



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

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

**Monday, 27 February 2017 at 2.00 pm**

**County Hall, New Road, Oxford**

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

Peter G. Clark  
Interim Chief Executive

February 2017

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

---

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

---

**Membership**

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

**Councillors**

Lynda Atkins  
David Bartholomew  
Mark Cherry  
Patrick Greene

Bob Johnston  
Stewart Lilly  
James Mills  
Glynis Phillips

Anne Purse  
G.A. Reynolds  
John Sanders

---

**Notes:**

- **Date of next meeting: 24 April 2017**

## 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 **07776 997946** 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 - 4)

To approve the minutes of the meeting held on 16 January 2017 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **New building in place of the one approved under permission no.: 08/0220/P/CM to accommodate existing waste processing operations at B&E Waste Recycling and Transfer Facility, 115, Brize Norton Road, Minster Lovell, Oxon, OX29 0SQ. - Application No. MW.0070/16**  
(Pages 5 - 26)

Report by the Director of Planning & Place (**PN6**).

The applicant wishes to build a rectangular building measuring 25 metres by 27 metres, which would encompass the existing concreted area, currently used for waste processing. It is also proposed to link the proposed processing building with small covered lean-to area linking to the existing shed (3.8 metres by 5 metres).

The proposed building would accommodate a new processing system with trommel, conveyors and picking stations. The proposed building will also include pre-sort recycling areas. The applicant states in the supporting statement 'by enclosing all the waste processing operations in this manner, it is anticipated that any potential dust and noise emissions would be significantly mitigated'. After three objections in the first round of consultation, the building height was reduced from 10m to 8.5m and 8m (eastern end). The proposal would also see further planting to the south to screen the building, and will keep the hedgerow to the north. The roof is proposed to be juniper green with olive green for the walls.

***It is RECOMMENDED that Application MW.0070/16 (16/01686/CM) be approved subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to the report PN6.***

**7. Extension of quarry with extraction of sand and limestone with restoration to agriculture including using existing quarry infrastructure at Bowling Green Farm, Stanford Road, Faringdon, Oxon, SN7 8EZ Application No. MW.0124/16 (Pages 27 - 66)**

Report by the Director of Planning & Place (PN7).

Hills Quarry Products Ltd propose a mineral extraction scheme (soft sand and limestone) to the south-east of the existing Bowling Green Quarry extension (Chinham Farm). The proposed development would use the existing quarry entrance and access off the A417. The proposed red line area covers approximately 40.7 hectares of which 19 hectares will be subject to mineral extraction with the remaining 31.7 hectares used for the site access, quarry infrastructure (e.g. weighbridge and offices), soil storage and other non-operational uses such as landscaping including existing mounding on the adjacent workings.

The limestone overlies the sand and the total depth of extraction of both limestone and sand is 10m below the present ground level. The development proposes the extraction of approximately 2.1 million tonnes of aggregate, of which there is approximately 1.5 million tonnes of soft sand and just over 0.6 million tonnes of limestone. The fill material required for restoration purposes is 950,000 cubic metres.

The operational life will last approximately 20 years utilising the existing quarry infrastructure (offices, weighbridge, haul road and access). There are a number of separate elements which comprise the development:

- Sand production;
- Limestone production; and
- Infill and restoration operations.

The quarry extension will have a phased scheme of working. The working scheme proposed has eight working phases. The scheme moves round the site following a generally clockwise sequence starting from the top north western part of the site adjacent to the existing workings. Typically, the working direction in a phase will be in an easterly direction with the exception of the phases on the southern site boundary. The site will be progressively worked and restored back to agriculture using imported inert waste to bring the restored land to required levels as is currently undertaken at the quarry complex.

***It is RECOMMENDED that subject to a legal agreement to secure a 20 year long term management plan for the development including the original Chinham Farm extension area already permitted under planning permission ST/8417/7-CM that planning permission for application MW.0124/16 be approved subject to conditions to be determined by the Director for Planning and Place including those set out in Annex 3 to the report PN7.***

8. i) Installation and use of pipe system and associated pumps to transport minerals from the Stonehenge Farm extension area to the processing plant at Linch Hill permitted under appeal ref: APP/U3100/A/09/2107573; and ii) Variation of conditions attached to consent APP/U3100/A/09/2107573 for the extraction of sand and gravel with associated processing plant, silt ponds, conveyors and ancillary works. Restoration to wetland/reed bed and fishing, extraction of basal clay to form hydrological seals and for the purpose of restoration on site at Stonehenge Farm, Northmoor, Oxfordshire - Applications MW.0132/16 & MW.0134/16 (Pages 67 - 106)

Report by the Director of Planning & Place (PN8).

The report covers two applications, one for a new pipeline to move mineral from the permitted Stonehenge Farm quarry instead of the permitted conveyor system and the other for associated variations of the conditions attached to the existing quarry permission including extending the time for the completion of mineral extraction to 31 December 2023 and restoration by 31 December 2024.

These applications are being brought to committee because the local member objects to the proposed extension of time.

***It is RECOMMENDED that subject to no over-riding objections being received from outstanding consultees that:***

- (a) ***Application MW.0132/16 be approved subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to the report PN8; and***
- (b) ***Application MW.0134/16 be approved subject to:***
- i) A supplemental S106 legal agreement to bring forward relevant provisions from the existing agreements.***
  - ii) A supplemental routeing agreement linking the proposed development to the existing routeing agreement.***
  - iii) Conditions as on existing consent APP/U3100/A/09/2107573, with the amendments to conditions, deletion of redundant conditions and additional conditions and informatives to be determined by the Director for Planning and Place, in accordance with the details set out in Annex 3 to the report PN8 and with any necessary updates to the wording of existing conditions to ensure clarity and reflect changes to policy since the original permission was issued.***

## **9. Relevant Development Plan and other Policies (Pages 107 - 132)**

Paper by the Director of Planning & Place (**PN9**).

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

---

### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 27 February 2017** at **12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 16 January 2017 commencing at 2.00 pm and finishing at 2.30 pm

**Present:**

**Voting Members:** Councillor Neil Owen – in the Chair

Councillor Lynda Atkins  
Councillor David Bartholomew  
Councillor Mark Cherry  
Councillor Patrick Greene  
Councillor Bob Johnston  
Councillor James F. Mills  
Councillor Glynis Phillips  
Councillor Anne Purse  
Councillor G.A. Reynolds  
Councillor John Sanders  
Councillor Lawrie Stratford (In place of Councillor Mrs Catherine Fulljames)

**Officers:**

Whole of meeting G. Warrington & J. Crouch (Directorate for Resources);  
C. Kenneford, D. Periam & M. Case (Directorate for Communities)

*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.*

**1/17 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

<i>Apologies for Absence</i>	<i>Temporary Appointment</i>
Councillor Mrs Catherine Fulljames Councillor Stewart Lilly	Councillor Lawrie Stratford (-)

**2/17 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

With regard to item 6 – Great Tew Ironstone Quarry – Application No MW.0078/15 Councillor Cherry advised that in May 2016 when this matter had first been considered he had advised that early in 2000 he had worked at the Great Tew estate but had not considered that that had influenced his impartiality. For consistency he was making that declaration again with the intention of participating in any discussion and voting on this second application.

**3/17 MINUTES**

(Agenda No. 3)

Subject to amending Minute 38/16 to show Councillor Lawrie Stratford as a temporary appointment for Councillor Stewart Lilly the Minutes of the meeting held on 28 November 2016 were approved and signed.

**4/17 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Paul Keyte (on behalf of the applicants)	6. Great Tew Ironstone Quarry



**5/17 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 MW.0078/15**

(Agenda No. 6)

In May 2016 the Planning & Regulation Committee had approved subject to the signing of a Section 106 agreement an application for the 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. However, as that agreement had not been signed, together with unauthorised development which had taken place, the permission had not been implemented.

