condition 51 (restoration) of Planning Permission 11/01402/CM (continuation of development without complying with condition 6 (importation of waste by road) and with the variance of conditions 1 (time limits) and 7 (volume of waste imported) of planning permission 10/00360/CM dated 17 June 2010 for extraction of limestone and restoration of the site by infilling for commercial, habitat creation and amenity use) in order to defer submission of restoration and aftercare details for Area A (2 years) Areas B-D (5 years) at Shipton On Cherwell Quarry, Shipton-on-Cherwell. - Application No. MW.0046/16 (Pages 13 - 38)**

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

The proposal is to remove and modify planning conditions of an existing consent for development. The application does not involve any additional works that have not already been permitted by previous planning permissions but seeks not to comply with conditions 40 and 51 which state that the restoration and aftercare schemes are submitted within 12 months of the date of the permission.

The applicant proposes to amend the aftercare and restoration conditions to submit the schemes for approval to the Mineral and Waste Planning Authority within two years of the date of existing permission for Area A and within five years of the date of the existing permission for Areas B-D. By splitting the timescales of submission of restoration and aftercare schemes for Area A and Areas B-D, will allow the applicant to focus on restoring Area A in the short-term, which isn't connected to the temporary industrial use in Areas B-C.

Fifteen letters/comments were received objecting to the application from third party representatives which relate to the site as whole and don't appear to relate the application to vary conditions 40 and 51. An objection was also received from the Parish Council covering similar points unrelated to the application, stating the development was having major impact on the surrounding roads and site impact on local amenity. No objections were received from Natural England and the County's Ecologist Planner.

***It is RECOMMENDED that that planning permission for application MW.0046/16 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) including those set out in Annex 2 to the report.***

**7. Continuation of development without complying with Condition 10 (Passing Bays), of Planning Permission 14/02055/CM (limestone extraction: eastern extension to existing permitted limestone extraction), in order to remove the need for passing bays prior to the commencement of development at Castle Barn Quarry, Sarsden, Chipping Norton - Application No. MW.0071/16 (Pages 39 - 50)**

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

The application is to vary existing permission to remove the need for passing bays and so delete the condition. A covering letter and Vehicle Conflict Analysis report has been provided with the application.

The existing planning permission 14/02055/CM was granted to enable the exportation of 72,000 tonnes of crushed rock for a temporary period of 12 months in 2015. At the time to allow the application, the Transport Development Control officer (TDC) recommended the construction of passing bays at two locations along a minor road to the A361. The existing condition states:

*"No crushing shall be carried out and no further removal of crushed mineral shall occur until the proposed passing bays on the lane leading to the A361 have been constructed and approved by the highways authority in accordance with specification approved under the Section 278 Agreement."*

The conclusion would be an increase of no more than two percentage points on any section of the approved route with the additional quarry traffic and there would be no justification to require the passing bays as the likelihood of HGV traffic meeting would be small. The TDC Team commented on the proposal to remove the passing bays with the additional analysis completed and has no objection to the application providing restrictions are made on daily HGV traffic movements. We received one objection from the parish council stating the minor road is only single track road and the quarry traffic is reasonably busy.

***It is RECOMMENDED that subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure) including***

*those set out in Annex 2 to the report PN7 that planning permission for application MW.0071/16 be approved.*

**8. New two storey classroom block, associated landscaping, cycle stores and provision of a temporary car park at Matthew Arnold School, Arnolds Way, Cumnor Hill. \_ Application No. R3.0023/16 (Pages 51 - 60)**

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

This is a planning application for the construction of a single storey building to provide 6 new classrooms and a flexible teaching space. The proposed development is on an existing school site within Cumnor. The report is being brought before committee because it was requested by the local member, and because of local objections relating to the massing of the building and shadowing of properties.

*It is RECOMMENDED that planning permission for application no. R3.0023/16 be approved subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:*

- I. Detailed compliance.*
- II. Permission to be implemented within 3 years.*
- III. A construction transport management plan.*
- IV. An updated school travel plan.*

**9. Relevant Development Plan and other Policies (Pages 61 - 74)**

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

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

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**Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Thursday** at **10.00 am** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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# Agenda Item 3

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 23 May 2016 commencing at 2.00 pm and finishing at 4.03 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 Bob Johnston  
Councillor Glynis Phillips  
Councillor G.A. Reynolds  
Councillor Lynda Atkins  
Councillor Mrs Judith Heathcoat (In place of Councillor Stewart Lilly)  
Councillor Rodney Rose (In place of Councillor James F. Mills)  
Councillor Richard Webber (In place of Councillor Anne Purse)  
Councillor John Sanders

**Other Members in Attendance:** Councillor Charles Mathew (for Agenda Item 6)

**Officers:**

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

Part of meeting

<b>Agenda Item</b>	<b>Officer Attending</b>
6	K. Broughton (Environment & Economy)
7	M. Case and T. Atley (Environment & Economy)
8	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.*

**16/16 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor James Mills Councillor Anne Purse	Councillor Judith Heathcoat Councillor Rodney Rose Councillor Richard Webber

The Chairman welcomed Councillor Lynda Atkins (new member) and Councillor John Sanders (replacing Councillor John Tanner) both of whom had been appointed by Council at its annual meeting on Tuesday 17 May.

**17/16 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

With regard to item 7 – Great Tew Ironstone Quarry – Application No MW.0078/15 Councillor Cherry advised that in early 2000 he had worked at the Great Tew estate. That was no longer the case and he did not consider that that affected his ability to participate impartially in the discussion and voting on the application.

**18/16 MINUTES**

(Agenda No. 3)

The Minutes of the meeting held on 11 April 2016 were approved and signed.

**19/16 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Professor George Smith (Eynsham Society) Phillip Duncan (Agent) County Councillor Charles Mathew (Eynsham)	) ) 6. Cassington Quarry – Application ) MW .0158/15 ) )
Nicholas Johnston (Applicant)	7. Great Tew Ironstone Quarry



**20/16 SECTION 73 APPLICATION FOR THE CONTINUATION OF THE WINNING AND WORKING OF SAND AND GRAVEL WITH RESTORATION USING SUITABLE IMPORTED MATERIALS WITHOUT COMPLYING WITH THE REQUIREMENTS OF CONDITION 2 OF THE PLANNING PERMISSION 10/01929/CM IN ORDER TO EXTEND THE TIME PERIOD FOR EXTRACTION UNTIL DECEMBER 2020 AND THE TIME PERIOD FOR RESTORATION UNTIL DECEMBER 2022 TO ALLOW SUFFICIENT TIME FOR THE WORKING OF MATERIAL FROM BENEATH THE PLANT SITE AT CASSINGTON QUARRY, WORTON, WITNEY - APPLICATION NO MW.0158/15**

(Agenda No. 6)

The Committee considered (PN6) an application for Cassington Quarry which sought an extension of time to December 2020 in order to extract mineral from beneath the plant site and to December 2022 for restoration.

Presenting the report Mr Broughton referred to additional information regarding the duties of the Local Planning Authority under the Conservation of Species & Habitats Regulations 2010 with regard to European Protected Species both of which had been tabled along with a revised recommendation set out in the addenda sheet. He then answered questions from:

Councillor Bartholomew – confirmed the 2 years referred to in the revised Condition 41 was from the date of any permission and not from the start of the works. Work was expected to be completed by 2020 and plant removed by 2018.

Councillor Johnston – confirmed the workings were 500m from the two Sites of Special Scientific Interest (as set out in paragraph 3).

Councillor Sanders – the applicants had indicated a link between the application and the new Mineral and Waste Core Strategy but they had also indicated that they wanted to dig the material which was a significant amount.

Councillor Cherry – although he did not have a specific number for hgv movements they were likely to be significant but needed to be considered in the context of access and egress onto the A40 which was an advised lorry route.

Professor Smith addressed the Committee on behalf of the Eynsham Society Their concerns centred on three areas namely after-use requiring a comprehensive plan for the whole site with realistic time scales. The first master plan had been drawn up as far back as 1996 but had repeatedly slipped. Secondly lines of responsibility and funds needed to be identified with a regular budget set aside and a clear professional plan. Thirdly safety particularly the silt lagoons, which required full remediation and not just fencing and signing. Environmental work had, to date, been at best spasmodic and at worst amateurish. The future of the site needed to be secured in order to prevent it degenerating into an industrial wasteland and he asked that a decision be deferred to allow these issues to be addressed properly.

He then responded to questions from:

Councillor Cherry – the silt lagoons over time acquired a surface crust and although appearing to be safe could be like quick sand.

Councillor Phillips – the site had been unused since 2008 and was effectively an industrial wasteland and although the plant looked derelict he supposed it could be made to work. He stressed the need to improve security at the site and that was done here would represent an important precedent for future sites.

Councillor Johnston – there were bits of disused equipment all over the site.

Phillip Duncan spoke on behalf of the applicant. He confirmed that he had been involved in this site for many years. The application was about achieving a complete and orderly exit and confirmed that the applicants would be able to get the plant working. He accepted that silt ponds could be present a danger at first but over time they stabilised and quoted examples elsewhere where houses had been built on these surfaces. The site had won restoration awards and had a good scientific reputation and he commended the recommendation for approval.

He responded to questions from:

Councillor Johnston – he would walk across the silt ponds.

Councillor Rose – confirmed that Hansons had a restoration fund but was unable to give a specific figure.

Councillor Bartholomew – although reference had been made by Professor Smith to a 1996 master plan he was unable to comment as he did not have the detail of that plan but Hansons were fully committed to extraction with restoration and ultimately after use.

Councillor Phillips – there had been a strategic decision not to work the material but the Company were now in a position to reverse that and to restore the site.

Councillor Charles Mathew advised that this was the 4<sup>th</sup> application for an extension since work began on this site in 1986 representing 36 years of intrusion for the local community. That was totally unacceptable and local residents deserved more protection. He endorsed all that Professor Smith had said and questioned whether there was a need for more material particularly when an application for Stonehenge Farm had not yet been activated. He referred to breaches of the routing agreement evidenced by use of a gate onto the Yarnton Road.

He then responded to a question from:

Councillor Greene – the company were looking to get the remaining gravel out but he reiterated doubts that the material was required.

Mr Broughton confirmed that the Committee needed to consider the application before it and the question of after-use would be a matter for the District Council after restoration had been completed. He also confirmed that the enforcement team were aware of the issues regarding the gate onto the Yarnton Road.

Councillor Reynolds felt this would go some way to getting the site tidied up and that if material was not dug here then it would be dug elsewhere. He moved the recommendation as amended in the addenda sheet with Councillor Greene seconding.

Councillor Johnston accepted that this seemed to be the least problematic way forward and that he would reluctantly support the application.

Councillor Sanders had some concerns with the scale of the plans attached to the report which he felt did not adequately reflect the effect on local villages. He also questioned why the company felt that the application was now worth pursuing and in his view they had not made a strong enough case.

Councillor Owen empathised with local communities for the faults of the past and that recent inertia was to some extent due to the economic recession but felt this would go some way to remedying a poor situation.

Councillor Bartholomew also reluctantly supported the application insofar as it would avoid sterilisation of the site and that it might be better to get the work done now while the company were in a position economically to do that but wondered whether anything could be done to prevent further applications for extensions.

Mr Broughton advised that nothing could be done to prevent further applications for extensions but felt that the permission made it clear that only material under the plant site could be worked and that 2 years seemed a reasonable period to do that with 6 months to remove the processing site. Following concerns expressed by Councillor Sanders that the gap of 6 meters between workings and the Oxford to Hereford railway line as set out in Condition 9 (c) seemed inadequate he undertook to determine with Network Rail what would be reasonable and if they felt that that should be more to amend the condition accordingly.

The motion with authority for officers to amend Condition 9(c) if necessary was put to the Committee and –

**RESOLVED:** (by 12 votes to 1, Councillor Sanders recorded as having voted against) that

(a) planning permission for application no. MW.0158/15 be approved subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:

1. The development should be carried out solely in accordance with details submitted with the application unless modified by the conditions of this permission. The details submitted consist of:
  - a. Application form dated 23/11/15
  - b. Covering Letter dated 23/11/2015
  - c. Email dated 04/12/15
  - d. Drawing W92m/130 - S73 application Plan dated March 2011
  - e. Drawing W92m/127a - S73 application dated November 2010

- f. Drawing 001-OX Proposed New sand and gravel processing plant dated 26/07/89.
  - g. Drawing 011-OX Proposed weighbridge and accommodation dated 08/11/89
  - h. Drawing 6010/0/1 - Key plan (for junction) dated April 1984.
  - i. Drawing 6010/0/2 - Plan and profiles for the proposed junction dated April 1984
  - j. Aftercare scheme dated 04/01/95.
  - k. Aftercare scheme dated 21/02/95.
  - l. Aftercare scheme dated 22/03/95.
  - m. Aftercare scheme dated 12/04/95.
  - n. Drawing W92a/10- Revised advanced screening proposal dated February 1984.
  - o. Drawing W92e/15a - Restoration of Working stages 1- 4.
  - p. Drawing W92e/16c - Operational plan dated August 1988
  - q. Drawing W92m/22a - New processing plant, location and details dated November 1989.
  - r. Drawing 3 (ref CHS 458/83) - Working plan
  - s. Drawing W92m/25 - Restoration proposals dated August 1994
  - t. Drawing W92m/27a - Working arrangements following archaeological dig dated March 1995
  - u. Drawing W92m/42a - Working arrangements stage 5-9 sailing lake dated November 2000
  - v. Drawing W92m/43 - Stages 10-12 working arrangements dated January 2001
  - w. Drawing Wgzm/44 - Stages 10-12 restoration concept (as modified on approval) dated January 2001
  - x. Drawing W92m/133 – Composite Restoration Scheme
  - y. Cassington Quarry Stage 10 Five Year Aftercare Scheme dated 12/3/2012
  - z. Drawing W93/92c
2. No excavations should be undertaken or continued after 31 December 2020.
  3. All restoration should be carried out and completed not later than 31 December 2022.
  4. All excavation should re-commence and continue as indicated on the plans accompanying this application and the plans approved under planning permission W2001/1729 and 02/0062/CM, in an orderly and progressive manner, and leaving no humps of unexcavated land.
  5. No working should take place except in accordance with the approved scheme and plans of working, landscaping and restoration indicated in the particulars of the permission.
  6. The composite restoration scheme approved as a detail pursuant to condition 6 of permission 10/01929/CM and shown on Drawing W92m/133 should be implemented by 31 December 2022.
  7. Details of any mobile plant to be brought on site, and its location within the site should be submitted to and approved in writing by the Mineral Planning Authority prior to being brought onto the site.