Since that approval the applicant had submitted amended supporting statements, an amended working scheme and three schemes relating to hydrology, arboriculture and biodiversity and the Committee were now considering (PN6) a report setting out those changes. No further objections to the proposed scheme had been received.

Mr Case confirmed that the S106 agreement had taken some time to finalise and that in the meantime some unauthorised development had taken place. The agreement was now completed but approval to the amended scheme would be required.

Mr Periam added that enforcement had been issued against the unauthorised development and not against a breach of conditions. However, if approval was now forthcoming then the enforcement notice would be withdrawn. He also confirmed that the County Council were unable to recover costs for the work involved to date

Apologising on behalf of the applicant for the premature start of work Mr Keyte explained that that situation had arisen due to a combination of delays in finalising the agreement and therefore implementation of the permission and continuing increased demand, which had risen sharply following the Brexit result. However, there had been no further work since the stop notice had been served and in the meantime the applicant had worked closely with the county council to reach agreement. As the only supplier nationally it was vital that the application now before the Committee was agreed in order to secure the long term future of the site, its workforce and those of ancillary businesses. Supplies of consented materials had now been exhausted so he asked the Committee to support the officer recommendation.

He then responded to questions from:

Councillor Phillips – he was only qualified to deal with issues relating to actual quarrying of material and was therefore unable to offer an explanation why the need to meet demand had justified work starting on the building of the new office block.

Councillor Bartholomew – consented reserves had been forecast to expire at the end of 2016 and regrettably work had been started prematurely to replenish supplies.

Councillor Johnston – the quarry directly employed 8 but supplied a number of other processing companies.

Recognising the benefits of compliance monitoring, which had brought the breach to the notice of officers there was general agreement that the reasons given for the breach were at best dubious. However there seemed to be very little option but to agree the recommendation and Councillor Greene so moved. Councillor Sanders seconding.

The motion was then put to the Committee and –

**RESOLVED:** (by 11 votes to 0, Councillor Reynolds recorded as having abstained) that subject to a legal agreement first being entered into to secure that the mineral permitted under the “clay bank” was not further worked and a 20-year long term management plan that planning permission for application MW.0078/15 be approved subject to conditions to be determined by the Interim Strategic Director for Communities including those set out in Annex 2 to the report PN6 and as amended in the tabled addenda sheet namely the deletion of Condition vii and amendment to condition xxxiv requiring reptile translocation prior to removal of any trees or hedgerows, in line with the Translocation Mitigation strategy provided that the area for the translocation was defined as the green area on paragraph 2.1 of the Habitat Management Plan and that soil and vegetation removal in this area did not commence until the translocation of reptiles had been completed.

..... in the Chair

Date of signing .....

**For: PLANNING AND REGULATION COMMITTEE – 27 FEBRUARY 2017**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Development Proposed:**

**New building in place of the one approved under permission no.: 08/0220/P/CM to accommodate existing waste processing operations.**

**Division Affected:** Hanborough & Minster Lovell  
**Contact Officer:** Matthew Case **Tel:** 07584 262456  
**Location:** B&E Waste Recycling and Transfer Facility, 115,  
Brize Norton Road, Minster Lovell, Oxon, OX29  
0SQ  
**Application No:** MW.0070/16 **District Ref:** 16/01686/CM  
**Applicant:** B&E Transport (Witney) Ltd.  
**District Council Area:** West Oxfordshire District Council  
**Date Received:** 27-Apr-2016  
**Consultation Period:** 19th May 2016 to 10th Jun 2016  
6<sup>th</sup> January 2017 to 27<sup>th</sup> January 2017

**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 is located off the Brize Norton Road to the south of the historic village centre of Minster Lovell in the allotment estate of Charterville. The site lies to the rear of a residential property. The site is located approximately 2.4km west of Witney. The site itself is only located approximately 400 metres north of the A40 slip road via Brize Norton Road.
2. The site is located approximately 1.2km to the south-east of the Cotswolds Area of Outstanding Natural Beauty (AONB).
3. Additional residential properties lie to the north, south and west, many of which have a similar mixed use. The properties to the east are accessed

via the public road of Bushy Ground which has a mixture of both industrial and residential use.

### **Site and Setting (see site plan Annex 1)**

4. The site is a rectangular piece of land covering approximately 0.34 hectare, only covering the proposed building. The rest of the site is covered by an existing permission. The site is accessed off Brize Norton Road (B4477) The access road runs eastwards to the proposed replacement building, passing the existing weighbridge and site office.
5. As mentioned the site is located within Charterville Allotments, which were originally a group of about 90 smallholdings laid out in 1847 each with its own cottage, to provide a means for families from industrial towns to support themselves. Over time due to the poor quality soil, many of the properties have established mixed uses with a combination of both residential and industrial.
6. Planning permission was granted in January 2009 for extension of the recycling facility to accommodate new plant, building, vehicle parking/skip storage area and weighbridge. The application was only partly implemented. The building element was not constructed due to the downturn in the economy.

### **Planning History**

7. The site was originally granted planning permission in January 1995 for a construction of storage/transfer shed for proposed waste transfer station (1270/94). The permission was later superseded by a planning permission (08/0220/P/CM) in January 2009 for an "extension of existing waste recycling facility to accommodate new plant, building, vehicle parking/skip storage area and weighbridge".

### **Details of the Development**

8. The applicant wishes to build a rectangular building measuring 25 metres by 27 metres, which would encompass the existing concreted area, currently used for waste processing. It is also proposed to link the proposed processing building with small covered lean-to area linking to the existing shed (3.8 metres by 5 metres).
9. The proposed building would accommodate a new processing system with trommel, conveyors and picking stations. The proposed building will also include pre-sort recycling areas. The applicant states in the supporting statement 'by enclosing all the waste processing operations in this manner, it is anticipated that any potential dust and noise emissions would be significantly mitigated'.

10. Due to the limited space, the building will have openings on the western and eastern elevations, enabling the HGV access to the vehicle parking and skip storage area to the rear of the site. The southern elevation would also be open allowing access to storage skips for processed materials which can be stored outside.
11. It was originally proposed that the building would have a double pitched roof rising to 10 metres at the ridge from 8.5 metres at the eaves. The height of the building would allow HGVs to tip waste within the building and provide the necessary clearance for the arm of the machine loading the processing plant. The height would protect against damage to both the roof of the building and the plant itself.
12. The building will be constructed in steel frame with plastisol colour-coated steel cladding. The roof is proposed to be juniper green with olive green for the walls. The dark colours have been proposed to reduce visual impact and will have a matt finish to help blend in with the surrounding landscape. The applicant doesn't wish to increase throughput, with no changes to the existing lorry movements associated with the site.
13. Following initial consultation on the application 3 objections were received from local residents citing concerns with the height of the proposed building. The application was revised with the following amendments:
14. The eaves on the southern elevation of the building have been reduced to 6 metres in height. In addition the applicant is now proposing there will be a break in the roof profile; with the eastern end of the building being 8 metres at the ridge reducing to 6.8 metres at the eaves of the northern wall and the western end being 8.5 metres at the ridge reducing to 7.3 metres at the eaves of the northern wall. The applicant states the building heights have been reduced as far as possible to meet the applicant's operational needs.
15. Due to the proposed revised building height, the applicant is now proposing a revised layout of the proposed processing plant. The plant is no longer proposed to be entirely in line with the northern elevation, but would follow a dog leg arrangement, so that the feed hopper is at the highest part of the lowered section of the building. The eastern door has been offset and reduced in width to 5 metres. This will still provide sufficient access for vehicles accessing the vehicle parking area beyond,
16. There have been further amendments to the planting, the applicant now proposes to keep the existing hedgerow along the northern boundary, which will be maintained with support of the applicant's neighbours to the north, who wish to retain the hedgerow to reduce the visual impact on their property. In addition, the applicant proposes to plant along the southern boundary of the building on the adjoining land. The adjoining land is under the same ownership.

## Part 2 – Other Viewpoints

### Representations

#### First Round of Consultation

17. Received 7 letters of objection to this application from local residents and local businesses. The main concerns identified as following:

- (i) Concerns the building will amplify noise on the southern elevation to properties to the south.
- (ii) Landscape impact on the historic village
- (iii) Open southern elevation will also intensify the dust impact on properties to the south.
- (iv) Environmental Health impacts from hazardous waste temporarily stored on the site.
- (v) The scale of the building in terms of height, length and width is excessive in relation to the surrounding area.
- (vi) Arboricultural concerns regarding trees to the north of the property.
- (vii) Concerns new building will cause an increase in traffic movements.
- (viii) Increase in the number of flies due to the warm conditions within the building.
- (ix) Concerns that the development will cause flooding due to the collection of high amount of rainwater on the roof.

#### Second Round of Consultation

18. Received 1 letter of support for the application from a local resident in Minster Lovell, stating amongst other points, 'the amended plans seem to address all concerns in relation to the height, colour of the building and the plantation of trees.'

19. Received 6 letters of objection to this application from local residents. The main concerns:

- (i) The scale of the building in terms of height to the property to the north of the site. The building will block light into the garden.
- (ii) "The subject of the tree line is a matter that could suitably be left between B&E and No.113 to agree outside any decision of the planning application and would aid better relationships with neighbours".
- (iii) The slight reduction in height of the main building doesn't address the noise and dust issued raised above.
- (iv) Open southern elevation will also intensify the dust and noise impact on properties to the south.
- (v) The scale of the building in terms of height, length and width is excessive in relation to the surrounding area. It will overshadow the surrounding properties.
- (vi) Landscape impact on the historic and rural village.
- (vii) Noise levels beyond current permitted levels.
- (viii) Air extraction system will cause distress on nearby properties.
- (ix) Pollution created from machinery impacting on the surrounding properties.

- (x) Concerns the soakaway will not drain water away from the site.
- (xi) Road is unsuitable for HGV traffic.

## Consultations

### 20. West Oxfordshire District Council:

'The District Council raises the following objections to the application outlined above which is being considered by Oxfordshire County Council as a County Matters application:

The District Council has concerns relating to the impact of the building on the street scene and wider views. The building will feature a substantial footprint and will be located close to the boundary which limits the amount of screening that could be incorporated and maintained by the owners of the site to reduce its impact. The combined height and depth at the boundaries the building is likely to impact the outlook available to neighbouring properties as well as have an overshadowing impact on neighbouring properties. Furthermore the Council is concerned that the building may intensify operations on site which would have an adverse impact on the local road network and would give rise to road safety issues in terms of vehicular safety, pedestrian safety and convenience given the nature of Brize Norton Road and the type of vehicles accessing the facility.'

After second round of consultation:

"The District Council would advise that whilst the amended plans show a marginal improvement to the scheme, it still does not overcome fully the concerns that were raised previously."

### 21. Ecologist Planner:

'I have no objections to the proposal given that the location for the proposed building is on an existing concrete pad. However, there is potential for birds to nest within the hedgerow / tree-line on the northern boundary of the site, immediately adjacent to the location of the proposed building. Please therefore adhere to the informative below with regards to any works which may affect this feature.'

#### Informatives

##### Breeding birds

All bird nests, eggs and young are protected under the Wildlife & Countryside Act

1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal or pruning of the trees and shrubs should take place between 1st March and 31st

August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

#### European Protected Species

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

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

Our records and 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.

22. Fire Service – ‘No Comment’

23. Environmental Strategy Officer:

First comment: objection because the proposed development introduces a building of a scale that is considered to adversely affect the local landscape character. The visual impacts on surrounding properties outweigh the benefits from the screening of site operations. The development is not in accordance with landscape policies set out in the existing and emerging local planning documents (Summary, full comments see public website).

Final Comment after second round of consultation

I have reviewed and accept the applicant's amended design proposals. I agree with the proposed choice of colours for the elevations, provided that these are the same ones used in the photomontage. I note and accept the proposals for planting. My concerns have been addressed and I have no further comments.

24. Lead Flood Authority:

‘Going through the application, my comments are as follows:-

- Application form proposes drainage by soakaway - fine
- Sustainability statement proposes using roof water for dust suppression and washing down - fine

There are no details of how or where the roof water will be stored for reuse. I assume that it will be in a tank with a high level overflow to a soakaway? Please ask for details and soakage test results.’

Comment on the second round of consultation:



What they propose is fine, but they have not shown any tank or soakaway sizes.

Therefore to stop the flooding of the building and the surrounding area, the discharge from a roof of this size (675square metres) in a 1 in 2 year storm will be in the region of 34cubic metres, not allowing for any safety margin.

Therefore they must make sure that their storage tank and soakaway will cope with this flow and say a 50% safety margin at least.

I would recommend as well that the soakaway should not be a rubble filled pit, but constructed similar to a standard highway soakaway.

Response from Agent:

"I have now spoken to Gordon to provide more detail on the existing drainage system at the site together with the proposals for water management with the building in place, and would confirm the position is as follows.

There is an existing concrete hard surface where the building is to be installed (with the exception of a very small area in the southeastern corner of the proposed building footprint, where the concrete will need to be extended by about 16 square metres). There would therefore be no (material) difference in surface water runoff from the site with the introduction of the proposed building. This existing concrete surface currently drains to mains sewer (via interceptors), as shown on the attached survey drawing of the site. (The survey was done in 2009 for the proposed (2nd) connection to mains sewer to the east of the site and that is now in. The drawing should print out at 1:500 on A3).

The proposal is to reduce the drainage to main sewer, by harvesting some of the surface water runoff from the building roof for use in dust dampening, and by installing a soakaway. The water storage tank would need to be a minimum of 1500 litres in size and the intention is for it to have a high level overflow to enable drainage to the existing main sewer discharge for excess water levels and/or times of high rainfall.

I would add that, should planning permission be granted, construction of the building will need to be subject to Building Control and the precise nature of the new drainage elements would also need to be designed (by a relevant drainage consultant) for the approval required under that regime."

Final Response from Lead Flood Authority:

"Following my chat with Suzi (applicant's agent), I am happy with the proposed drainage discharge from the building"

25. District Environmental Health Officer – 'I have just returned from my site visit accompanied by Suzie Coyne and Mrs Ebsworth (senior). I am advised that the current application is for a larger building to house the trommel recycling unit. The height of the new building is dictated by the height of the grab arm on the JCB. There is to be no artificial lighting in the building's roof. The new building will cover the whole recycling plant. It would cover the trommel, conveyors, picking station and pre-sort. I

understand that conditions to manage noise emissions and dust would still apply from the previous permission granted. There is also I understand an Environment Agency permit for the activity. There have been no recent noise, dust or odour complaints. As such I have no further comments or observations on the new building or the site in general.'

26. Minster Lovell Parish Council-

Initial comment:

'Minster Lovell Parish Council strongly objects to this application with the following concerns:-

- The size and scale of proposed structure is excessive and will dominate the area.
- If the application is approved, the number of heavy goods vehicles using the narrow Brize Norton Road will substantially increase.
- The structure will not contain noise as it is not fully enclosed and this will detrimentally effect neighbouring residential properties.
- The Parish Council feels that this company has now outgrown the site and should consider relocating to an industrial area which will meet the needs of its operations.
- Minster Lovell is a residential village on the edge of the Cotswolds Conservation area and is therefore not suited to accommodate industrial/commercial business operations of the proposed size.
- The application is therefore considered contrary to policies of West Oxfordshire District Council's Emerging Local Plan, National Planning Policy Framework, National Planning Policy for Waste and Oxfordshire Minerals and Waste Local Plan.'