8. The excavated areas should be sloped at an angle not steeper than 1 in 1½ and in such a manner as to provide adequate support for adjoining land, and to prevent undercutting and scour.
9. Except with the prior written consent of the Mineral Planning Authority, no excavations should take place within:
  - a. 8 metres of any watercourse;
  - b. 6 metres of the entire length of the northern boundary of the land;
  - c. 6 metres (to be re-negotiated) of the Cotswold railway line linking Oxford to Hereford;
  - d. 10 metres from the extremity (i.e. wing walls) of any railway bridge along the northern boundary of the land or the bridge which carried the A40 over the disused Witney Branch railway line;
  - e. 10 metres of the boundary of any highway which contained or comprised a carriageway;
  - f. 6 metres either side of bridleway 21.
10. (a) The margin of 8 metres between watercourses and the excavations required in accordance with condition 9(a) should be preserved completely unobstructed and clear of any works, including drainage measured from the top of the nearest bank of the watercourse to the nearest edge of the workings.  
(b) an access at least 4 metres wide should be provided to the margin in 10(a) from the access road to the site.
11. Except with the prior written approval of the Mineral Planning Authority, no watercourses should be incorporated in the excavations and no direct connection should be made between any excavation and any watercourse.
12. All possible steps should be taken to prevent any solid matter, sand or gravel, or excess amounts of suspended matter from passing into any watercourse from the excavation, conveyors, the washing process, or dewatering.
13. There should be no discharge of polluted water, sand, gravel, solid matter, oil, grease, or any other offensive or injurious matter into any watercourse.
14. Oil storage tanks should be sited on impervious bases surrounded by oil tight bund walls. The bunded areas should be capable of containing 110% of the tank's volume and should enclose all fill and draw pipes.
15. All stockpiles of overburden, topsoil and excavated materials in the flood plain should be sited so as not to impede the flow of flood waters and retained for as short a period as possible.
16. No dewatering should be undertaken while nearby watercourses are running bank full under flood conditions.
17. No operations permitted or required by this permission should be carried out, lorries should not enter or leave the site and plant should not operate except between the following times:
  - a. 0700 hours to 1800 hours Mondays to Fridays;
  - b. 0700 hours to 1300 hours on Saturdays.

18. No operations permitted or required by this permission should be carried out, lorries should not enter or leave the site and plant should not operate on Sundays or bank Holidays.
19. All plant and machinery used on the land and capable of being fitted with silencers should be fitted to the satisfaction of the Minerals Planning Authority, and except in an emergency with the consent of the Mineral Planning Authority, pumping should only be carried out by means of electric pumps or such alternatives the details of which should first be submitted to and approved in writing by the Mineral Planning Authority.
20. Notwithstanding the provisions of the Town and Country planning (General Permitted Development) (England) Order 2015, as amended, no fixed buildings, plant or machinery or structure or erection in the nature of plant or machinery should be erected, sited or placed on any of the land without the prior written consent of the Mineral planning Authority.
21. Except with the prior written consent of the Mineral Planning Authority, the total area of the site which for the purposes of mineral working is at any time stripped of topsoil and overburden, under excavation and excavated but which has not been restored in accordance with condition 6, excluding land in use for storage, silt beds, permanent processing plant or site roads should not exceed 24 hectares.
22. Any land not in use at any time for the siting of plant or machinery, or for the excavation of minerals should be retained so far as practicable in agricultural use.
23. No imported waste materials should be deposited on the land except inert materials in the area bounded in red on approved plan W92m/44.
24. The existing hedges along the boundaries of the land should be retained and properly maintained. Any plants which may die should be replaced, and the replacements properly maintained. In particular the hedge along the boundary of the land adjacent to the A40 should be allowed to grow, and should not be cut back except with the prior written consent of the Mineral Planning Authority.
25. All trees on the land should be preserved and properly maintained. In the event of any trees dying or being seriously damaged or destroyed, a new tree or equivalent number of trees, of a species first approved in writing by the Minerals Planning Authority should be planted and properly maintained in positions first approved in writing by the Mineral Planning Authority.
26. Any fence or gate which is required by this permission to be retained or erected and which is destroyed or damaged during operations permitted or required by this permission should be replaced or repaired.
27. All derelict material and all buildings, plant and machinery, and all structures erected or placed on the land in the course of the operations permitted by this permission, when no longer required for the purposes directly associated with the winning and working of the minerals, should be removed and the land should be restored in accordance with condition 6 of this permission.

28. Written notice should be given to the Mineral Planning Authority of the completion of the development hereby permitted.
29. The junction between the internal haul route and A40 that has been constructed in accordance with the drawings numbered 6010/01 and 6010/02 dated April 1984 or such other scheme approved by the Mineral Planning Authority should be kept pot hole and mud free whilst the development was in operation.
30. Facilities should be provided on footpaths and bridleways to allow lorries to cross without obstructing or causing damage to the said footpaths and bridleways, and without causing damage to users thereof.
31. The old railway turntable between the disused Witney Branch railway line and the internal haul route should be protected from the development hereby permitted.
32. The aftercare scheme approved on 10/5/95 should be implemented.
33. The aftercare scheme approved as a detail pursuant to condition 33 of permission 10/01929/CM on 12/3/2012 and set out in "Cassington Quarry Stage 10 - Five Year Outline Aftercare Scheme" dated 12/3/2012 should be implemented. That implementation should be subject to any changes made as a result of any annual meeting, beginning when the restoration of the whole area bounded in red on approved plan W92m/44 was complete, and should take place for a period of 5 years.
34. No waste should be imported on to the site.
35. The area bounded in red on the approved plan W92m/44 should be restored to agriculture in accordance with that plan by 31 December 2022.
36. The revised restoration and landscaping scheme approved as a detail pursuant to condition 38 of permission 10/01929/CM and shown on drawing W93m/92c should be implemented by 31/12/2012.
37. Heavy goods vehicles should leave or enter the site only by approved accesses on the A40 marked by the letter x on approved plan W92m/44.
38. No heavy goods vehicles should enter the public highway unless the wheels and chassis had been sufficiently cleaned to prevent material being deposited on the highway.
39. Haul roads should be sprayed with water sufficiently to suppress dust.
40. No reversing beepers or other means of audible warning of reversing vehicles should be fixed to, or used on, any vehicle operating on the site, other than those which used white noise.
41. The existing processing plant should be removed from the site within 2 years of the date of this permission.
42. That no later than 2 years from the date of this permission a detailed aftercare scheme for the restoration scheme shown on plan W92m133 should be submitted to and approved by Mineral Planning Authority.
43. The aftercare scheme approved in accordance with condition 42 of this submission should be implemented upon completion of the restoration as shown on plan W92m133.

- (b) With regard to Condition 9(c) officers to agree with network rail a safe distance between excavations and the Cotswold railway line linking Oxford to Hereford

**21/16 PROPOSED EXTENSION OF IRONSTONE EXTRACTION, REVOCATION OF EXISTING CONSENTED MINERAL EXTRACTION, EXPORT OF CLAY, CONSTRUCTION OF TEMPORARY AND PERMANENT LANDFORMS, RETENTION OF AN EXISTING OVERBURDEN STORE, RELOCATION OF CONSENTED STONE SAW SHED, REPLACEMENT QUARRY, FARM AND ESTATE OFFICE BUILDING, ERECTION OF A NEW SHOOT STORE AND MULTI-PURPOSE BUILDING AT GREAT TEW IRONSTONE QUARRY, BUTCHERS HILL, GREAT TEW, CHIPPING NORTON - APPLICATION NO.MW.0078/15**

(Agenda No. 7)

The Committee considered a report PN7 setting out a proposal to extend working to the west of the existing ironstone quarry over a 21 year period but excluding the extraction of part of the consented phase 3 in the existing quarry including part of the clay bank. The development also proposed retention of an area of overburden store outside the consented existing planning permission to the south of the quarry which was currently unauthorised; export of extracted clay (approx. 300,000m<sup>3</sup>), construction of both temporary and permanent landforms, relocation of the consented stone saw shed and construction of new buildings including a four storey office building, multi-purpose agricultural building and new shooting store.

Presenting the report Mr Case drew the Committee's attention to additional information and revised plan as set out in the tabled addenda.

He responded to questions from:

Councillor Johnston – some clay was currently used on site as restoration material.

Councillor Cherry – there had been 3 consultations which had resulted in a series of very comprehensive conditions to cover the amount of overburden to be removed in order to get to the ironstone.

Councillor Heathcoat – he confirmed that younger trees would be planted due to a high failure rate in mature trees and so screening would not be immediate. With regard to vehicle movements there would be an average of 8 movements per day in connection with the extraction of stone and 22 per day (110 per week) in connection with the export of clay although there would be no exportation of that material between August and October.

Mr Periam explained that the applicant was giving up some of the ironstone reserves under woodland which would then be preserved. However, there was no guarantee that an application to work that material would not be submitted in the future but added that there were considerable reserves of ironstone elsewhere on the site.

Responding to Councillor Johnston Tamsin Atley confirmed that an area was to be segregated for 'no noisy working' affording some protection for woodpeckers.



Councillor Webber having visited the site considered it was well sited and hidden but expressed some concern that past unauthorised work was being sanctioned.

Mr Periam confirmed that if the Committee were minded to refuse the application then enforcement proceedings would be instigated with regard to past unauthorised work.

Nicholas Johnston the applicant addressed the Committee and thanked members for visiting the site which he explained was the only block ironstone quarry in the country. He had hoped to get the application considered earlier and that that delay had given rise to the work carried out for which he apologised. It was a large but well organised site and the proposed buildings were required to accommodate everyone on one site. The site had been operating for 20 years with a lot of local support and benefits to the local economy. He was not aware of any historical objections and bearing in mind its good record asked the Committee to support the application.

He then responded to questions from:

Councillor Cherry – there were between 40 and 50 full time employees and sub-contractors on the Great Tew estate with others employed in ancillary industry outside the estate.

Councillor Phillips – the implications of not moving the trees would mean that the quarry would stop working. He regretted the loss of trees but pointed out that the estate carried out a lot of planting to mitigate against losses.

Councillor Fulljames – it would be impossible to stop everyone using minor roads but he could not see any reason why anyone would want or need to use any roads other than main A roads.

**RESOLVED:** (on a motion by Councillor Johnston seconded by Councillor Cherry and carried unanimously) that subject to a legal agreement to secure that the mineral permitted under the “clay bank” is not further worked and a 20 years long term management plan that planning permission for application MW.0078/15 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) including those set out in Annex 3 to the report PN7 subject to amending “an” in Condition xxiv to read “in”.

## **22/16 MINERALS AND WASTE SITE MONITORING & ENFORCEMENT**

(Agenda No. 8)

The Committee considered a report (PN8) updating the Committee on the regular monitoring of minerals and waste planning permissions and on the progress of enforcement cases for the period 1 September 2015 to 31 March 2016.

**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.

..... in the Chair

Date of signing .....

**For: PLANNING AND REGULATION COMMITTEE – 11 July 2016**

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

**Development proposed:**

**Continuation of development without complying with condition 40 (aftercare), and condition 51 (restoration) of Planning Permission 11/01402/CM (continuation of development without complying with condition 6 (importation of waste by road) and with the variance of conditions 1 (time limits) and 7 (volume of waste imported) of planning permission 10/00360/CM dated 17 June 2010 for extraction of limestone and restoration of the site by infilling for commercial, habitat creation and amenity use) in order to defer submission of restoration and aftercare details for Area A (2 years) and Areas B-D (5 years).**

<b>Division Affected:</b>	Kidlington and Yarnton	
<b>Contact Officer:</b>	Matthew Case	<b>Tel:</b> 01865 815819
<b>Location:</b>	Shipton-on-Cherwell Quarry, Shipton-on-Cherwell Oxfordshire	
<b>Application No:</b>	MW.0046/16	<b>District Ref:</b> 16/00807/CM
<b>Applicant:</b>	Shipton Ltd.	
<b>District Council Area:</b>	Cherwell District Council	
<b>Date Received:</b>	24-Mar-2016	
<b>Consultation Period:</b>	28/04/2016 to 20/05/2016	

## **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**

1. The quarry is situated 10km (6.2 miles) north-west of Oxford, immediately north of the village of Shipton-on-Cherwell and east of the A4260. Bletchingdon lies 2km (1.2 miles) to the east of the site. To the north-west of the site is the linear settlement of Bunkers Hill, separated from the quarry by the A4095. Oxford Airport lies 1km (0.6 miles) to the south west. The site lies within the Oxford Green Belt.

### **The Site and its Setting**

2. The quarry is in open countryside covering 71 hectares, of which most of the site comprises a largely worked out dormant limestone quarry. The site also includes an aggregate recycling facility (ARF) located in a central 3.5 hectare area of the quarry, immediately east of the permitted haul road. The ARF is covered by a separate planning permission.

3. To the north eastern boundary of the quarry, the land falls away to the Oxford Canal/River Cherwell. The Birmingham to Oxford railway line runs along the eastern boundary.
4. The quarry has been designated a County Wildlife Site and parts of it are designated as a geological Sites of Special Scientific Interest (SSSI). A public right of way skirts the site to the north and south. Parts of the site are contaminated and are subject to remediation measures required by conditions attached to the extant planning permission.
5. The nearest dwellings to the proposed aggregate recycling site are in Jerome Way (in Shipton-on-Cherwell village) 400 metres to the north-west.

### **Details of the Proposed Development**

6. The proposal is to remove and modify planning conditions of an existing consent for development. The application does not involve any additional works that have not already been permitted by previous planning permissions.
7. The application seeks not to comply with conditions 40 and 51 which state that the restoration and aftercare schemes are submitted within 12 months of the date of the permission. The reason given for condition 51 (restoration) is to ensure that the site is restored to maximise biodiversity and in the interests of the amenity of local residents, to ensure that public access can be gained to the restored site; to ensure the productive aftercare of the land, and to ensure that the development is carried out as proposed. The reason given for the existing condition 40 (aftercare) is to ensure that the restored land is integrated with the surrounding land.
8. The applicant proposes to amend the aftercare and restoration conditions to submit the schemes for approval to the Mineral and Waste Planning Authority within two years of the date of the existing permission for Area A and within five years of the date of the existing permission for Areas B-D. By splitting the timescales of submission of restoration and aftercare schemes for Area A and Areas B-D, this will allow the applicant to focus on restoring Area A in the short-term, which isn't connected to the temporary car storage use in Areas B-C.
9. The long-term use of most of the site is restoration to nature conservation, but some parts of the site will also have different medium and long term uses. This includes a car storage operation for a temporary period located in Area B-C, which must cease by the 17 June 2036. The long-term restoration scheme for Areas B-C is to forestry. The area to the north of area A-D will be restored to a railway siding with permanent use.
10. In terms of timescales for the site's restoration as stated in Condition 53 of the current planning permission:
  - Area A will be completed before the car storage operations commence.
  - Area D shall be completely restored within 5 years of the commencement of car storage operations.