After alterations were made to the building, received the following response from the Parish Council:

It is felt that the application is generally acceptable given the proposed site screening, the lowered height of the new shed and its colour. Of particular importance, it is noted that if the application is approved, it will not result in an increase of HGVs located at the site or visiting the site. The Parish Council acknowledges the applicants have tried to address concerns previously raised by residents and other authorities.

27. Natural England - Has no comments to make on this application.

28. Ministry of Defence – No Objections

29. Arboricultural Officer – No Objections

30. Transport Development Control:

'Oxfordshire County Council, as the Local Highways Authority, do not object to the granting of planning permission for the above planning application.

Comments:

- The applicant states that there is to be no change to the throughput of material that the site currently processes and therefore, no change in the HGV/vehicle movements to and from the site. I therefore, do not object to this proposal, which purely seeks to make the processes on site more undercover.
- HGVs entering the site will still have access to the skips to the rear of the proposed new shed facility and I am assuming will be able to leave the site onto the B4477 in a forward gear.
- There will be no adverse impacts upon the highway from a traffic and safety point of view.'

No change to comments above on second round of consultation

### **Part 3 – Relevant Planning Documents**

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

32. The relevant development plan documents are:

- Oxfordshire Minerals and Waste Local Plan 1996 (saved Policies) (OMWLP)
- West Oxfordshire Local Plan 2011 (saved Policies) (WOLP)

33. Other material considerations are:

i) The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was submitted to the Secretary of State for independent examination in January 2016. Following an examination hearing held in September, the Inspector has produced an Interim Report dated October 2016. Following the Inspector's Interim Report, the Council carried out further Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA) work and have now published the Proposed Modifications (February 2017) and a SEA/SA update report for consultation, which runs from 3<sup>rd</sup> February to 20<sup>th</sup> March. Therefore, although the OMWCS is not yet adopted, it is at an advanced stage and the draft policies should be given due weight.

ii) The Emerging West Oxfordshire Local Plan 2011-2031 (EWOLP) was submitted to the Planning Inspectorate for independent examination in July 2015. The first hearing sessions were held in November 2015, following which the examination was suspended until December 2016 to allow further work to be undertaken in relation to housing need. The Council consulted upon the Proposed Modifications in December 2016 and they are now being prepared, along with the Proposed Modifications to submit to the Planning Inspector in early 2017. Therefore, the EWOLP is at an advanced stage and so the policies can be afforded due weight.

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

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

34. The relevant policies are:

- (i) Oxfordshire Minerals and Waste Local Plan 1996 - Saved Policies (OMWLP):
  - W3 (Re-use/Recycling)
  - W4 (Re-use/Recycling)
  - W5 (Stockpiles)
  - PE3 (Buffer Zones)
  - PE18 (Code of Practice)
  
- (ii) West Oxfordshire Local Plan 2011
  - Policy BE2 (General Development Standards)
  - Policy BE3 (Provision for Movement and Parking)
  - Policy BE18 (Pollution)
  - Policy BE19 (Noise)
  - Policy E7 (Existing Businesses)
  - Policy NE3 (Local Landscape Character)
  - Policy NE6 (Retention of Trees, Woodlands and Hedgerows)
  - Policy NE9 (Surface Water)

35. Other Material Considerations:

- (iii) Oxfordshire Minerals and Waste Local Plan Core Strategy – Proposed Submission Document (OMWCS):
  - Policy W3 (Waste Management Capacity)
  - Policy W5 (Siting of waste management facilities)
  - Policy C1 (Sustainable Development)
  - Policy C2 (Climate Change)
  - Policy C5 (Local environment, amenity and economy)
  - Policy C7 (Biodiversity and Geodiversity)
  - Policy C8 (Landscape)
  
- (iv) Emerging West Oxfordshire Local Plan 2031 (EWOLP 2031)
  - Policy OS1 (Presumption in Favour of Sustainable Development)
  - Policy OS2 (Locating Development in the Right Places)
  - Policy OS3 (Prudent Use of Natural Resources)
  - Policy OS4 (High Quality Design)
  - Policy EH6 (Environmental Protection)
  - Policy EH1 (Landscape Character)
  
- (v) National Planning Policy for Waste (NPPW)
  
- (vi) National planning Policy Framework (NPPF)

**Part 4 – Analysis and Conclusions**

**Comments of the Director for Planning and Place**

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

- i) Sustainability and Waste Policy;
- ii) Landscape Impact;
- iii) Arboricultural Impact ;
- iv) Employment and Transport;
- v) Impacts on Local Amenity (noise, dust);
- vi) Drainage.

**Sustainability and Waste Policy**

37. Policy C1 of the OMWCS states that a positive approach will be taken to minerals and waste development. Policy C2 of the OMWCS states applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change. Policy OS1 of the EWOLP 2031 states that planning applications that accord with the policies in this Local Plan will be approved, unless material considerations indicate otherwise. When considering development proposals, a proactive approach will be taken to reflect the presumption in favour of sustainable development in the NPPF. Paragraph 1 of the NPPW supports sustainable development and moving the management of waste up the waste hierarchy of prevention, preparing for re-use, recycling, other recovery and disposal only as a last resort.

38. Policy OS3 of the EWOLP 2031 states all development proposals will be required to show consideration of the efficient and prudent use and management of natural resources, including: minimising waste and making adequate provision for the re-use and recycling of waste. Most activities under the existing permission are conducted outside, all year round. Constructing the building would improve health and safety for staff employed onsite, providing dry working conditions to sort and store the waste, making the process more efficient. Dry materials are easier to segregate than if wet. The integrity and suitability of the segregated products would also be maintained. The applicant states one of the current issues is that wet product deteriorates quicker to the point when it can no longer be recycled and is redirected to landfill. The proposed picking station under cover would allow the operator to separate and sort waste, increasing amount waste recycled and reducing the amount of waste going to landfill. By recycling more waste would help reduce greenhouse gases increase demand raw materials. The applicant also proposes further planting of trees which will have positive impact by reducing greenhouse gases.

39. The proposed building would therefore facilitate the current and future needs for sustainable waste management within this area. Therefore the proposal is in accordance with Policies OS1 & OS3 of the EWOLP 2031 and Policies C1 & C2 of the OMWCS.

40. Policy W2 of the OMWCS states provision will be made for capacity to manage the principal waste streams in a way that provides for the maximum diversion of waste from landfill. Paragraph 1 of the NPPW also seeks to see waste disposed of in accordance with the proximity principle. Policy W3 of the OMWLP seeks to see that re-use/recycling sites are located close to the source of the waste and/or the market for the re-used/recycled material. Policy W4 of the OMWCS indicates non-strategic management facilities to manage the principal waste streams should be located in close proximity to Oxfordshire's large towns which includes Witney. The site is located within the hatched area around Witney as indicated on the OMWCSs Key Waste Diagram.
41. Policy W5 of the OMWCS states priority will be given to siting waste management facilities on land that is already in waste management or industrial use.
42. The site is located 400m from the A40 junction and less than 3km from the west of Witney. The site already in use as WTS, and application relates to construction of WTS building to move sorting operations under cover. The site is not proposing to increase waste capacity on site. But as stated above, by increasing the amount of waste stored in dry conditions, it will make it easier to segregate and sort, moving waste up the waste management hierarchy. I therefore consider that the application is in accordance with policies W2, W3, W4, & W5 of OMWCS, and policy W3 of the OMWLP.
43. Policy W5 of the OMWLP states waste treatment plant, buildings, machinery and stockpiles must be properly screened from the surrounding landscape. Currently waste is processed and stored outside. The proposal is to process and store waste under cover. Although the southern elevation will remain open, the building would be closed to the north, which would be an improvement on existing conditions. Therefore the proposal conforms to policy W5 of the OMWLP on siting of waste management facilities.

#### Landscape

44. 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 NE3 of the WOLP which states that proposals will not be permitted if it would harm the local landscape character of the District. Policy EH1 of the EWOLP 2031 states new development should respect and, where possible enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape. Policy BE2 of the WOLP states development should respect, and where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment. It states that extensions to existing buildings should be designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining buildings.

45. Policy E7 of the WOLP states proposals for the expansion of existing established businesses either within, adjoining or adjacent to the existing premises that are commensurate with the scale and character of the locality with be permitted.
46. Policy OS4 of the EWOLP 2031 states development would not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties. Also states development should respect and contribute to local distinctiveness and where possible, enhance the character and quality of the surrounding.
47. The District Council objected to both the proposed building at 10 metres high and again when the building height was lowered by 1.5m – 2m due to concerns relating to impact on surrounding landscape character. The District Council felt the changes were not enough to overcome their concerns including that the building will impact the street scene and wider views of surrounding residential properties. The objection goes on to state they have concerns that the combined height and depth at the boundaries will overshadow the neighbouring properties. The Parish Council originally strongly objected to the application on the size and scale of the proposed building, stating it will 'dominate the area', but withdrew the objection stating that the amended application is generally acceptable given the proposed site's screening, the lowered height of the new shed and its colour. The application also received a number of objections and concerns from local residents, concerned that the scale of the development which was considered would impact on the surrounding landscape.
48. Both the site and surrounding properties are built on long narrow strips of land. The amended scheme sees a considerably lower structure than originally proposed. The applicant has only partly implemented the existing permission, nevertheless for a smaller L-Shaped building to house the trommel and picking station. The approved unbuilt building is approximately six times smaller than the proposed building in terms of floor space. Although taller than some of the existing buildings on site, the ground level drops to the east. Therefore the proposed building would look a similar height from the north and south as the existing workshop to the west of the proposed building. Views from residential properties are limited from the west and east of the site. The applicant proposes planting to the south, in the neighbouring property which is under the same ownership as the applicant. The existing hedgerow along the northern boundary will be kept in situ to help screen the building. The County's Environmental Strategy Officer (ESO) originally had concerns that the scale of the building would impact properties to the south and north of the site, and there was limited screening of the site. He also considered the existing development is below the height of the existing trees or a similar height to the surrounding commercial components of the landscape, and a 10 metres high building would not be properly screened. After the applicant made amendments to the proposal, the ESO withdrew the objection, considering the proposed choice of colours for the elevation,

planting proposals and amendments to the height of the building would make it acceptable.

49. The views for drivers and pedestrians on Bushey Ground to the south of the site are more open but transitory, this road also leads to further industrial and commercial buildings to the east of the site. Many of the properties within the village historically have mixed use with both commercial and industrial use, at the rear of residential properties. The proposed building would be in keeping with many of these surrounding businesses in terms of scale. I believe that the application as originally submitted would have had a significant adverse impact on the local environment and amenity of local residents which would have justified refusal. However, I believe that the applicant has carefully considered the concerns and objections raised and whilst not all parties remain convinced, I consider that the development as now proposed with its reduced heights and additional screening would, on balance, be acceptable and that there is now no significant conflict with the aims of the above policies.

#### Arboricultural Impact

50. Policy NE6 of the WOLP states permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic, or biodiversity value. Policy C7 of the OMWCS states waste development should conserve and where possible, deliver a net gain biodiversity.
51. The application provided both a Tree Survey and Arboricultural Impact Assessment and Method Statement in the original application. Originally the proposal would see the northern boundary hedgerow removed, but after visiting the site and receiving objections from the residents to the north not wishing for the hedgerow to be removed and replanted, the applicant altered the proposal, instead keeping the northern boundary hedgerow, and proposing planting to the south of the development to help screen the WTS building long term. The development doesn't propose to remove any trees or hedgerows, instead will plant as mentioned further screening to the south which will allow the development to have a net gain in biodiversity. Therefore the development would see a new gain in trees and hedgerow planting and be in accordance with Policy NE6 of the WOLP and Policy C7 of the OMWCS.

#### Transport

52. Policy C10 of the OMWCS states that waste developments will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Route Maps. Policy W3 b) of the OMWLP states that proposals for re-use and recycling will be permitted if the site is well located to appropriate parts of the highway network. Policy BE3 of the WOLP states development should provide safe movement of people and vehicles, whilst minimising impact upon the



environment. This includes safe movement of all vehicular traffic both within the site and on the surrounding highway network.

53. West Oxfordshire District Council objects to the application and has concerns that by constructing the waste transfer building this may intensify operations on site which would have an adverse impact on the local road network. There were also objections and concerns from a number of residents that traffic would increase. The existing permission which covers the entire site limits the HGV traffic to and from the site. The application doesn't propose to increase HGV movements, nor increase staff numbers. The site is very narrow, construction of the building would limit staff hand sorting the waste in the yard, and move them away from plant machinery and HGV movements inside the picking station.
54. Transport Development Control has reviewed the application, and has stated no objection. The site is well located to the south of the settlement, approximately 400m north of the A40, a major HGV route. As mentioned, the conditions attached to the existing permission would not be altered in this respect, with restrictions on HGV movements remaining at maximum of 70 per day (35 in and 35 out). Therefore the development would be in accordance with Policy C10 of the OMWCS, Policy W3 b) of the OMWLP and BE3 of the WOLP.

#### Effect on the Local Amenity

55. Policy W5 of the OMWLP seeks to see waste treatment plant properly screened. Policy PE18 of the OMWLP states that in determining applications, the County Council will have regard to the Code of Practice contained in Annex 1 of the plan. Policy OS2 of the EWOLP 2031 under general principle, all development will be located where it would not have a harmful impact on the amenity of existing occupants. Policy EH6 of the EWOLP 2031 states proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.
56. The Code of Practice says that noise emanating from waste disposal sites should be restricted to limit the detrimental effect on dwellings and other noise sensitive properties. This is reinforced by policy C5 of the OMWCS which states that proposals shall demonstrate that they will not have an unacceptable adverse noise, vibration, dust, and visual intrusive impacts. Policy C5 of the OMWCS and Policy PE3 of the OMWLP states appropriate buffer zones between waste developments and occupied residential properties will be required, for protection against unacceptable losses of residential amenity. Policy BE19 of the WOLP states planning permission will be granted for development of would cause significant noise disturbance to noise sensitive development.

57. Policy BE18 of the WOLP states planning permission will not be permitted for development which could give rise to unacceptable levels of pollution, unless adequate mitigation measures are provided to ensure that any discharge or emission will be cause harm to users of land, including the effects on health and the natural environment.
58. All the sorting and processing of waste would take place within the building. The building will remain open on the southern elevation, with two large doors on the west and eastern elevations to allow vehicles to access the building and skip storage area on the eastern end of the property. We received several objections from residents at both rounds of consultation. Residents have concerns the proposed building's design will amplify the noise and dust impact on the properties to the south of the site. One resident's comment relates to installation of an air extraction system which would generate noise, impacting the sites neighbours. The applicant confirmed no air extraction unit would be installed, instead a Mist-Air (or similar) system to control dust would be installed. This involves blowing fine fog into the air to suppress rising dust and prevent it becoming air borne. The agent also stated the HGV drivers are not allowed to keep engines running when idle on site, to reduce diesel fumes and save money.
59. The Environmental Health Officer visited the site, and has stated the existing conditions on the approved planning permission will manage noise and dust impact on site. He also stated that he understands the site's activity is covered by an Environmental Permit from the Environment Agency, has not received any recent complaints from the public, and has no further comments.
60. Taking into account the comments provided from the Environmental Health Officer, these potential impacts would be controlled by the environmental permit and planning conditions covering noise and dust on site.
61. Therefore the development would be in accordance with Policies BE18 & BE19 of the WOLP, Policies OS2 & EH6 of the EWOLP 2031, Policy C5 of the OMWCS and Policies W5, PE18, and PE3 of the OMWLP.