- Areas B and C shall be completely restored within 2 years of the cessation of car storage.
11. The submitted restoration and aftercare schemes will expand on the Reptile Mitigation Plan approved under pursuant 42 and Ecological Management Plan approved under pursuant 41 of the existing permission, both discharged on the 18 March 2016.
  12. Under the existing permission, condition 3 requires the completion of mineral extraction by 12 February 2017, the same day proposed for the approval of the restoration and aftercare schemes. The existing condition 51 (restoration) states *“no mineral extraction shall take place to the south of the line marked ‘S5’ on approved plan K.0117\_14-2 (Scheme of Mineral Working: Proposed Excavation Area and Cross Section Locations) until the restoration scheme has been submitted to and approved in writing by the Mineral and Waste Planning Authority.”* The application proposes this statement is removed from the proposed condition.
  13. The applicant proposes to vary condition 51 of the permission to require only details for Area A at this stage. The present condition states in full:

*A restoration scheme shall be submitted to and approved by the Mineral and Waste Planning Authority for the areas outlined in blue and marked A, B, C and D on approved plan K.0117\_25-1d within 12 months of the date of this permission. No mineral extraction shall take place to the south of the line marked ‘S5’ on approved plan K.0117\_14-2 (Scheme of Mineral Working: Proposed Excavation Area and Cross Section Locations) until the restoration scheme has been submitted to and approved in writing by the Mineral and Waste Planning Authority.*

*The restoration scheme shall include:*

- i. A woodland planting scheme for areas C and D designed to maximise a range of bird habitats and will detail the species, ages, spacing and distribution of plants*
- ii. restored habitat to the west (areas A and B) which shall include the habitat elements shown on approved plan K.0117\_25-3d (Phase 3)*
- iii. measures for safeguarding and protecting existing areas of biodiversity and details of regrading other areas to create new habitats*
- iv. the provision of a bird hide within areas A and B*
- v. details showing the provision of paths and a car park for public access to the site including:*
  - *perimeter paths for area A and paths around and through the whole site*
  - *links to the local existing public rights of way*
  - *specifications with regard to width, construction materials, waymarking, fencing and resting places*
- vi. details of the creation of the six geological windows as shown on approved plan K.0117\_24-3 (Geological Exposures) and how public access to them will be provided.*
- vii. the realignment of the haul road as required by condition 72*

- viii. *the removal and re-deposition of the excess materials deposited above the levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM*

*Any restoration scheme approved in writing by the Mineral and Waste Planning Authority shall be implemented in accordance with condition 53 and will supersede approved plans K.0118\_78-1 (Final Landscape Masterplan) and K.0117\_53-1 (Final Restored Uses Masterplan) and the restoration details shown on approved plans K.0117\_07-5 (Phase 7), K.0117\_25-8d (Phase 8), K.0117\_52-1 (Phase 9), and K0117\_48-5 (Interim Restored Uses Masterplan).*

It is proposed to amend the Condition as follows:

*A restoration scheme shall be submitted to and approved by the Mineral and Waste Planning Authority for Area A marked on approved plan K.0117\_25-1d within 24 months of the date of this permission. The restoration scheme shall be based on the Schematic Restoration Plan for Zone A included in the approved Reptile Mitigation Plan (Figure 2.1) and include additional details:*

- i. Final levels*
- ii. Tree and scrub planting*
- iii. Calcareous grassland seeding*
- iv. Reptile habitat*
- v. Formation of geological exposure*
- vi. Perimeter path and public access arrangements*
- vii. Bird hide*

*A restoration scheme for Area B-D shall be submitted within 5 years of the date of this permission. The scheme shall be based on the approved Final Landscape Master Plan K.0118\_78-1 and include additional details of:*

- i. Final levels*
- ii. Tree, hedgerow and scrub planting*
- iii. Grassland seeding*
- iv. Geological exposures*
- v. Perimeter path and public access arrangements*
- vi. Bird hide*

14. The applicant wishes to delay the submission of Areas B-D, as the restoration phasing and overall development programme is likely to change the approved scheme. Therefore the applicant wouldn't want to submit a scheme which is likely to change and feels in these circumstances it would be appropriate to delay the preparation of detailed restoration proposals for Area B-D.
15. The applicant also wishes to remove reference to 'viii' in the existing condition 51 stating "the removal and re-deposition of the excess materials deposited above the levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM". The applicant to replace this second with 'Final levels'. The applicant states in the amended Planning Statement, 'the final levels are best determined in the context of the restoration scheme taking into account current site conditions and proposed afteruses. In practice the previously tipped bank stabilisation materials will be incorporated into the restoration scheme and there is no logical reason to move them.

16. The applicant proposes to vary condition 40 of the permission to require equivalent extensions of time for the submission of aftercare details for Area A at this stage. The present condition states:

*Within one year of the date of this permission an aftercare scheme shall be submitted for the approval of the Mineral and Waste Planning Authority and shall include all the areas to be restored to nature conservation use and shall address the monitoring and management of that land, water body, plant and animal community. Any scheme that is approved shall be implemented in any restored area from the date that that area is restored. No mineral extraction shall take place to the south of the line marked 'S5' on approved plan K.0117\_14-2 (Scheme of Mineral Working: Proposed Excavation Area and Cross Section Locations) until the aftercare scheme has been submitted to and approved in writing by the Mineral and Waste Planning Authority.*

It is proposed to amend the Condition as follows:

*Within two years of the date of this permission an aftercare scheme for Area A marked on approved plan K.0117\_25-1d shall be submitted for the approval of the Mineral and Waste Planning Authority and shall include all the areas to be restored to nature conservation use and shall address the monitoring and management of that land, water body, plant and animal community. Any scheme that is approved shall be implemented in any restored area from the date that that area is restored.*

*Within five years of the date of this permission an aftercare scheme for Area B-D marked on approved plan K.0117\_25-1d shall be submitted for the approval of the Mineral and Waste Planning Authority and shall include all the areas to be restored to nature conservation use and shall address the monitoring and management of that land, water body, plant and animal community. Any scheme that is approved shall be implemented in any restored area from the date that that area is restored.*

17. The proposed change to the aftercare condition follows the amendment of condition 51. In practice a single detailed restoration and aftercare scheme is proposed to be made for Area A and to be implemented in the shorter term. The restoration of Areas B-D is several years away.

## **Part 2 – Other Viewpoints**

### **Third Party Representations**

18. Fifteen letters/comments were received objecting to the application. The comments received relate to the site as whole, and don't appear to largely be relevant to the details of the application made to vary conditions 40 and 51 as set out above. Therefore only limited weight should be given to the comments received. Summary of the objections below:

- The site generates too much HGV traffic, and HGVs travel too fast
- HGVs leaving the site un-sheeted
- Impact on local amenity in relation to dust, road debris, noise and vibration

- Poorly maintained site entrance
- HGV movements are impacting on the condition of the local roads, including damaging the road verges.
- Confusion that the application is for extension of time to operations
- One letter referring to the importance of the geological SSSI and asking for consultation with Natural England
- Breach of hours of operation

### **Consultation Responses**

19. Cherwell District Council - Raises no objections to the proposal on the proviso that the County Council seeks appropriate consultee advice in respect of ecology, archaeology and highway safety.

20. Environmental Health Officer – No Objection

21. Shipton-on-Cherwell & Thrupp Parish Council Has serious concerns, principally that the mineral extraction would not cease in February 2017 as currently required, but would extend for at least another 5 years, which is unacceptable to the Parish.

The Parish Council has received many representations from Parishioners expressing deeply felt worries that the noise, dust and disturbance currently experienced would continue beyond February 2017.

There is also concern that the Planning Conditions attached to the Planning Permission of the 12th February 2015 are not being complied with. The Parish Council does not have the expertise to monitor these issues and has to rely on the County Council to do so.

Would you please advise the Parish Council of the routine inspections and tests that have to be carried out by yourselves, and where such information is available for inspection? This Council and parishioners are particularly worried that the local amenities of residents have been disturbed by the current operations within the Quarry, and will continue to be so if the operators are allowed to further delay the final restoration.

The Parish Council therefore Objects to the present Planning Application on the following grounds where former Planning Conditions are being disregarded and has no confidence that matters will be put right in the future:

- Condition 8: Site machinery starts before 7.00 am and lorries queue for entry to the site before this time.
- Conditions 9 and 10: The access road and internal haul roads are not free of potholes, mud and debris.
- Condition 11: Very few loaded vehicles are leaving the site with covers.
- Condition 13: The need to employ a road sweeper indicates that there is excessive mud on the highways, so wheels and chassis are not being adequately cleaned
- Condition 14: Drivers do turn right out of the site
- Condition 15: There are inadequate dust suppression measures, as evidenced by the 'moonscape' dust settling on the canal and river banks.



- Condition 17: Noise levels exceed the maximum of 55db most of the time; residents cannot enjoy their gardens, or their internal rooms facing the quarry.
- Condition 18: Plant and machinery is not fitted with effective silencers.
- Condition 19: There are continuous whines, hisses, screeches, thumps and bangs from the site.
- Condition 21: Reversing plant and vehicles constantly emit loud warning beeps (other than white noise).

There is a suspicion that the following conditions are being breached:

- Condition 4: Aggregates are being imported otherwise than for the construction of site infrastructure.
- Condition 7: More than 250,000 tonnes of waste per annum are being imported by lorry.

As a measure of parishioners' concerns, the Parish Council is prepared to host a Meeting in our Village Hall, for representatives of the County and the Applicants to put their cases to all residents, if the County is mindful of granting approval.

In conclusion, the Parish Council objects to the variance of the conditions of the current Planning Permission.

22. Environment Agency – No objections

23. Natural England – No objection, subject to amendment of the proposed conditions.

This application is partly within Shipton on Cherwell and Whitehill Farm Quarries Site of Special Scientific Interest (SSSI). Natural England is satisfied that subject to the advice below that the proposed variation of the conditions to defer submission of restoration and aftercare details for Area A to 2 years Areas B-D to 5 years will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that subject to the advice below, this SSSI does not represent a constraint in determining this application.

Natural England advises that the applicant's suggested change to the wording of conditions 51 and 40 needs amending. To protect the special interest of the SSSI we advise that as part of the discharge of (restoration) condition 51 and (aftercare) condition 40, we would want to see detailed geological conservation and management plans for the SSSI geological exposures. We would expect to see details on how the exposures will be formed (design and construction), how they will be permanently retained, conserved and managed, and details on the form of managed access. There should be no further degradation of the geological interest.

In addition the proposed new wording of condition 51, concerning Area A, is not quite correct. Area A includes more than one important geological exposure and therefore the applicant's proposed wording which refers to "geological exposure" may be read to suggest there is only one exposure. Natural England advises that all the exposures need protection and management as part of this condition. For geological sites "management" includes access to the exposures. Both these issues were covered in the original condition (51 (vi)).

Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

24. Thames Water -No objections

25. Network Rail – No objection

26. Ecologist Planner –

- Condition 51

Whilst I have no objection to the principle of submitting the restoration scheme for Area A prior to Areas B-D, please ask the applicant to clarify whether there are any points in the original condition 40 that are no longer within the revised wording. If there are items that have been removed, have they been approved already under separate conditions/schemes?

- Condition 40

I do not have any comments on the proposed revisions.

Final Comment

Condition 51

As stated in my previous comments, I have no objection to the principle of submitting the restoration scheme for Area A prior to Areas B-D. I consider that the remainder of the condition, in relation to ecology, should remain with similar wording to the approved condition. Whilst I appreciate that the approved condition is long, I consider that providing detail in the wording of the condition could help to avoid any confusion about what the condition requires at a later stage. Therefore, I suggest that the condition is worded as follows:

A restoration scheme shall be submitted to and approved by the Mineral and Waste Planning Authority for Area A marked on approved plan K.0117\_25-1d within 24 months of the date of this permission. The restoration scheme shall be based on the Schematic Restoration Plan for Zone A included in the approved Reptile Mitigation Plan (Figure 2.1) and include additional details:

- (i) Final levels
- (ii) restored habitats, which shall include the habitat elements shown on approved plan K.0117\_25-3d (Phase 3)
- (iii) measures for safeguarding and protecting existing areas of biodiversity and details of regrading other areas to create new habitats
- (iv) the provision of a bird hide within area A
- (v) details showing the provision of paths and a car park for public access to the site including:
  - Perimeter paths for area A and public access arrangements
  - specifications with regard to width, construction materials, waymarking, fencing and resting places
- (vi) details of the creation of the six geological windows as shown on approved plan K.0117\_24-3 (Geological Exposures) and how public access to them will be provided
- (vii) *the realignment of the haul road as required by condition 72*

- (viii) *the removal and re-deposition of the excess materials deposited above the levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM.*

A restoration scheme for Area B-D shall be submitted within 5 years of the date of this permission. No mineral extraction shall take place to the south of the line marked 'S5' on approved plan K.0117\_14-2 (Scheme of Mineral Working: Proposed Excavation Area and Cross Section Locations) until the restoration scheme has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme shall be based on the approved Final Landscape Master Plan K.0118\_78-1 and include additional details of:

- (i) Final levels
- (ii) Tree, hedgerow and scrub planting, including a woodland planting scheme for areas C and D designed to maximise a range of bird habitats and will detail the species, ages, spacing and distribution of plants
- (iii) restored habitat in area B which shall include the habitat elements shown on approved plan K.0117\_25-3d (Phase 3)
- (iv) measures for safeguarding and protecting existing areas of biodiversity and details of regrading other areas to create new habitats
- (v) the provision of a bird hide within area B
- (vi) details showing the provision of paths and a car park for public access to the site including:
  - paths around and through the whole site
  - links to the local existing public rights of way
  - specifications with regard to width, construction materials, waymarking, fencing and resting places

Any restoration scheme approved in writing by the Mineral and Waste Planning Authority shall be implemented in accordance with condition 53 and will supersede approved plans K.0118\_78-1 (Final Landscape Masterplan) and K.0117\_53-1 (Final Restored Uses Masterplan) and the restoration details shown on approved plans K.0117\_07-5 (Phase 7), K.0117\_25-8d (Phase 8), K.0117\_52-1 (Phase 9), and K0117\_48-5 (Interim Restored Uses Masterplan).

Please note that text marked in italics are non-ecological elements of the original condition. I have included these for completeness but please do remove/amend these if they no longer apply, which may well be the case for some of the wording.

#### Condition 40

I do not have any comments on the proposed revisions.

#### 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.

Ecological survey results indicate that a European Protected Species is likely to be present on the Shipton on Cherwell Quarry site. However, the proposed changes to the timing of the restoration and aftercare scheme submissions and amendments to the wording of the conditions should not result in any changes to the impacts on the species on the site.

27. Transport Development Control – ‘No Comment’

28. The Cotswolds AONB Board – No comments received

29. Oxfordshire Geology Trust – No comments received

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

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

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:
  - i. Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP).
  - ii. Cherwell Local Plan 2011-2031 Part 1 (This also contains saved policies of the Cherwell Local Plan 1996 in its Appendix 7)
32. Other documents that need to be considered in determining this development include:
  - i. National Planning Policy Framework (NPPF). This is a material consideration in taking planning decisions.
  - ii. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was subject to consultation in March 2014. This document is now at a more advanced stage of preparation and further weight can now be given to the policies it contains. 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. It was submitted to the Secretary of State for

independent examination in January 2016. It is therefore appropriate to consider draft policies which are relevant to this development.

### **Relevant Policies**

33. The relevant policies are:

- i. Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996
  - Policy W7 (Restoration)
  - Policy PE13 (Restoration)
  - Policy PE14 (Sites of Nature Conservation)
- ii. Draft Oxfordshire Minerals and Waste Core Strategy (OMWCS)
  - Draft Policy M10 (Restoration of mineral workings)
  - Draft Policy C7 (Biodiversity and Geodiversity)
  - Draft Policy C8 (Landscape)
- iii. Cherwell Local Plan 2011-2031 Part 1 (CLP)
  - Policy ESD 10 (Protection and enhancement of biodiversity and the natural environment)
  - Policy ESD 13 (Local landscape protection and enhancement)

### **Part 4 – Analysis and Conclusions**

#### **Comments of the Deputy Director (Strategy and Infrastructure Planning)**

34. The key policy issues to consider in determining this application are:

- i. Site Restoration and Biodiversity
- ii. Landscape Character

#### **Site Restoration**

35. Draft Policies M10 and C7 of the OMWCS and policy PE13 of the OMWLP, discuss the need to restore mineral working and waste sites to a high standard and in a timely and phased manner, with satisfactory restoration proposals, in the case of policy C7 in particular to provide a biodiversity and geodiversity net gain.