#### Drainage

62. Policy NE9 of the WOLP states intensification of existing development will not be permitted where the additional surface water run-off would result in adverse impacts such as an increased risk of flooding.
63. The applicant's planning agent provided additional information to address the concerns of the Lead Flood Authority after more information was requested. The proposed building will be controlled on an existing concrete hard surface, except a very small area in the south-eastern corner of the proposed building footprint, where concrete will be extended by a further 16m<sup>2</sup>. Therefore there will be no material difference in the

surface water runoff from the site with the additional building. The concrete surface drains to mains sewers via interceptors. A survey was supplied showing sewer connections. The proposal will also reduce drainage to main sewer by harvesting some of the surface water run-off from the building roof to use in dust dampening and by installing a soakaway. The additional information satisfied the Lead Flood Authority and has no objections to the development. Therefore the development is in accordance with Policy NE9 of the WOLP.

### **Conclusions**

64. The development will allow the operation to move the sorting of waste undercover, improving safety and welfare conditions for staff. The proposed building will allow a higher percentage of waste to be recycled, reducing the amount of waste going to landfill. The site is well located to the A40, and the proposed amendments, with increased screening and lower structure would reduce the impact on the neighbouring properties both visually and acoustically. There are no plans to increase traffic movements.
65. 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.

### **RECOMMENDATION**

66. **It is RECOMMENDED that Application MW.0070/16 (16/01686/CM) be approved subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to this report.**

This page is intentionally left blank

# Annex 1: Committee Plan

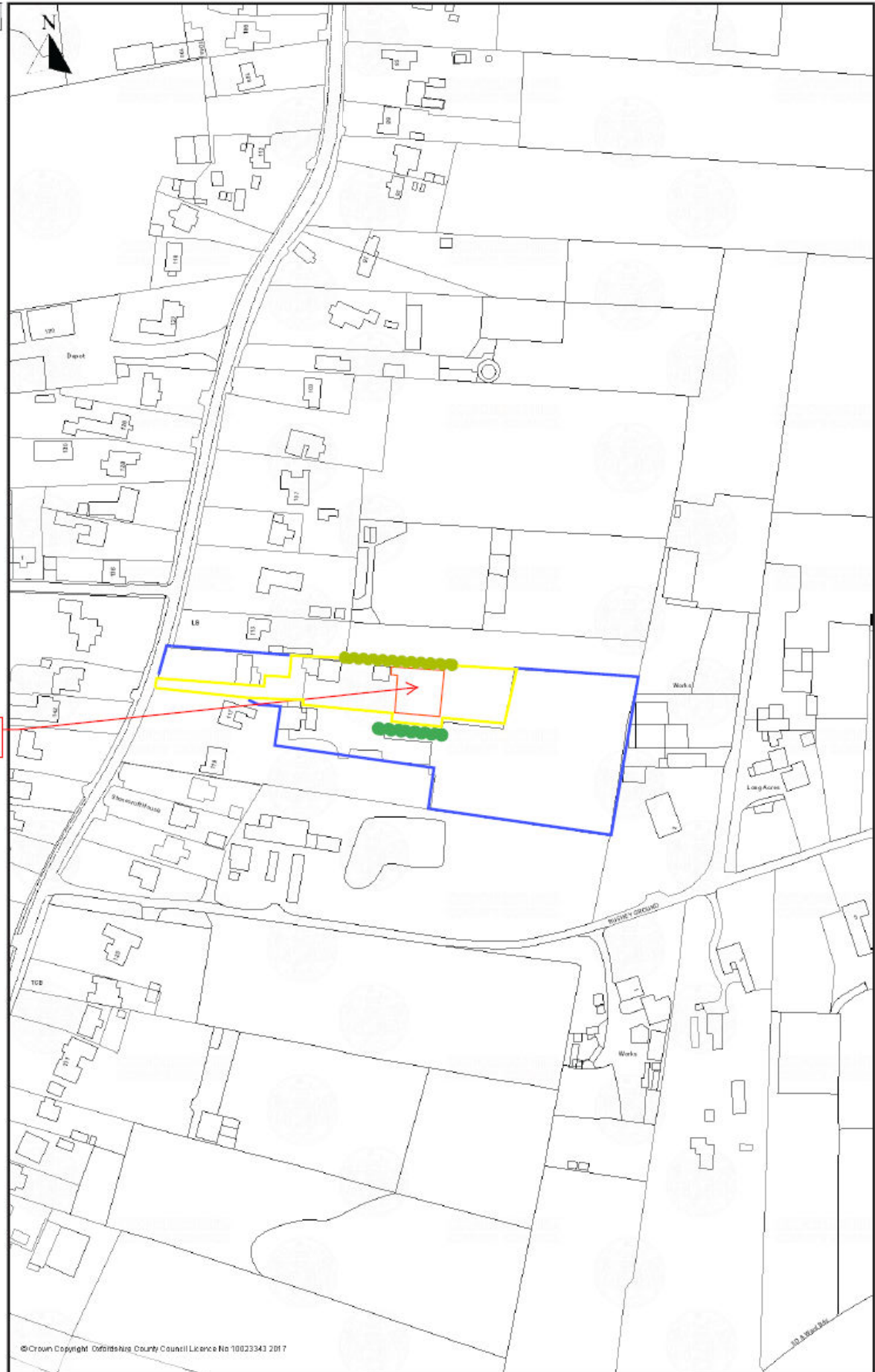
Map Legend  
No overlays selected

Annotations  
not to Scale

Proposed WTS  
Building

### Key

- Operational Area 
- Application Boundary 
- Ownership Boundary 
- Proposed Planting 
- Existing Planting 



10-Feb-2017

Scale 1: 1890

0 m 50 m 100 m

This page is intentionally left blank

**Annex 2 – Conditions**

- i. 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.**
- ii. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission. The date of commencement of development shall be notified to the planning authority within 7 days of commencement.**
- iii. No operations authorised or required by this permission and outlined in red on approved plan 203BENS/1 shall be carried out and plant shall not be operated or lorries access the site other than during the following hours:  
(a) between 0700 and 1800 hours, Mondays to Fridays, except that lorries carrying loads of plasterboard may also operate on these days between 0600 and 0700 hours on up to 6 occasions in any calendar month;  
(b) between 0700 and 1300 hours on Saturdays.  
No such operations shall take place on Sundays or recognised public or bank holidays.**
- iv. Within the first planting season of the date of this consent the planting on southern boundary shall be completed in accordance with Planning Proposals Plan (Drawing No. ASA-513-DR-001) The planting shall be retained for the duration of development, shall not be felled, lopped. 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 Waste Planning Authority, in the planting season immediately following any such occurrences.**
- v. Dust suppression measures shall be taken to prevent the formation of visible dust arising from the site.**
- vi. Noise levels from waste handling operations within the new building shown on Existing Site Layout plan 204BENS/2, or from the operation of the grab within any area outlined in red, all on Location plan 203BENS/1 shall not exceed 55 d B LA eq 1 hour as measured 3.5 metres from the rear façade of 111 Brize Norton road, Minster Lovell.**
- vii. No audible equipment warning of reversing vehicles shall be used on mobile plant except equipment that operates on white noise.**
- viii. HGV movements related to waste activities to and from the site shall not exceed a maximum of 70 per day and, over any period of one month, shall not exceed an average of 50 per day.**