36. Policy PE14 of the OMWLP states 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 W7 of the OMWLP covers similar ground stating no material damage to any feature of importance with a SSSI or other site nature conservation importance which cannot be protected by measures incorporated within the proposal.

37. Policy ESD 10 of the CLP 2031 seeks to improve biodiversity, and amongst other things states development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity. It also states that development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity.
38. The Section 73 application is not altering the end date of restoration, or aftercare of any part of the site; the request is to allow further time to submit the required restoration and aftercare schemes for both areas A and areas B-D. No objections from either Natural England (NA) or the County's Ecologist Planner have been received providing the proposed conditions are amended to show a similar amount of detail as to what the restoration schemes shall include. NA wants the reference to 'geological exposures', not 'geological exposure' as stated in the applicant's proposed condition. The existing permission already includes the approved Landscape Masterplan, Reptile mitigation Scheme and Ecological Management Plan. So the delay in submission of the restoration and aftercare scheme will not impact on biodiversity or geodiversity, as there is sufficient detail already required for the site to be progressively restored. Areas B-C has an alternative temporary use as car storage operation which doesn't need to cease until 2036, whilst Area D doesn't need to be fully restored until after the car storage operations are constructed which appears to be several years away.
39. The application also asks for the removal of the reference stating 'no mineral extraction shall take place to the south of the line marked 'S5' on approved plan K.0117\_14-2'. Condition 3 requires the completion of mineral extraction by 12<sup>th</sup> February 2017, therefore, given that this is now only seven months away, then there is little practical benefit in continuing to require the submission of the restoration for the whole or any of the site prior to extraction passing that line. For the development to meet this target date the reference should be removed. There is the potential that if this is not agreed to, this could work to delay the completion of extraction for no clear benefit. The removal of the reference to 'line S5' will not have an impact on the implementation of the site's restoration programme.
40. The applicant's proposed changes to condition 51 include simplification of the condition. The Ecologist Planner felt it was important to keep existing details to prevent confusion on future scheme submissions. The applicant also requested the removal of parts 'vii' and 'viii' which relate to the realignment of the haul road, and 'removal of re-deposited excess materials above levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM, replacing them in the revised condition with details of 'final levels' to be part of the scheme to be submitted for approval. I consider that this could have wider implications which cannot be fully understood in this application and therefore I would recommend

that the term 'final levels' is not used in the proposed condition and the existing wording is retained. Part 'vii' relating to the realignment of the haul road is covered under existing conditions 72 & 73 and approved plans, therefore part 'vii' can be removed from the proposed condition.

41. The application is considered to be in accordance with Policies M10 and C7 of the OMWCS, policy ESD 10 of the CLP, and policies PE13, PE14 & W7 of the OMWLP.

#### Landscape Character

42. Policy C8 of the OMWCS states that proposals for minerals and waste development should respect and where possible enhance local landscape character. This is also reflected in policy ESD13 of the CLP 2031 which states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside.
43. The delay in submission of restoration and aftercare schemes for both area A and areas B-D will not impact on the time periods for the implementation of the restoration scheme which would unchanged. The operator continues to progressively restore the site in line with the approved Landscape Masterplan, Scheme of Filling and Cross Section Plans. The site's restoration will not be delayed through approval to this application. Therefore the proposal will not have any additional impact on local landscape character. The application is considered to be in accordance with Policy C8 of the OMWCS, and Policy ESD13 of the CLP 2031.

#### **Conclusions**

44. Although the application received several letters of objection from residents and the Parish Council, the comments don't in substance relate to the application to amend conditions 40 (aftercare) and 51 (restoration) as the application is not for a delay to the actual restoration of the site, just to the dates for the submission of restoration schemes. The application to allow more time to submit aftercare and restoration schemes will not impact on the approved timescales to restore the development, as the site will continue to be progressively restored in accordance with the approved plans related to landscape and biodiversity. The 2 year deadline to submit detailed schemes for area A and 5 year deadline to submit detailed schemes for areas B-D means they would be submitted well before the importing of waste by road for Areas B-D is required to cease on site (12<sup>th</sup> February 2025). In summary, both Natural England and the County's Ecologist Planner are satisfied the proposal is acceptable, and there will be no impact on biodiversity and geodiversity.
45. As such the proposed development accords with the Development Plan policies, emerging policies and national government guidance and is considered acceptable on its planning merits.

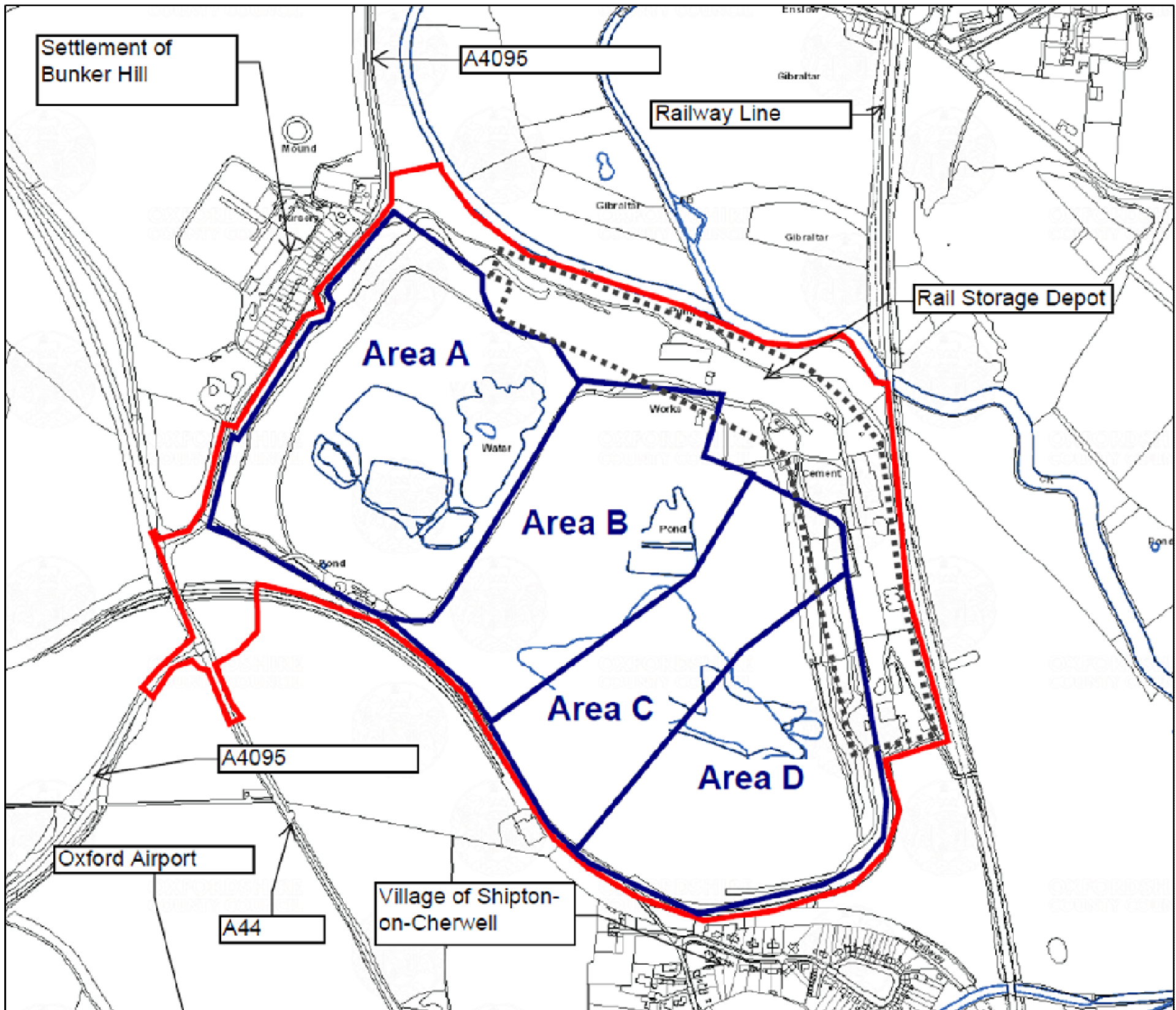
## **RECOMMENDATIONS**

- 46. It is RECOMMENDED that that planning permission for application MW.0046/16 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) including those set out in Annex 2 to this report.**



# Annex 1: Committee Plan

MW.0046/16 Shipton-on-Cherwell



Annotations not to Scale

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## Annex 2:

Conditions (NB due to the deletion of the commencement period condition which is not required for a section 73 application, condition 40 becomes condition 39 and condition 51 becomes condition 50)

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
2. The extraction of minerals shall cease by 12<sup>th</sup> February 2017.
3. No aggregates shall be imported to the site by road for any purpose except for construction of site infrastructure and other aggregates, excluding gravel, which shall only be imported to the rail aggregates depot and which shall not be greater than 30% of the total aggregates import to the rail aggregates depot.
4. From the date of this permission the operators shall maintain records of all heavy goods vehicle movements to and from the site. The records shall detail the date, time of day, vehicle registration number, name of company operating the vehicle and a description of the vehicle's load including the tonnage. Such records shall be made available to the Minerals and Waste Planning Authority upon request.
5. No waste or inert material needed for the restoration of areas B, C, and D as shown on approved plan K.0117\_25-1d (Phase 1) shall be imported to the site by road after the end date of 12<sup>th</sup> February 2025 of this permission.
6. No more than 250,000 tonnes of waste shall be imported by road in any period of a year starting from the date of this permission.
7. No mineral extraction, waste disposal, demolition works or construction of any buildings or structures, including HGVs entering and leaving the site, but excluding water pumping or environmental monitoring, shall be carried out at the site except between the following times:-
  - a) 7:00 am to 18.00 pm      Mondays to Fridays; and
  - b) 7.00 am to 13.00 pm      Saturdays
  - c) No operations shall take place on Sundays, Public or Bank Holidays.
8. Prior to the completion of the road junction and access referred to in Condition 68, no vehicular access to the site shall be used other than that shown on approved plan K.0117\_25-1d (Phase 1) as a black arrowhead onto the A4095. The first 100 metres of the access road in use shall be metalled and maintained to ensure a smooth running surface free of pot holes, mud and other debris at all times.
9. Any remaining length of access or haul road not surfaced in accordance with approved plan K.0117\_25-4d (Phase 4) shall be hardened to ensure a smooth running surface free of pot holes and shall be maintained as such and kept free of mud and other debris at all times.
10. No vehicles loaded with minerals shall leave the site unsheeted except those only carrying stone in excess of 500 mm.
11. A drainage system shall be installed and maintained to ensure that no surface water from the site flows on to the public highway. That

- drainage system shall include a swale feature alongside the public highway.
12. No commercial vehicles shall enter the public highway until their wheels and chassis have been cleaned to prevent material being deposited on the highway.
  13. The sign and road markings advising drivers to turn left out of the site entrance, as shown on approved document titled "Advisory Lorry Routing (October 2012)", shall be maintained until such time as the access referred to in Condition 68 and 69 is in use.
  14. No development shall take place except in accordance with the dust suppression measures specified in the approved scheme titled "Condition 16 - Dust" dated May 2009.
  15. No blasting for the purposes of mineral extraction shall be carried out on the site.
  16. With the exception of the operation of the rail storage depot and aggregate depot, as shown on approved plan K0117\_25-4d, between the hours of 07:00 am to 18:00 pm Monday to Friday and 7:00 am to 18:00 pm Saturdays the noise levels arising from mineral extraction, mineral processing or waste disposal shall not exceed 55 dB(LAeq) (1 hour), freefield at the properties marked on approved plan K.0118\_27-1a (Noise and Vibration Monitoring Locations) with the exception of site 4. The rated level of noise emitted from the uses on open storage area, the PDI Unit and Units 1 and 2, all as shown on approved plan K.0117\_07-5 (Phase 7), shall not exceed background when measured in accordance with British Standard BS 4142:1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas at any noise sensitive location within the vicinity of the open storage area, the PDI Unit or Units 1 and 2.
  17. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.
  18. The noise emitted at any time from the site from mineral working, mineral processing and waste disposal activities shall not contain any discrete continuous noise, i.e. whine, hiss, screech, hum or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) distinguishable at the locations identified in condition 16 above.
  19. In the event of justified noise complaints i.e. where noise levels set out in condition 16 are exceeded, night time operations shall cease until a scheme detailing appropriate noise mitigation measures has been submitted to and agreed in writing by the Mineral and Waste Planning Authority. Any scheme that is approved shall be implemented.
  20. No development shall take place except with arrangements for ensuring that reversing vehicles do not emit warning noise other than white noise.
  21. The rail storage depot and aggregate depot as shown on approved plan K.0117\_25-3d (Phase 3) shall not be used for storage until noise impact assessments for the depots have been submitted to the Mineral and Waste Planning Authority and approved in writing. Approval of either will enable that one to be implemented in advance of the other that has

not yet been approved. The assessments shall set out acceptable noise levels in terms of LA max N noise criteria as well as LAeq terms and shall include mitigation measures to achieve these acceptable noise levels. Any mitigation measures that are approved shall be implemented and retained for the life of the depots.