This page is intentionally left blank



**For: PLANNING AND REGULATION COMMITTEE – 27 FEBRUARY 2017**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Development Proposed:**

**Extension of quarry with extraction of sand and limestone with restoration to agriculture including using existing quarry infrastructure.**

**Division Affected:** Kingston and Cummor  
**Contact Officer:** Matthew Case **Tel:** 07584262456  
**Location:** Bowling Green Farm, Stanford Road, Faringdon,  
Oxon, SN7 8EZ (Chinham Farm Extension)  
**Application No:** MW.0124/16 **District Ref:** P17/V0076/CM  
**Applicant:** Hills Ltd.  
**District Council Area:** Vale of White Horse DC  
**Date Received:** 16 September 2016  
**Consultation Period:** 13 October 2016 – 3 November 2016  
13 January 2017 – 3 February 2017

**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. Bowling Green Sand Pit is approximately 2km to the south-east of Faringdon, and approximately 2km north-west of Stanford in the Vale. The sand pit and the proposed extension lies along the north side of the A417.
2. The nearest residential properties are Bowling Green Cottages which lie just off the A417, with the original quarry and its later extension (Chinham Farm) surrounding the quarry (approximately 30m buffer). Other properties are located in close proximity with Chinham Farm Cottages and Chinham Farm located on the south-eastern boundary of the proposed extension.
3. Shellingford Crossroads Quarry Site of Special Scientific Interest (SSSI) lies approximately 750m to the south-east and Wicklesham & Coxwell Pits SSSI lies approximately 1.4km to the north-west of the site.
4. The site covers approximately 40.7 hectares, of which the extension (approximately 19.1ha) contains grade 1 (1.8ha), grade 2 (0.9ha), grades 3a (3.1ha) and 3b (13.3ha) agricultural land. A public bridleway runs to the north of the application area. The land is farmed as part of an all arable farming enterprise.

### **Site and Setting (see site plan Annex 1)**

5. The site lies in a landscape of gentle rolling agricultural land. It is bordered by the A417 to the south and a 3 metre high hedge to the west. Along the northern boundary there is a substantial area of woodland with a stream running adjacent to the proposed area for extraction. The eastern aspect of the site is open and is adjacent to agricultural land.
6. Access to the Chinham Farm site would continue to be via the established access as used for extraction at Bowling Green Farm. The haul road which already runs across the northern part of Bowling Green Farm would be extended into Chinham Farm which would join with the existing access road.

### **Details of the Development**

7. Hills Quarry Products Ltd proposes a mineral extraction scheme (soft sand and limestone) to the south-east of the existing Bowling Green Quarry extension (Chinham Farm). The proposed development would use the existing quarry entrance and access off the A417. The proposed red line area covers approximately 40.7 hectares of which 19 hectares will be subject to mineral extraction with the remaining 21.7 hectares used for the site access, quarry infrastructure (e.g. weighbridge and offices), soil storage and other non-operational uses such as landscaping including existing mounding on the adjacent workings.

8. The limestone overlies the sand and the total depth of extraction of both limestone and sand is 10m below the present ground level. The development proposes the extraction of approximately 2.1 million tonnes of aggregate, of which there is approximately 1.5 million tonnes of soft sand and just over 0.6 million tonnes of limestone. The fill material required for restoration purposes is 950,000 cubic metres.
9. The operational life will last approximately 20 years utilising the existing quarry infrastructure (offices, weighbridge, haul road and access). There are a number of separate elements which comprise the development:
  - Sand production;
  - Limestone production; and
  - Infill and restoration operations.
10. The quarry extension will have a phased scheme of working. The working scheme proposed has eight working phases. The scheme moves round the site following a generally clockwise sequence starting from the top north western part of the site adjacent to the existing workings. Typically, the working direction in a phase will be in an easterly direction with the exception of the phases on the southern site boundary. The site will be progressively worked and restored back to agriculture using imported inert waste to bring the restored land to required levels as is currently undertaken at the quarry complex.
11. The applicant estimates the annual production figures are 80,000 tonnes of sand and 15,000 tonnes of limestone, with the importation of 60,000 cubic metres annually of inert waste for restoration. The production rates are similar to the existing operations with a slight increase on the level of importation necessary to secure the site's restoration.
12. Within each phase there will be a sequence of operations:
  - i. Archaeology and soils/overburden stripping;
  - ii. Extraction of limestone;
  - iii. Extraction of sand; and
  - iv. Restoration involving placement of imported materials.
13. Each phase will be stripped of soils and any overburden prior to working and placed in mounds along the edge of the phase to assist with screening the workings visually and acoustically. The mounds will range in height from 3m to 5m, for soils and overburden retrospectively. All bunds will be graded and, where they are required to be in situ for over 6 months will be grass seeded and maintained to prevent weed growth.
14. The development proposes similar levels of traffic generated by the development as the existing quarry with approximately 40 to 60 movements per day.
15. The applicant proposes to retain and enhance existing hedgerows, a cultivated standoff margin and retention of existing bunding and further temporary bunding on the excavation boundaries to help screen the

development during its operational life. After the first round of consultation, further enhancements have been proposed. This includes a hedgerow and 3m wide uncultivated field margin on the north-western boundary of arable field. Also it has been confirmed that the land around the pond will be restored to meadow grassland, and a fence which is proposed to run through the site south to north, will be re-configured to be more in keeping with the surrounding field boundaries.

16. The application area includes the original Chinham Farm extension quarry works permitted under planning permission STA/8417/7-CM. The original quarry has been included to allow the proposed extension works to utilise the restored lake for water management. The restored lake is proposed to be used for settlement of silt. The restoration proposal includes approximately 4,475m<sup>2</sup> of woodland to the east of the water pond, and 9,000m<sup>2</sup> of new planting to the southern boundary of the restored pond. The applicant doesn't propose to alter the restoration of Chinham Farm. The applicant proposes to import inert waste to restore the proposed extraction area to the existing levels and back to agricultural field. The development will include the planting of approximately 1,280m of native hedgerow along the central part and eastern boundary.
17. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted along with the application. This covers the key environmental impacts of the proposal. Details can be found in Annex 2.

## **Part 2 – Other Viewpoints**

### **Representations**

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

### **Consultations**

19. A summary of consultation responses received in relation to this application can be found at Annex 4. They are also available to read in full on the e-planning website <http://myeplanning.oxfordshire.gov.uk> using the reference number MW.0124/16.