22. Any chemical or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container's or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls.
23. Repair, maintenance and refuelling of plant and machinery, shall where practical, only take place on an impervious surface drained to an interceptor.
24. Schemes to deal with the risks associated with contamination of the site identified in the approved document titled "Desk Study Report & Site Remediation Strategy (May 2009)" shall be submitted to and approved by the Minerals and Waste Planning Authority in accordance with the approved document titled "Proposed Schedule of Staged Activities and Schemes Pursuant to Conditions 26 & 36 (revised)" dated 14/04/2010. In addition a scheme to deal with the risks associated with contamination from all waste stockpiles located around the north of the site (as detailed on page 6 of the approved Desk Study Report & Site Remediation Strategy dated May 2009) shall be submitted prior to the commencement of Stage 4. These schemes shall include all of the following elements:
  - a) A site investigation scheme, based on the findings of the approved Desk Study Report & Site Remediation Strategy, sufficient in scope to provide information for an assessment of the risk to all receptors (including those off site) that may be affected by the contamination. The results of the site investigation, a risk assessment that identifies the magnitude of any risks to receptors and a method statement based on those results giving full details of the remediation measures required and how and when they are to be undertaken.
    - No stage of development as listed in the approved schedule (Proposed Schedule of Staged Activities and Schemes Pursuant to Conditions 26 & 36 (revised) dated 14th April 2010) shall take place until the details required prior to that stage have been submitted and approved in writing by the Mineral and Waste Planning Authority. The development shall proceed in strict accordance with any approved details.
25. Within one month of completion of any remediation measures required by condition 25 a verification report confirming that the remediation measures have been undertaken in accordance with the method statement shall be submitted to the Mineral and Waste Planning Authority. The verification report shall set out measures for maintenance, further monitoring and reporting.
26. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out in the specific area affected by the contamination until the

- developer has submitted, and obtained, written approval from the Minerals and Waste Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with. Remediation measures shall then be undertaken in complete accordance with the amended method statement.
27. Piling or any other foundation designs using penetrative methods shall not take place except in accordance with a scheme agreed in writing by the Mineral and Waste Planning Authority.
  28. Details of the final surfacing and containment arrangements for all areas used for the storage, handling, loading and unloading of fuels, oils, chemicals or effluents shall be submitted to, and approved in writing by the Mineral and Waste Planning Authority. Any approved scheme shall be fully implemented and retained throughout the life of that part of the development that it serves.
  29. No soakaways shall be constructed in contaminated ground.
  30. No development shall take place except in accordance with the groundwater monitoring scheme as set out in the approved scheme titled "Groundwater Monitoring Plan" (reference JER7612 revision 4) dated September 2009.
  31. Groundwater levels shall not be artificially maintained below the current dewatered level of 56 m AOD at any time except in accordance with a scheme that shall first be agreed in writing by the Mineral and Waste Planning Authority.
  32. There shall be no direct connection between the River Cherwell and any surface water features within the development area.
  33. For the duration of mineral extraction, infilling and restoration groundwater levels shall continue to be monitored on a monthly basis in accordance with the groundwater monitoring scheme approved under condition 31. This data shall be forwarded to the Minerals and Waste Planning Authority 6-monthly.
  34. No development shall take place except in accordance with the approved surface water drainage scheme dated May 2009 as amended by letter from Veronique Bensadou to James Irvine dated 24th June 2010 and plan CRM.003.004-001 (Proposed Contour Plan dated June 2010).
  35. No development shall take place except in accordance with the approved scheme for the disposal of foul sewage titled "Condition 35b" Disposal of Foul Sewage" dated May 2009.
  36. The former landfill of high alkaline content waste in the northern corner of the site shall be removed off site or an onsite remediation strategy to address the high alkaline content shall be submitted to and approved by the Mineral and Waste Planning Authority in accordance with the approved document titled "Proposed Schedule of Staged Activities and Schemes Pursuant to Conditions 26 & 36" dated 14th April 2010 (prior to landfilling of the third hectare area as shown on approved plan K.0117\_25-5d (Phase 5)). Any agreed remediation strategy shall be implemented in accordance with the approved details.
  37. No development shall take place except in accordance with the arrangements to minimise potential nuisance from light spillage, as

- specified in approved document titled "Condition 37 - Lighting" dated May 2009.
38. No reflective materials shall be used on the walls and roofs of buildings to be constructed on site.
  39. By 12th February 2017 an aftercare scheme for Area A marked on approved plan K.0117\_25-1d shall be submitted for the approval of the Mineral and Waste Planning Authority and shall include all the areas to be restored to nature conservation use and shall address the monitoring and management of that land, water body, plant and animal community. Any scheme that is approved shall be implemented in any restored area from the date that that area is restored.  
By 12th February 2020 an aftercare scheme for Area B-D marked on approved plan K.0117\_25-1d shall be submitted for the approval of the Mineral and Waste Planning Authority and shall include all the areas to be restored to nature conservation use and shall address the monitoring and management of that land, water body, plant and animal community. Any scheme that is approved shall be implemented in any restored area from the date that that area is restored.
  40. Details of the site's ecological mitigation and management shall be in accordance with the approved Ecological Mitigation and Management Plan pursuant to condition 41 of Planning Permission 11/01492/CM.
  41. Details of the site's reptile mitigation shall be in accordance with the approved Reptile Mitigation Plan (Revised) dated March 2016 pursuant to condition 42 of Planning Permission 11/01492/CM.
  42. Translocation of reptiles from any part of the site where extraction or infilling is to take place shall be completed before that extraction or infilling commences in that part. Translocation shall take place to the reptile receptor area as shown on approved plan Reptile Fencing & Schedule 1 Bird Exclusion Zone Plan or in accordance with the mitigation strategy approved pursuant to Condition 42 of Planning Permission 11/01492/CM.
  43. The existing trees, bushes and hedgerows within the site, as denoted by the red line and as shown as being retained and protected during construction on approved plan K.0117\_25-1d (Phase 1), shall be retained and shall not be felled, lopped, topped or removed. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased shall be replaced with trees or bushes of such size and species as may be specified by the Mineral and Waste Planning Authority, in the planting season immediately following any such occurrences.
  44. Within 6 months of a cessation of mineral extraction or waste disposal for a period exceeding 24 consecutive months, at any time before the mineral extraction or waste disposal development is completed, a reinstatement and restoration scheme shall be submitted in writing forthwith to the Mineral and Waste Planning Authority for approval. The scheme shall provide revised details of final levels, restoration, capping, landscaping and a timescale for the implementation of the scheme and each element within it. The approved scheme shall be carried out in accordance with the approved timescale.

45. Crushing, screening, processing and storage of minerals shall not take place other than on the quarry floor.
46. No extraction of limestone shall take place except within the area bounded by the line shown as "proposed limit of extraction" on approved plan K.0117\_14-2 (Scheme of Mineral Working: Proposed Excavation Area and Cross Section Locations).
47. No mineral extraction shall take place below 67 metres AOD.
48. No storage of skips shall take place on the site.
49. No waste other than non-recyclable construction, demolition or excavation wastes shall be deposited on the site.
50. A restoration scheme shall be submitted to and approved in writing by the Mineral and Waste Planning Authority for Area A marked on approved plan K.0117\_25-1d by 12<sup>th</sup> February 2017. The restoration scheme shall be based on the Schematic Restoration Plan for Zone A included in the approved Reptile Mitigation Plan (Figure 2.1) and include addition details:
- a) Restored habitats, which shall include the habitat elements shown on approved plan K.0117\_25-3d (Phase 3)
  - b) Measures for safeguarding and protecting existing areas of biodiversity and details of regrading other areas to create new habitats
  - c) The provision of a bird hide within area A
  - d) Details showing the provision of paths and a car park for public access to the site including:
    - Perimeter paths for area A and public access arrangements
    - Specifications with regard to width, construction materials, waymarking, fencing and resting places
  - e) Details of the creation of the three geological windows as shown on approved plan K.0117\_24-3 (Geological Exposures) or alternatives and how public access to them will be provided
  - f) the removal and re-deposition of the excess materials deposited above the levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM

A restoration scheme for Area B-D shall be submitted and approved in writing by the Mineral and Waste Planning Authority by 12<sup>th</sup> February 2020. The scheme shall be based on the approved Final Landscape Master Plan K.0118\_78-1 and include additional details of:

- a) Tree, hedgerow and scrub planting, including a woodland planting scheme for areas C and D designed to maximise a range of bird habitats and will detail the species, ages, spacing and distribution of plants
- b) Restored habitat in area B which shall include the habitat elements shown on approved plan K.0117\_25-3d (Phase 3)
- c) Measures for safeguarding and protecting existing areas of biodiversity and details of regrading other areas to create new habitats
- d) The provision of a bird hide within area B
- e) Details showing the provision of paths and a car park for public access to the site including:
  - Paths around and through the whole site



- Links to the local existing public rights of way
  - Specifications with regard to width, construction materials, waymarking, fencing and resting places
- f) Details of the creation of the two geological windows as shown on approved plan K.0117\_24-3 (Geological Exposures) or alternatives and how public access to them will be provided
- g) the removal and re-deposition of the excess materials deposited above the levels permitted in planning permissions 98/00470/CM, 98/02053 and 02/02602/CM
- Any restoration scheme approved in writing by the Mineral and Waste Planning Authority shall be implemented in accordance with condition 53 and will supersede approved plans K.0118\_78-1 (Final Landscape Masterplan) and K.0117\_53-1 (Final Restored Uses Masterplan) and the restoration details shown on approved plans K.0117\_07-5 (Phase 7), K.0117\_25-8d (Phase 8), K.0117\_52-1 (Phase 9), and K0117\_48-5 (Interim Restored Uses Masterplan).
51. Notwithstanding condition 6, soil for the purposes of restoration of the area shown as open storage area on approved plan K.0117\_48-5, shall be imported by road to the site, following the removal of the hardstanding, for a period of no more than two years.
52. The restoration plan shall be implemented in areas A, B, C and D as shown on approved plan K.0117\_25-1d (Phase 1) as follows:
- a. Area A shall be completely restored before unit 1, as shown on approved plan K.0117\_07-5, is constructed.
  - b. Area D shall be completely restored within five years of the commencement of car storage operations in the area marked as 'second 10 hectares ....' on approved plan K.0117\_25-5d.
  - c. Areas B and C shall be completely restored within 2 years of the cessation of car storage in these areas or by 17 June 2036, whichever is sooner.
53. Final restoration levels shall not exceed the limits shown on approved plans K.0117\_11-3 (Scheme of Filling), K.0117\_18-3 (Plan Showing Fill and Cut Area and Cross Section Locations), K.0117\_19-2 (Cross Sections 1 & 2), K.0117\_20-2 (Cross Sections 3, 4 & 5) and K.0117\_21-2 (Cross Sections 6, 7, 8 & 9).
54. Demolition of the derelict cement works buildings and structures (including the chimney) shall be completed within 5 years of the date of this permission in accordance with details to first be submitted to and approved in writing by the Mineral and Waste Planning Authority.
55. The operator shall inform the Mineral and Waste Planning Authority, in writing, of the date when cars are starting to be stored on site. Car storage shall not take place for a period exceeding 15 years from the date when car storage first began. In any event, car storage shall cease by 17 June 2034.
56. The Pre Delivery Inspection (PDI) unit building shall not be constructed other than in the position shown on approved plan K.0117\_48-5 (Interim Restored Uses Masterplan) and then only in accordance with the proposals in approved plans K.0117\_32-1 (Proposed PDI Unit Floorplans) and K.0117\_26-3 (Proposed PDI Unit Elevations). Notwithstanding the Use Classes Order 1987 any Order or any Order

- replacing it the building shall not be used for purposes other than the pre delivery inspection of motor vehicles. The building shall be removed when the land on which it is located is restored.
57. Notwithstanding the Use Classes Order 1987 or any Order replacing it, the Open Storage Area as shown on approved plan K.0117\_48-5 (Interim Restored Uses Masterplan) shall not be used for any other purpose than the storage of cars.
  58. When car storage ends on site all the fences shown on approved plan K.0117\_48-5 (Interim Restored Uses Masterplan) shall be removed other than those around the rail storage depot, aggregates depot and the curtilages of Unit 1 and 2 buildings all as shown on approved plan K.0117\_52-1 (Phase 9).
  59. Notwithstanding condition 7, rail access may take place at any time but no railway transporter or wagon shall be emptied or filled on the site of the aggregates depot as shown on approved plan K.0117\_52-1 (Phase 9) other than during the hours noted in condition 7.
  60. No development shall take place that may adversely affect the main railway line or its safe operation, its drains or culverts.
  61. The area marked as 'rail storage depot' on approved plan K.0117\_25-3d (Phase 3) shall not be used for any purpose other than the offloading or loading of railway transporters or rail wagons or the storage of materials brought in by rail.
  62. No rail imported aggregates shall be stored on site except in the bays constructed in the location shown on approved plan K.0117\_29-3 (Proposed Aggregates Depot Layout) or within the rail storage depot, as shown on approved plan K.0117\_52-1 (Phase 9), within such structures and in such locations and to such dimensions that the Mineral and Waste Planning Authority approve in writing.
  63. No development of the rail storage depot, as shown on approved plan K.0117\_25-3d (Phase 3), shall take place until details of the plant, machinery, buildings and structures there have been submitted to and approved by the Mineral and Waste Planning Authority in writing.
  64. Notwithstanding the provisions of part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at either the rail storage depot or aggregate depot, as shown on approved plan K.0117\_25-3d (Phase 3) other than as shown in the details on approved plan K.0117\_29-3 (Proposed Aggregates Depot Layout) and in details agreed pursuant to condition 63.
  65. The Unit 2 building shall not be constructed other than in the position shown on approved plan K.0117\_48-5 (Interim Restored Uses Masterplan) and in accordance with approved plans K.0117\_34-1 (Proposed Unit 2 Floorplan) and K.0117\_28-3 (Proposed Unit 2 Elevations). The building shall not be used for any purpose other than a B8 use as defined by the Use Classes Order 1987 or any Order replacing it.
  66. Notwithstanding condition 65 the area immediately around the Unit 2 building defined by the fence shown on approved plan K.0117\_48-5

- (Interim Restored Uses Masterplan) shall not be used other than to store materials related to the activities in the building. No storage of materials shall take place above the level of the eaves of the building as shown on approved plan K.0117\_28-3 (Proposed Unit 2 Elevations).
67. The Unit 1 building shall not be built other than in the location shown on approved plan K.0117\_48-5 (Interim Restored Uses Masterplan) and then only in accordance with approved plans K.0117\_33-1 (Proposed Unit 1 Floorplan) and K.0117\_27-3 (Proposed Unit 1 Elevations). The building shall not be used for any other purpose than a B8 Use as defined by the Use Classes Order 1987 or any Order amending or replacing it. The area immediately around the building defined by the fence shown on approved plan K.0117\_48-5 shall not be used other than to store materials related to the activities in the building. No storage of materials shall take place above the level of the eaves of the building as shown on approved plan K.0117\_27-3.
68. The PDI and class B8 buildings, as shown on approved plan K.0117\_25-4d (Phase 4) shall not be used nor cars stored or exported from the site until the road junction marked 'Construction of light controlled junction and A4260/A4095/Quarry link road' on approved plan K.0117\_25-4d has been constructed. On completion of construction, road vehicles shall not use any access to site other than as shown on approved plan K.0117\_25-4d.
69. Prior to the use of the site access referred to in Condition 68, a sign shall be erected and thereafter maintained advising drivers of vehicle routes approved by the Mineral and Waste Planning Authority. The wording and construction details of the sign shall be submitted for the approval of the Mineral and Waste Planning Authority prior to the use of the access. The sign must be in accordance with the approved details.
70. HGV movements to and from the site shall not exceed 318 (159 in, 159 out) in any day.
71. The road marked 'haul-route-existing route to remain' on approved plan K.0117\_25-1d (Phase 1) shall not be used for the transport of minerals or waste materials or in connection with any activities approved by this permission. It shall revert to use as a track for agricultural, rail (but not in connection with the rail storage depot or rail aggregate depot) and site security uses before the construction of Unit 1 shown as 'Construction of 1 ha (2.5 acre) class B8 building ...' on approved plan K.0117\_25-4d (Phase 4) is complete.
72. The road, marked as 'surfaced access road' on approved plan K.0117\_25-4d shall be realigned so that it runs between restoration areas B and C, rather than A and B. The realignment shall be completed before restoration of areas B and C are complete. The residual line between restoration areas A and B shall be removed and the area restored in accordance with the restoration plan approved under condition 50 and within the timescales for restoration for those areas as set out in condition 52.

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**For: PLANNING AND REGULATION COMMITTEE – 11 July 2016**

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

**Development proposed:**

**Continuation of development without complying with Condition 10 (Passing Bays), of Planning Permission 14/02055/CM (limestone extraction: eastern extension to existing permitted limestone extraction), in order to remove the need for passing bays prior to the commencement of development.**

**Division Affected:** Charlbury and Wychwood  
**Contact Officer:** Matthew Case **Tel:** 01865 815819  
**Location:** Castle Barn Quarry, Fairgreen Farm, Sarsden  
**Application No:** MW.0071/16 **District Ref:** 16/01684/CM  
**Applicant:** The Great Tew Farms Partnership  
**District Council Area:** West Oxfordshire DC  
**Date Received:** 06-May-2016  
**Consultation Period:** 19-May-2016 to 10-Jun-2016

**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. The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) approximately 4.8km (3 miles) south of Chipping Norton and 400m to the west of the A361. The nearest settlements are Sarsden (north-west) approximately 1km (0.6 miles), Churchill (north-west) and Chadlington (east) both approximately 2.5km (1.6miles).

**The Site and its Setting (see site plan Annex 1)**

2. The access to the site is via a narrow road which runs a short distance west from the A361, then south to a private road. The private road which runs south-west towards Fairgreen Farm, passes both the restored and active quarry on either side.
3. The quarry site is surrounded by open agricultural land and the nearest residential dwelling is approximately 380 metres to the south-west of the site. The driveway to Fairgreen Farm runs along the west side of the active quarry.

4. A public right of way passes in an east to west direction approximately 50 metres to the south of the quarry site.
5. The existing permission has a Routeing Agreement attached to the permission which only allows HGV traffic to use the minor road off the A361 to the north-east of the development. It only allows drivers to turn left out of the access road, and not right south-east down a minor road to the A361. The prohibited minor road is too narrow for HGV access. The Routeing Agreement also prohibits HGV traffic through any of the villages surrounding the quarry. The permission was also subject to a legal agreement requiring a 20 year Long Term Management Plan and public access to a geological exposure. Both agreements would continue to apply to any subsequent Section 73 application granting varied planning permission to the existing permission.

### **Details of the Proposed Development**

6. The applicant was granted planning permission 14/02055/CM to enable the exportation of 72,000 tonnes of crushed rock for a temporary period of 12 months in 2015. At the time to allow the application, the Transport Development Control officer recommended the construction of passing bays at two locations along a minor road to the A361. The existing condition states:

*“No crushing shall be carried out and no further removal of crushed mineral shall occur until the proposed passing bays on the lane leading to the A361 have been constructed and approved by the highways authority in accordance with specification approved under the Section 278 Agreement.”*

7. The applicant now wishes to vary the permission to remove the need for passing bays and so delete the condition. A covering letter and Vehicle Conflict Analysis report has been provided with the application.

### **Part 2 – Other Viewpoints**

#### **Third Party Representations**

8. No letters of objection have been received to this application.

#### **Consultation Responses**

9. West Oxfordshire District Council – The West Oxfordshire District Council, as Local Planning Authority, hereby recommend to Raise no objection the County Matters, as outlined below

The Application relates to a proposed non-compliance with condition 10 (passing bays) of planning permission 14/02055/CM in order to remove the need for passing bays prior to the commencement of development at Castle Barn Quarry, Sarsden, Chipping Norton. Castle Barn quarry is located within an area of open countryside close to Sarsden. The site lies close to the A361 and vehicular access is via two narrow single track lanes leading to the site entrance. Presently there is insufficient room for two vehicles to pass on the

roads leading to the site, in particular HGV vehicles and there are presently no passing bays on approach to the site in either direction leading to the site. The existing planning consent allows for 58 vehicle movements per day during the hours of operation, which includes 44 HGV movements.

Officers note the findings of The Vehicle Conflict Analysis submitted alongside this application. There are concerns regarding the narrowness of the roads on approach to the site and the fact that there is presently insufficient room for two vehicles to pass. In mitigation however it is noted that the roads leading to the site are minor roads, with low traffic. The Vehicle Conflict Analysis submitted suggests 17 and 19 movements per hour. It is also noted that traffic speeds along the road are restricted due to the narrow nature of the road and visibility is relatively good along the roads leading to the site. It is noted that the likelihood of conflicting vehicle movements would be less than 10%, given the current usage of the road.

In considering these mitigating factors officers do not object to this application, although officers recommend that a condition should be imposed restricting daily vehicular movements as suggested by Oxfordshire County Council Highways officers in their consultation response.

10. Lead Flood Authority – ‘No Drainage Comments’
11. Environmental Health Officer – No Comments Received
12. Churchill and Sarsden Parish Council - *“The Councillors are of the view that as both approach roads to the A361 approved for Quarry traffic are reasonably busy and the south-bound road is only a single track road passing places on this road would certainly be essential, particularly as the Quarry traffic consists mostly of lorries. The council would oppose the application not to construct passing places.”*
13. Environment Agency – No Comments Received
14. Natural England – No Comments Received
15. Ecologist Planner – *“I have no objection to the proposals to not comply with Condition 10 which requires passing bays to be created.*

*Street-view images reveal that the road verges are well-managed and an informal passing place is present on both the east-west and north-south road. It is therefore considered unlikely that negative ecological impacts will result from the absence of passing places.”*

16. Transport Development Control – *“I have reviewed the Quarry Conflict Analysis, and have the following comments:*
  - 1) *Width of the lanes: on both the north south, and east west sections, there is insufficient space for two cars to pass. This is an existing problem, but the increase in conflicts (vehicles passing) will be made*

*up of lorry-car conflicts, rather than car-car conflicts, which potentially have more of a negative safety impact, and certainly a greater impact in terms of damage to the verges.*

- 2) *I accept the methodology of the calculations as an approximation of the increased likelihood of vehicles passing each other, except that the average speed taken at fixed points on the lane has been used to calculate the transit time. This does not take account of acceleration and deceleration, so the transit time would in fact be longer. Nevertheless, the calculations also do not take account of the fact that sometimes vehicles would be following each other on the same stretch of road, therefore there will be some overlap in transit times, resulting in a slightly lower overall transit time. Therefore I agree that the increase in the likelihood of vehicles passing one another is very small.*
- 3) *Additionally the stretches of road are straight, with good forward visibility, thus increasing the chance for a vehicle to wait before turning out of the site, or turning at the junction between the N-S lane and the E-W lane, or go into one of the informal passing places, to give way to an oncoming vehicle.*
- 4) *There is a flat verge either side of the lanes in most places, meaning that, unless the road edges and verges become significantly damaged/rutted, there is a low safety risk associated with vehicles overrunning the carriageway.*
- 5) *Nevertheless, if vehicles were to pass more frequently, there is a risk of significant damage occurring, which could be a safety risk (as well as causing environmental damage and damaging the appearance of the lane, and leading to increased maintenance burden for the county council). This could happen if activity at the quarry happened in concentrated periods rather than spread evenly over time. I therefore recommend that a daily limit is placed on movements to prevent this occurring.*

*Overall therefore, I do not object to the removal of this condition, though I recommend that the condition imposing restrictions on movements is reviewed to impose a daily limit, for the reason set out in point 5 above.”*

The case officer confirmed there was an existing condition limiting HGV movements to 44 per day. The Transport Planner was happy with the condition.

17. The Cotswolds AONB Board – No Comments Received

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

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

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



19. The Development Plan for this area comprises:
  - i. Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP).
  - ii. The West Oxfordshire Local Plan (saved policies)
  
20. Other documents that need to be considered in determining this development include:
  - i. National Planning Policy Framework (NPPF). This is a material consideration in taking planning decisions.
  
  - ii. The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was subject to consultation in March 2014. This document is now at a more advanced stage of preparation and further weight can now be given to the policies it contains. 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. It was submitted to the Secretary of State for independent examination in January 2016. It is therefore appropriate to consider draft policies which are relevant to this development.
  
  - iii. The Draft West Oxfordshire Local Plan 2011- 2013 (DWOLP) is also a material consideration to which limited weight should be given.

### **Relevant Policies**

21. The relevant policies are:

Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996

- PE18 (Code of Practice and conditions)

Draft Oxfordshire Minerals and Waste Core Strategy (OMWCS)

- Draft Policy C8 (Landscape)
- Draft Policy C10 (Transport)

West Oxfordshire Local Plan 2006 (WOLP)

- NE1 (Landscape Character)
- NE3 (Local Landscape Character)
- NE4 (Cotswolds AONB Policy)

Draft West Oxfordshire Local Plan 2011 - 2031 (DWOLP)

- Policy EH1 (Landscape Character)

### **Part 4 – Analysis and Conclusions**

#### **Comments of the Deputy Director (Strategy and Infrastructure Planning)**

22. The key policy issues to consider in determining this application are:
  - i. AONB Policy: Development in the AONB
  - ii. Impact on Highways.

### Development in the AONB, Open Countryside and Landscape Impact

23. Policy NE4 of the WOLP, draft policy EH1 of the DWOLP, policy C8 of the OMWCS and paragraphs 115 and 116 of the NPPF seek to conserve and enhance the natural beauty of AONB, and to ensure that major developments in AONBs are refused except in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
24. WOLP policy NE3 states that development will not be permitted if it would harm the local landscape character. Policy NE1 of the WOLP seeks to maintain or enhance the value of the countryside for its own sake, in particular its local character and agricultural values. Draft policy EH1 of the DWOLP seeks to conserve and enhance the District's landscape quality, character and distinctiveness.
25. The proposal wishes to remove the current condition 10 requiring passing bays be provided along the short stretch of the minor road to the A361 via a Section 278 Agreement. The lane itself is well screened from the surrounding landscape and by not adding passing bays this would reduce the impact on the lane's rural character. The existing planning permission is restricted to a 12 months period, and therefore the development as proposed to be amended wouldn't have any significant detrimental effect on the landscape, environment and recreational opportunities of the Cotswolds AONB. Therefore the application is considered to be in accordance with policies NE1, NE3, NE4 of the WOLP, draft policy EH1 of the DWOLP, draft policy C8 of the OMWCS, and paragraphs 115 and 116 of the NPPF.

### Impact on Highways

26. Policy PE18 of the OMWLP and draft policy C10 of OMWCS require that developments will among other things provide safe and convenient access to the highway network. Access to and from the mineral site should be laid out and constructed to the satisfaction of the County Council as the highway authority.
27. Due to the increased traffic proposed to crush and export crushed stone for a 12 month period, Transport Development Control (TDC) originally requested passing bays along the minor road to the A361. The applicant has provided a Transport Statement which involved vehicle conflict analysis to show passing bays would not be required. The conclusion would be an increase of no more than two percentage points on any section of the approved route with the additional quarry traffic and there would be no justification to require the passing bays as the likelihood of HGV traffic meeting would be small. The TDC Team commented on the proposal to remove the passing bays with the additional analysis completed and has no objection to the application providing restrictions are made on daily HGV traffic movements. The existing permission limits HGV traffic to 44 traffic movements per day over the 12 month crushing period.

28. The lane does not appear to be in heavy use, and the low level of associated vehicle movements would allow the development to be in accordance with Policy C10 of the OMWCS and Policy PE18 of the OMWLP.

### **Conclusions**

29. In summary, the Highways Authority is satisfied the proposal is acceptable. The potential impact of increased vehicle movements on local highways will be restricted by daily HGV movement restrictions. The site and minor road is well screened from neighbouring residential properties. There would be no adverse impact on amenity, the surrounding countryside or landscape, including the Cotswolds AONB.
30. As such the proposed development accords with the Development Plan policies, emerging policies and national government guidance and is considered acceptable on its planning merits.

### **RECOMMENDATIONS**

31. **It is RECOMMENDED that subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) including those set out in Annex 2 that planning permission for application MW.0071/16 be approved.**

BEV HINDLE  
Deputy Director for Environment & Economy

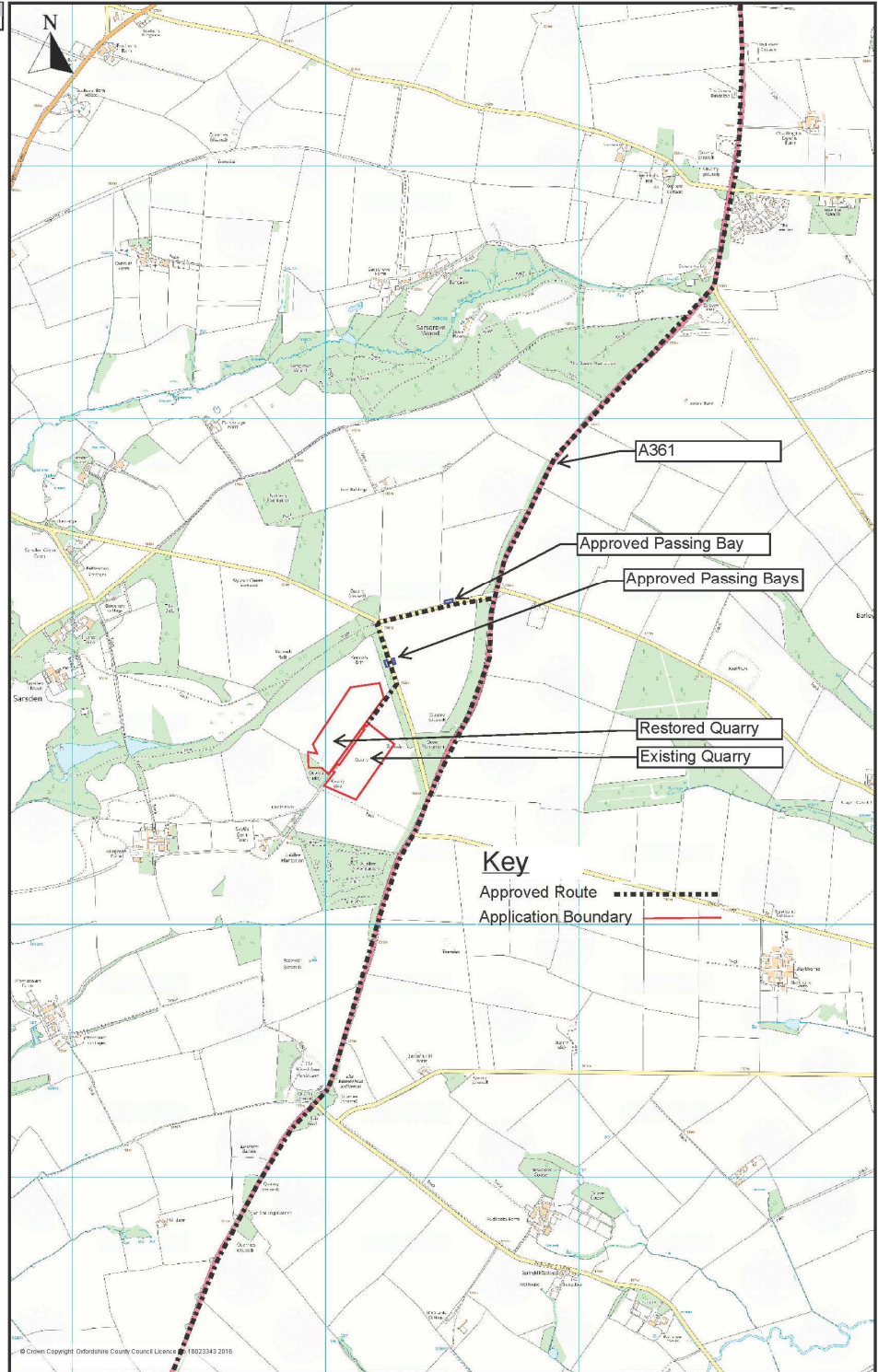
June 2016

# Annex 1: Committee Plan

MW.0071/16 Castle Barn Section 73



Map Legend  
No overlays selected



15-Jun-2016

Scale 1: 15116

0 m 400 m 800 m

Annotations not to Scale

Conditions

- i. The winning and working of minerals hereby permitted shall cease on or before the 31st December 2020 and the site shall be restored in accordance with approved plan 'S73 Restoration Proposals' (2307/S73/2 B) and the conditions of this permission no later than 30th June 2021.
- ii. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
- iii. The site shall be used only for the winning and working of minerals suitable for use as walling stone or building blocks for carving and for no other purpose whatsoever, except as set out in condition XXVII.
- iv. Noise from the operations hereby permitted shall not exceed 55dB (A) LAeq 1 hour (free field) when measured at the curtilage of the nearest premises (Rickyard Cottage). The site operators shall take such measures as may be necessary including the insulation of plant and machinery, silencing of vehicles and acoustic screening to ensure that this noise level is not exceeded.
- v. Notwithstanding the provisions of parts 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without planning permission from the Mineral Planning Authority.
- vi. No extraction shall take place below 171.5 metres above Ordnance datum.
- vii. No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, shall be carried out at the site except between the following times:-
- viii. 0700 and 1800 hours Mondays to Fridays;
- ix. 0700 hours to 1300 hours on Saturdays
- x. No such operations shall take place on Sundays or recognised public holidays or Saturdays immediately following public holidays.
- xi. No aggregates or waste shall be imported to the site for any purpose whatsoever.
- xii. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried on to the highway.
- xiii. At the Mineral Planning Authority's discretion and subject to its written notification requiring the implementation of the approved wheel washing scheme (Wheel Washing Specifications dated March 2015), the approved scheme shall be implemented no later than ten days from the date of that notification until such time that the Mineral Planning Authority notifies in writing that it is no longer required.
- xiv. The surfacing of the site access shown on approved plan 2C shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and

- aftercare period. Access to the site shall be limited to that shown on approved plan 2C.
- xv. No water shall be discharged from the site which is so contaminated with clay or silt as to cause clouding or sedimentation in adjoining ditches or watercourses.
  - xvi. All tanks containing oil or fuel shall be sited on a concrete base surrounded by bund walls capable of retaining at least 110% of the tank(s) volume and any spillages from fill or draw pipes. The bund walls shall be built and subsequently maintained in a condition such as to prevent pollution of ground water.
  - xvii. No floodlighting shall be erected on site without the prior approval of the Mineral Planning Authority in writing.
  - xviii. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicle operating on the site, other than those which use white noise.
  - xix. No excavation or any other operation or use connected with or required by this permission shall be carried out within 2 metres of the existing hedgerows as shown on approved plan 2307/S73/2 Rev. 2 (S73 Restoration Proposals).
  - xx. The existing hedgerow on the western boundary shall be retained and maintained in good condition and, where required by the Mineral Planning Authority, during or upon completion of the development hereby approved, reinforced with further hedge planting of the same species as is present in the hedgerow.
  - xxi. The sequence of working shall not be undertaken other than as shown on the approved Working Scheme (Drawing No. 2307/S73/8).
  - xxii. No stockpiling of minerals shall take place unless and until the topsoil and subsoil have been stripped from the area to be used for stockpiles.
  - xxiii. All topsoil, subsoil and overburden stripped from the areas to be excavated shall be removed and stored separately for use in site restoration in the areas shown for that purpose on approved Working Scheme (Drawing No. 2307/S73/8) before further operations commence. Following excavation, the overburden shall be replaced and graded in accordance with the final levels in positions shown on the approved 'S73 Restoration Proposals Plan' (2307/S73/2 Rev. B). The overburden shall be in turn covered with subsoil and topsoil in original sequence and to even depths. No variations to these arrangements shall take place unless otherwise approved in writing by the Mineral Planning Authority.
  - xxiv. Stockpiles of materials shall not be positioned except in accordance with the location and height details shown on the approved Working Scheme (Drawing No. 2307/S73/8). Stockpiles to be in position for longer than 12 months shall be seeded with grass.
  - xxv. Soil handling shall not take place other than between the months of June to August inclusive except with the written approval of the Mineral Planning Authority and no soil handling shall take place at any time unless the soil is generally dry.
  - xxvi. The approved scheme of landscaping/restoration shall be carried out in the planting season coinciding with or immediately following completion of each phase, whichever is the sooner, and shall be so

- maintained thereafter. Within five years of planting, any trees, shrubs, or other plants that die, become diseased, are removed or damaged, shall be replaced in the first available planting season with others of a similar size and species in accordance with the details of the approved scheme (unless the Mineral Planning Authority gives written approval to any variation).
- xxvii. Aftercare of the site shall take place in accordance with the approved Aftercare Scheme dated March 2015. The approved scheme shall be fully implemented
  - xxviii. No mineral shall leave the site except stone suitable for walling or large stone blocks, and for no other purpose whatsoever except as set out in condition XXX.
  - xxix. The Mineral Planning Authority shall be notified in writing within 7 working days of the start of crushing and exporting of crushed stone.
  - xxx. No rock shall be crushed except during the twelve months immediately following the date confirmed stating the start of crushing set out in condition XXIV. No crushed rock shall be exported from the site except during the twelve months immediately following the start of crushing. During this twelve month period no more than 67,000 tonnes\* of crushed stone shall be exported. No crushing plant shall be located on the site except during the twelve month period immediately following the start date of crushing.
  - xxxi. Crushing shall be only undertaken in the area marked 'Proposed Processing Plant' and stocked and loaded in the areas marked 'Proposed Stocking/Loading Area' as shown on the approved 'S73 Site Working Plan (2307/S73/5).
  - xxxii. HGV movements related to crushed stone activities to and from the site shall not exceed a maximum of 44 per day (22 in, 22 out).
  - xxxiii. Large stone blocks shall not be moved except by tractors and trailers. Tractors and trailers transporting large stone blocks to the Lower Buildings shall not enter or leave the site except along the roadways marked in red on approved Plan No. 1 (Tractor and Trailer Route Plan).
  - xxxiv. Other than with the prior approval in writing of the Mineral Planning Authority tractor and trailer movements shall be limited to no more than 14 movements (7 in, 7 out) in any one day.
  - xxxv. Notwithstanding the operating hours specified in condition VII, tractor and trailer movements shall not take place through the village of Sarsden between the following times
    - a. 08:15 and 08:45 Mondays to Fridays during school term time
    - b. 15:15 and 15:45 – Monday to Friday during school term time.
  - xxxvi. No activities permitted or required by this permission shall take place in the old quarry area to the south west of the working area. No trees shall be felled or lopped or soil disturbed in the vicinity of those trees.
  - xxxvii. No loaded lorries shall leave the site unsheeted except those only carrying stone in excess of 500mm in diameter.
  - xxxviii. No development shall take place except in accordance with the approved Dust Management Plan (dated March 2015).
  - xxxix. No activities permitted or required by this permission, except the temporary stockpiling of stone, shall take place in the area outlined in green on approved Working Scheme (Drawing no. 2307/S73/8).

- xli. No blasting shall be carried out except between the following times
  - a) 0900-1600 hours Mondays to Fridays;
  - b) 0900-1200 on Saturdays.
- xlii. No blasting shall take place on Sundays or recognised public holidays or on Saturdays immediately following public holidays.
- xliii. For temporary operations such as soil stripping, bund formation, other mitigation measures and restoration the LAeq level at any noise sensitive properties shall not exceed 70 dB(A), expressed in the same manner as above. Temporary operations which exceed the normal day to day criterion shall be limited to a total eight weeks in any twelve month period to any individual noise sensitive property.
- xliiii. Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at the 95% confidence level, or near, the foundations of any vibration sensitive building or residential premises as shown on FIG 01. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
- xliv. From the date of crushing the operators shall maintain records of their monthly production and shall make them available to the Mineral Planning Authority within 14 days on request.

***\* Note: The application is for 72,000 tonnes crushing and exporting crushed stone. Of which applicant has crushed and exported 5,000 tonnes retrospectively.***



**For: PLANNING AND REGULATION COMMITTEE – 11 JULY 2016**

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

**Development Proposed:**

**A new two storey classroom block, associated landscaping, cycle stores and provision of a temporary car park.**

**Division Affected:** North Hinksey

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

**Location:** Matthew Arnold School, Arnolds Way, Cumnor Hill, Oxford, Oxon, OX2 9JB

**Applicant:** Oxfordshire County Council

**Application No:** R3.0023/16 District ref No: P16/V0434/CC

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

**Date Received:** 2 Feb 2016

**Consultation Period:** 11 February – 3 March

**Contents:**

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

**Recommendation:** Approval

**• Part 1 – Facts and Background**

**Location (see site plan Annex 1)**

1. Matthew Arnold School is on the southern edge of Botley, which is itself on the western edge of Oxford.
2. The site is an existing school site which is bordered by housing to the west, Arnolds Way and housing beyond to the north, sports fields with

housing beyond to the east, and open fields to the south. The land rises gently from north to south.

3. The Green Belt comes tight up against the existing built up area of the school. The proposed new building and the cycle stores are outside the Green Belt, but the temporary car park would encroach onto it.
4. The main school was originally built circa 1950 and is two storeys with a pitched roof. The school has expanded several times and different building styles both flat and pitched roof can be found on site.
5. The site of the proposed building is on an area of an infilled swimming pool. It is currently used for long jump and shot put.
6. The nearest houses to the proposed development would be 33m to the west, and the proposed building would be about 18m from the nearest school boundary with the residential gardens.
7. There is an existing established hedge along the school boundary with the nearest gardens.

#### **Details of the Development**

8. The proposed building would provide a seven form entry secondary school as part of Oxford County Council's 'basic needs' programme of work. Consequently although the application is on an academy site it comes under Regulation 3 because Oxfordshire County Council would be carrying out the development. Formal pre-application advice had been sought from Oxford City Council before it was realised that the application would be submitted to the County Council.
9. The proposed classroom would be two storeys high with a pitched roof. It would be 9.25m at the apex of the pitch, but there would be integrated louvres on the roof that would make the building 10.7m tall at the highest point. The building had been proposed to be 12m tall at its highest point. Following objections from local residents and West Oxford Community Renewables the applicant redesigned the building and lowered the overall height.
10. The building has been designed to maximise the use of daylight and natural ventilation. Rooms would benefit from the daylight within the circulation spaces and mechanical ventilation would be kept to a minimum, reducing the need to maintain heating and ventilation.
11. The building would be of steel frame construction.
12. An external staircase would provide a second means of escape from the first floor, and this would have a refuge area.

13. The cladding materials are proposed to match the existing. This was a recommendation in the formal pre-application advice from the City Council. The proposed design incorporates brick with elements of cladding panels. The external appearance of the new classroom block seeks to reflect other buildings on School premises.
14. The building would have a vertical emphasis on the fenestration details. Most of the windows and detailing would be on the elevations facing in towards the school. The elevation on the west elevation which faces the nearest properties would be a mostly blank wall with one relatively narrow vertical line of windows. The dominant feature on that elevation would be the fire escape.
15. Two other options for the location of the building were looked at: one involved demolition of an existing building, and the other would have been inappropriate development in the Green Belt and would have had to have demonstrated very special circumstances. This would be extremely difficult where two options outside the Green Belt were considered.
16. The applicant was approached during the consultation period with regard to redesigning and reorienting the building. They responded by redesigning the building, but they declined to alter the orientation, because turning the building by 90 degrees and drawing it farther from the boundary of the school is not possible because the building has been orientated to optimise the roof direction solar panels and the ventilation strategy.
17. The proposal includes a proposed temporary car park to be provided for the duration of the construction of the new building, which is programmed to be 49 weeks. The existing school car park would be used as the contractor's compound, and the temporary car park would be an interlocking mat that would sit on top of the grassed area.
18. The car park would be within the Green Belt, and the applicant has provided a statement to demonstrate very special circumstances. The statement covers the following points:
  1. The car park is necessary for the temporary period of construction to replace the parking lost to the contractor's compound.
  2. There are no alternative car parks in the vicinity that can be used.
  3. All of the school site that is not within the Green Belt has either been built on, or would be part of the construction site.
  4. The use of the Green Belt land would be temporary and the land would be reinstated once the construction has been completed.

• **Part 2 – Other Viewpoints**

All the consultation responses in this report relate to the building as originally submitted. The revised scheme is currently out to consultation

and responses to the redesign will be reported as an addendum to this report.

### **Representations**

19. There are eleven letters of objection and concern. The material concerns raised are:
  1. Height of the building.
  2. Dominance of the building.
  3. Building is too close to residences.
  4. Loss of privacy.
  5. Concerns over contaminated material in the infilled swimming pool.
  6. OCC have not fully consulted with the neighbourhood.
  7. Overshadowing.
  8. Noise.
  9. Increased Traffic.
  10. Intention to build more buildings sets a bad precedent.
  
20. West Oxford Community Renewables, a volunteer community group that purchased the solar panel arrays on the main school building, and on the science block, from Oxfordshire County Council – objects for the following reasons:
  1. Shading caused by the development will have a significant impact on the income from the project.
  2. They were not consulted by the County and would have welcomed the opportunity to discuss mitigation through modifications.
  3. The massing of the building is out of proportion with the scale and the style of the existing school buildings and the surrounding residential properties.
  4. Overshadowing to the solar panels and the neighbouring property is unnecessarily detrimental.
  5. The design of the building has taken very little account of environmental parameters, and consequently the rooms will be uncomfortable.
  6. Alternative locations are available.

### **Consultations**

21. Vale of White Horse District Council - No objection subject to appropriate parking provision.
  
22. Cumnor Parish Council – objects because the building would be too large and dominant. Suggests that other locations are considered.
  
23. North Hinksey Parish Council - supports the application provided that:
  1. An approved Construction Traffic Plan is approved and adopted before work starts onsite.
  2. Oxon CC reviews the adequacy of the existing parking restrictions, especially in Arnolds Way.

3. On completion of the proposed work an electronic gate be installed to overcome the parking problems.
  4. An updated School Travel Plan is prepared and adopted.
24. County Ecology – no objection.
25. County Arboriculture – Requested more details on tree protection in relation to car parking. Further details supplied, but no response at this stage.

• **Part 3 – Relevant Planning Documents**

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

26. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
27. The relevant Development Plan policies are:

Vale of White Horse Local Plan 2011 (VLP2011) Policies:

- GS4 – Green belt
- DC1 – Design
- DC2 – Energy
- DC5 – Highway access and network
- DC9 – Impact of uses on neighbours
- TR2 – Sustainable transport
- CF2 – New community facilities

28. Other Material Considerations are:

Vale Local Plan 2031 Part 1 – Submitted Document (VLPSD)

- CP1 – Presumption in favour of sustainable development.
- CP13 – The Oxford Green Belt
- CP40 – Sustainable design and construction.
- CP46 – Conservation and improvement of biodiversity.

The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. 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)**

29. The CLG letter to the Chief Planning Officers dated 15<sup>th</sup> 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 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.

30. Policy CF2 of the VLP states that new community facilities will be permitted if they conform to the general policies of the VLP, and if it does not have an adverse effect on the local amenity. Policy CP1 of the VLPSD states that where development accords with the policies in the VLPSD, or where there are no relevant policies, permission will be granted unless material considerations indicate otherwise. The application should therefore be granted planning permission unless there are overriding reasons to suggest otherwise.

#### Design and Public Amenity

31. Much of the public concern about this application has been in relation to the height and massing of the building. Policy DC1 of the VLP states that development will be permitted if the layout, scale, mass, height, detailing and materials are such that it does not adversely affect the locality. The building as originally proposed would have been taller than would normally be expected of a two storey building. The revised design has brought the roof height down to a height comparable to other two storey school buildings. The redesigned building being over 30m from the nearest house and being just over 10m at its highest point would not have an unacceptable impact in terms of massing and height. It would

not therefore significantly adversely affect the locality and would not be contrary to policy DC1 of the VLP.

32. Policy DC2 of the VLP states that consideration should be given to measures to conserve energy and the use of other resources. The proposed development has been designed in such a way that it would make use of natural light and ventilation. It therefore accords with policy DC2 of the VLP.
33. Policy DC9 of the VLP states that development will not be permitted if it would unacceptably harm the amenity of neighbouring properties. The proposed building would be a dominant building in its location. However the building would be some 30m from the nearest property. The effect on daylight for the original design of the building shows that it would not affect the light to the properties significantly for most of the year, and indeed for most of the day even at the times of year that it does affect the neighbouring properties. Since then the building has been redesigned and the height reduced by 1.5 - 2 metres, which would reduce further the effect on the amenity of neighbouring properties.
34. Concern has been raised as to the possibility of contamination caused by the drainage from the infilled swimming pool. The Vale of White Horse has been consulted and no objection has been raised from their environmental health team.
35. The building is unlikely to cause significant harm in terms of noise, dust and fumes. The use of natural light and ventilation would lead to it having a lower impact than a building with mechanical ventilation. The noise from children is not likely to be any more from this building than anywhere else in the school.
36. The building is well designed internally and has a good environmental performance. The proposed massing of the redesigned building would not have a significant adverse impact on the neighbouring properties.

#### Green Belt

37. Policy GS4 of the VLP states that development will only be permitted if it does not conflict with the purposes of the Green Belt. Policy CP13 of the VLPSD adds that the Green Belt will continue to be protected to maintain its openness and permanence.
38. Paragraph 90 of the NPPF sets out the forms of development that are not inappropriate. The proposed development of the car park does not come under any of those forms of development and is therefore inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. It should therefore only be granted planning permission if very special circumstances have been demonstrated.

39. The applicant has shown that they have made every effort to keep the development out of the Green Belt, by looking at alternative locations off and on the site. They have opted for a method of providing the car park that can be removed and the land reinstated. Whilst inappropriate development by definition, the proposed car park would only be in place for just under a year, and so there would be no permanent effect on the openness of the Green Belt or on the purposes for including land in the Green Belt. I am satisfied that the applicant has demonstrated very special circumstances for allowing this temporary development in the Green Belt.

#### Transport

40. Policy DC5 of the VLP requires, among other things, that safe highway access should be provided and that the highway network should be able to cope with the building. Policy TR2 of the VLP states that development likely to cause an increase in traffic will be required to include specific measures to deliver more sustainable transport choices.
41. The proposed development proposed no new access onto the highway. In order to ensure that there remains safe access during the construction period, a condition requiring a Construction Management Plan should be attached to any planning permission given.
42. A condition should also be attached requiring an updated School Travel plan to be submitted and approved prior to the occupation of the building.

#### Other Issues

43. Policy CP40 of the VLP states that all new developments should include climate change adaptation measures. The proposed building does have a design that will make it robust in dealing with increased temperatures.
44. Policy CP46 of the VLP encourages the conservation and improvement of biodiversity. The proposed development would be on an area of close mown grass that has very limited biodiversity value. It would not therefore have a significant impact on biodiversity. As part of an educational facility, the development would be sustainable development having economic, environmental and social benefits for the local community in accordance with the aims of securing sustainable development set out in the NPPF.

#### Conclusions

45. The policies in the NPPF, the VLPSD and the VLP are very strong indicators that planning permission should be given. However those policies do refer to other material consideration. In this case the development has been amended to reduce the adverse impacts caused by the height and massing of the building to the extent that it would not



have any significant amenity impacts. Very Special Circumstances have been demonstrated for the development of the temporary car park within the Green Belt. With suitable conditions attached there would be no significant impact in terms of transport or other issues. The application should therefore be approved in accordance with the presumption in favour of development set out in the NPPF and the VLP.

### **Recommendation**

- 46. It is RECOMMENDED that planning permission for application no. R3.0023/16 be approved subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:**
- I. Detailed compliance.**
  - II. Permission to be implemented within 3 years.**
  - III. A construction transport management plan.**
  - IV. An updated school travel plan.**

BEV HINDLE

Deputy Director (Strategy and Infrastructure Planning)

June 2016

### **European Protected Species**

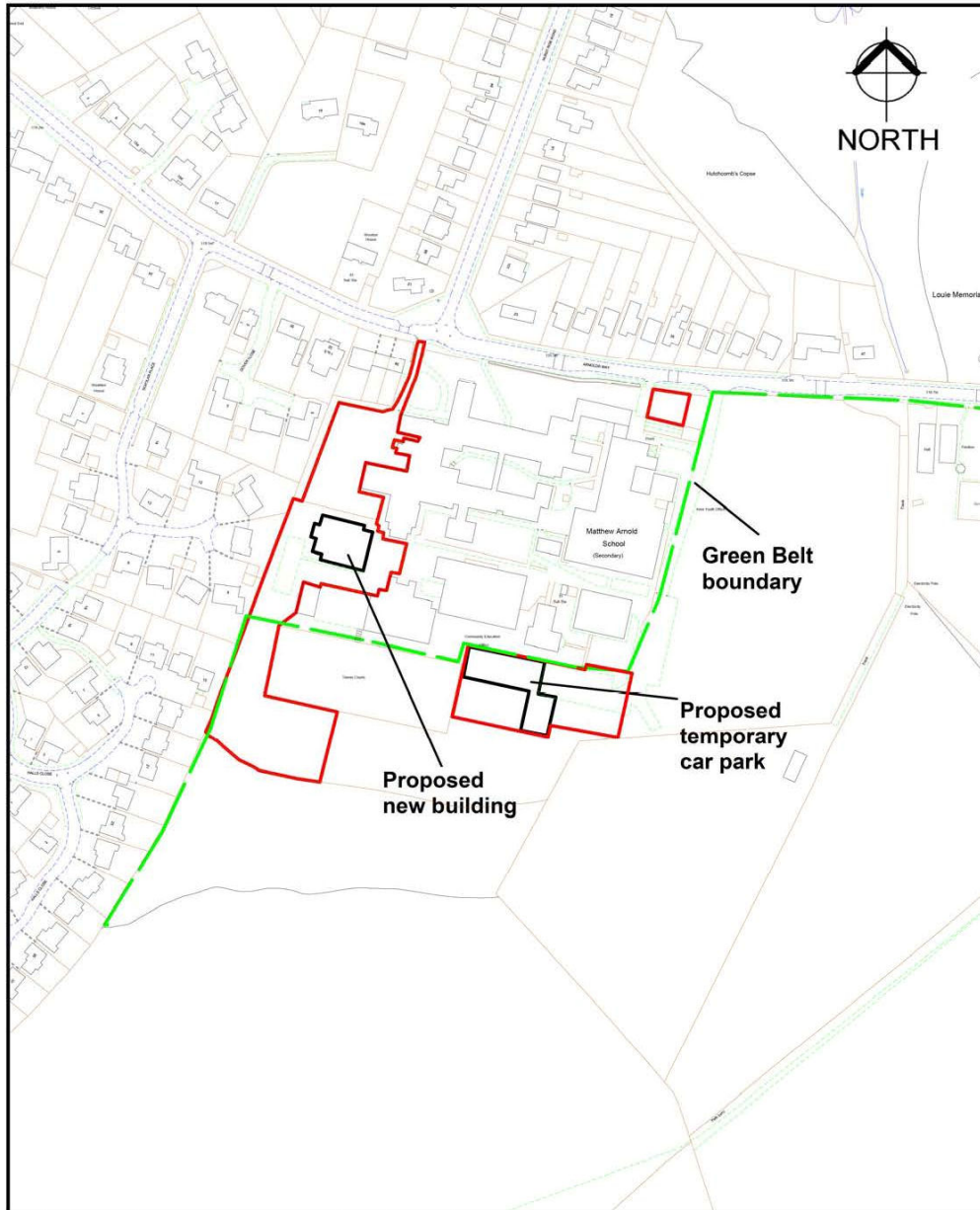
The habitat on and around the proposed development site indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

### **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, which the applicant took advantage of in this case updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. Concerns about the design and massing of the building were put to the applicant ahead of the recommendation for refusal, but no alterations to the building were proposed.

Annex 1

Application no.R3.0023/16 - Matthew Arnold School



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Scale:1:2500  
Plot Date:24/6/2016  
By: Kevin Broughton  
Dept: Environment and Economy

## PLANNING & REGULATION COMMITTEE – 11 JANUARY 2016

### Policy Annex (Relevant Development Plan and other Policies)

#### Oxfordshire Minerals and Waste Local Plan 1996 – Saved Policies (OMWLP):

##### 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: SITES OF NATURE CONSERVATION IMPORTANCE

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: CODE OF PRACTICE

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 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.

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

**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.

#### POLICY M10: RESTORATION OF MINERAL WORKINGS

Mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. The restoration of mineral workings must take into account:

- the characteristics of the site prior to mineral working;
- the character of the surrounding landscape and the enhancement of local landscape character;
- the amenity of local communities, including opportunities to enhance green infrastructure provision and provide for local amenity uses and recreation;
- the capacity of the local transport network;
- the quality of any agricultural land affected;
- flood risk and opportunities for increased flood storage capacity;
- bird strike risk and aviation safety;
- any environmental enhancement objectives for the area;
- the conservation and enhancement of biodiversity appropriate to the local area, supporting the establishment of a coherent and resilient ecological network through the landscape-scale creation of priority habitat;
- the conservation and enhancement of geodiversity; and
- the conservation and enhancement of the historic environment.

Planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and after-use of the site, including where necessary the means of securing them in the longer term.

Proposals for restoration must not be likely to lead to any increase in recreational pressure on a Special Area of Conservation.

### **Cherwell Local Plan 2011-2031 Part 1 (CLP)**

#### **POLICY ESD 10: PROTECTION AND ENHANCEMENT OF BIODIVERSITY AND THE NATURAL ENVIRONMENT**

Protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources
- The protection of trees will be encouraged, with an aim to increase the number of trees in the district
- The reuse of soils will be sought
- If significant harm resulting from a development cannot be avoided (though locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted
- Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated
- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value

- Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution
- Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably
- A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management

#### **POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT**

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

#### **Vale of White Horse Local Plan 2011 (VLP 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 takes into account local distinctiveness and character either in a modern or a traditional interpretation.

#### POLICY DC2: ENERGY

In new developments consideration should be given to measures to conserve energy and the use of other resources. These may include passive solar design (which involves influencing the layout, design, orientation and shelter of buildings), the use of energy-efficient technologies, measures to conserve the use of water and maximising the re-use of recycled and waste materials.

#### 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 GS4: GREEN BELT

Limited infilling and the partial redevelopment of sites will be permitted within the boundaries of the nine major developed sites of Dalton Barracks, Farmoor and Swinford Water Treatment Works, Radley College, Templeton College, Westminster Institute of Education, Cothill School, Chandlinsg Manor and Oaken Holt Nursing Home, as shown on the proposals map, provided that:

- i) there would be no greater impact on the openness of the Green Belt or the purposes of including land within it;
- ii) any infilling relates to the continuing use of the site;
- iii) any partial redevelopment is consistent with appropriate comprehensive long term plans for the site as a whole which contribute to the achievement of the objectives for the use of land in green belts;
- iv) the buildings would not exceed the height of existing buildings;
- v) it would not lead to a major increase in the developed proportion of the site;  
and
- vi) it would not have an adverse impact on the landscape.

Where proposals for partial redevelopment involve an isolated building its re-siting within the main group of buildings on the site will be sought or, failing that, immediately alongside them. In such cases it will be a requirement that the existing isolated building is demolished and that any development rights accruing to it are extinguished.

#### POLICY TR2: SUSTAINABLE TRANSPORT

Proposals for development which would be likely to increase traffic will be required to include provision of specific measures designed to deliver more sustainable transport choices for people and/or the moving of freight and to promote access to jobs, shopping and leisure facilities whilst reducing the need to travel, especially by car. Such measures will include the provision and/or improvement of public

transport, walking or cycling facilities, new highways infrastructure, and specific measures detailed in the integrated transport strategies.

## **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 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 in 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 40: SUSTAINABLE DESIGN AND CONSTRUCTION

All new development, including building conversions, refurbishments and extensions, should seek to incorporate climate change adaptation and design measures to combat the effects of changing weather patterns. Wherever practicable, measures to provide resilience against higher temperatures and intense rainfall should be used and their application to the development outlined in the Design and Access Statement. This could include measures such as:

- i. planting, shading and advanced glazing systems to reduce solar heat gain during the summer
- ii. using materials to prevent penetration of heat, including use of cool building materials and green roofs and walls and using flood resilient materials
- iii. increasing natural ventilation and removing heat by using fresh air
- iv. orientating windows of habitable rooms within 30 degrees of south and utilising southern slopes
- v. locating windows at heights that maximise heating from lower sun angles during the winter, and
- vi. incorporating flood resilient measures such as raising floor levels, electrical fittings and rain-proofing and overhangs to prevent infiltration of heavy rain around doors and windows.

The Council will expect the policy requirements to be met unless it can be demonstrated that it would not be viable\* or appropriate to do so or where historic assets would be affected. A sensitive approach will need to be taken to safeguard the special character of the heritage assets e.g. in a Conservation Area.

\*Viability should be set out in an independent viability assessment on terms agreed by the relevant parties including the Council and funded by the developer. This will involve an open book approach.

#### 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 requirements of the Habitats Regulations\*.

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.

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

### **West Oxfordshire Local Plan 2011**

#### **POLICY NE1: SAFEGUARDING THE COUNTRYSIDE**

Proposals for development in the countryside should maintain or enhance the value of the countryside for its own sake: its beauty, its local character and distinctiveness, the diversity of its natural resources, and its ecological, agricultural, cultural and outdoor recreational values.

#### **POLICY NE3: LOCAL LANDSCAPE CHARACTER**

Development will not be permitted if it would harm the local landscape character of the District. Proposals should respect and, where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types.

#### **POLICY NE4: COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY**

The conservation and enhancement of the natural beauty of the landscape and countryside of the Cotswolds Area of Outstanding Natural Beauty will be given great weight when determining development proposals within or impacting upon the AONB.

Regard will be had to the economic and social well-being of the area and its communities.

Major development will not be permitted in the AONB unless:

- i) it is in the public interest in terms of any national considerations and the impact on the local economy; and
- ii) the lack of alternative sites outside the AONB and of means of meeting the need in some other way justifies an exception being made.

### **The Draft West Oxfordshire Local Plan 2031 (DWOLP)**

## POLICY EH1: LANDSCAPE CHARACTER

The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced.

New development should respect and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds. Conditions may be imposed on development proposals to ensure every opportunity is made to retain such features and ensure their long-term survival through appropriate management and restoration.

Proposals which would result in the loss of features, important for their visual, amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures which can be secured to the satisfaction of the Council.

When determining development proposals within or impacting upon the Cotswolds Area of Outstanding Natural Beauty, great weight will be given to the conservation of the area's landscape and scenic beauty.

Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project Area.

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