## **Part 3 – Relevant Planning Documents**

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

20. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
21. The relevant Development Plan policies are:
  - i) Vale of White Horse Local Plan 2011(VWHLP):
    - Policy DC5 (Access)

- Policy DC6 (Landscaping)
- Policy DC9 (Impact on Amenities)

ii) Oxfordshire Mineral and Waste Local Plan 1996 (OMWLP):

- Policy PE2 (proposals for mineral workings that are located outside the areas identified in the OMWLP)
- Policy PE3 (Buffer Zones)
- Policy PE4 (Groundwater)
- Policy PE5 (Watercourses)
- Policy PE13 (Restoration)
- Policy PE18 (Code of Practice)
- W7 (Landfill)
- Policy SD2 (Extensions to Mineral Sites)
- Policy SD3 (Limestone and Chalk Quarries)
- Policy PB1 (Plant and buildings)
- Policy PB2 (Plant and buildings)

iii) Vale of White Horse Local Plan 2031 (VWHLP 2031):

- Core Policy 42 (Flood Risk)
- Core Policy 44 (Landscape)
- Core Policy 46 (Conservation and Improvement of Biodiversity)

22. Other material considerations are:

i) The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was submitted to the Secretary of State for independent examination in January 2016. Following an examination hearing held in September, the Inspector has produced an Interim Report dated October 2016. Following the Inspector's Interim Report, the Council carried out further Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA) work and have now published the Proposed Modifications (February 2017) and a SEA/SA update report for consultation, which runs from 3rd February to 20th March. Therefore, although the OMWCS is not yet adopted, it is at an advanced stage and the draft policies should be given due weight.. Those policies are:

- Policy M2 (Provision for Working Aggregates Minerals)
- Policy M3 (Principal locations for working aggregate minerals)
- Policy M4 (Sites for working aggregates minerals)
- Policy M5 (Working of aggregate minerals)
- Policy M10 (Restoration of mineral workings)
- Policy W6 (Landfill)
- Policy C1 (Sustainable Development)
- Policy C3 (Flooding)
- Policy C4 (Water Environment)
- Policy C5 (Local environment, amenity and economy)
- Policy C6 (Agricultural Land and soils)
- Policy C7 (Biodiversity and Geodiversity)

- Policy C8 (Landscape)
  - Policy C9 (Historic Environment and Archaeology)
  - Policy C10 (Transport)
- ii) The Government's National Planning Policy Framework (NPPF) and the National Policy for Waste (NPPW) are material considerations in taking planning decisions.

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

### **Comments of the Director for Planning and Place**

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

- i) Extraction of Sand and Limestone
- ii) Site Restoration and Biodiversity
- iii) Agricultural Land
- iv) Hydrology
- v) Archaeology and Historic Environment
- vi) Landscape
- vii) Transport
- viii) Impacts on Local Amenities
- ix) Sustainable Development

### **Extraction of Sand and Limestone**

24. The application site is not within an area identified for mineral working in the OMWLP. Therefore Policy SD2 of the plan does not apply. Policy PE2 of the OMWLP states permission should not be granted unless 'the apportioned supply from the county cannot be met from within the areas identified' and the proposal satisfies Structure and Local Plan policies.

25. Under the NPPF, the 'apportioned supply from the county' has been replaced by the Local Aggregate Assessment figure. The most recent approved Oxfordshire LAA is the LAA 2014, which includes the following provision requirement for 0.189 million tonnes per annum (mtpa) of Soft sand and 0.584 mtpa of crushed rock. These figures have been endorsed by the inclusion of Policy M2 in the emerging OMWCS.

26. Permitted reserves of soft sand at the end of 2015 totalled 1.594 mt. (This does not include the reserve of 300,000 tonnes of soft sand at Chinham Hill for which permission lapsed in May 2016.) The Oxfordshire soft sand landbank at the end of 2015 was 8.4 years, based on the current LAA figure. No further permissions have been granted for soft sand working since the end of 2015 and it is therefore likely that the current (November 2016) landbank is approximately 7.5 years.

27. Approximately half of the current permitted reserves of soft sand are at a single site (Upwood Quarry), where permission for mineral extraction extends to the end of 2029. Therefore, it is unlikely that Oxfordshire's production of soft sand would be maintained at the LAA level of 0.189

mtpa throughout the theoretical period of the current landbank (8.4 years), since the reserves at other sites are expected to be worked out within a shorter period. Some quarries are expected to be worked out in less than 7 years.

28. The application proposal would increase the soft sand landbank by 7.9 years.
29. Permitted reserves of limestone at the end of 2015 totalled 8.597 mt. The Oxfordshire limestone landbank at the end of 2015 was 12.7 years, based on the current LAA figure. No further permissions have been granted for limestone working since the end of 2015 and it is therefore likely that the current (November 2016) landbank is just under 12 years.
30. Over half of the current permitted reserves of limestone are at a just two sites (Dewars Farm and Burford Quarries). It is unlikely that Oxfordshire's production of limestone would be maintained at the LAA level of 0.584 mtpa throughout the theoretical period of the current landbank (12.7 years); reserves at some sites are expected to be worked out within a shorter period; and some quarries are expected to be worked out in less than 7 years.
31. The application proposal would increase the limestone landbank by just over one year.
32. The NPPF states when determining planning applications, local planning authorities should as far as is practical, provide for the maintenance of landbanks of non-energy minerals and mineral planning authorities should plan for steady and adequate supply of aggregates by making provision for maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring the capacity of operations to supply a wide range of materials is not compromised.
33. Paragraph 84 of the NPPG states no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. It is clear from this national policy and guidance that the existence of a landbank greater than 7 years is not in itself justification for a refusal of permission. It also indicates that the productive capacities of the sites that make up the landbank, and the consequent limitations this imposes on overall output, and that a large part of the landbank is contained at a single site are factors that may justify additional reserves being permitted notwithstanding the existence of a landbank of more than 7 years.
34. In view of this, notwithstanding the current soft sand landbank being more than 7 years, there is a strong argument that there is a need for further reserves to be permitted to ensure the continuation of a steady and adequate supply of aggregates at the required level established in the LAA.

35. Policy M3 of the OMWCS outlines the principal locations for aggregate minerals extraction; the site is located in 'the Corallian Ridge area from Oxford to Faringdon' for soft sand. Policy M4 (c) states priority for the extension of existing quarries, where environmentally acceptable, before working new sites. As mentioned above, the application is an extension of an existing quarry. The existing access, weighbridge and offices will be kept as part of the application.
36. Policy M5 of the OMWCS supports applications for mineral working within identified sites in order to maintain landbanks which meet the requirement of policy M4. It indicates that permission will exceptionally be granted for the working of aggregates mineral outside the allocated site where extraction of the mineral is required prior to a planned development in order to prevent the mineral resource being sterilised.
37. Table 2 of the OMWCS identifies a remaining requirement for 1.238 mt of soft sand to be provided for in the plan for the period to the end of 2031. This is based on the permitted reserves at the end of 2013, including the now lapsed permission for 300,000 tonnes at Chinham Hill. This has been recalculated based on permitted reserves at the end of 2015 (excluding Chinham Hill) and taking into account sales in 2014 and 2015; the recalculated remaining requirement is 1.345 mt. The application proposal would meet this requirement.
38. Table 2 of the OMWCS identifies no additional requirement for crushed rock and this continues to be the case based on the updated figures. Whilst there would seem to be no requirement for additional limestone reserves, the working of the limestone should be seen as being ancillary to, and necessary for, the working of the underlying soft sand resource. It can in effect be seen as a windfall.
39. Policy SD3 of the OMWLP states that planning permission will not normally be granted for new limestone quarries but those extensions to existing limestone quarries will be considered against national policies and those in the Structure and Local Plan. National policy as set out in the National Planning Policy Framework does not make any specific reference to applications for extensions to existing limestone quarries. The application is an extension, and will utilise the existing infrastructure.
40. The Development is generally in accordance with Policies PE2 & SD3 of the OMWLP and Policies M2, M3, M4 and M5 of the OMWCS.

#### Restoration and Biodiversity

41. Draft Policies M10 and C7 of the OMWCS and policy PE13 of the OMWLP, discuss the need to restore mineral working sites to a high standard and in a timely and phased manner, with satisfactory restoration proposals. Policy C7 seeks a biodiversity or geodiversity net gain. OMWLP policy PE14 states that proposals which would affect a nature conservation interest will be assessed taking into account the importance



of the affected interest, the degree of damage and the extent to which replacement habitat could preserve the interest in the long term. Core Policy 46 of the VWHL 2031 states the development will conserve, restore and enhance biodiversity. Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be actively sought. Policy DC6 of the VWHL requires all proposals to include hard and soft landscaping measures designed to maximise the opportunities for Nature Conservation and wildlife habitat creation.

42. The application area includes the original Chinham Farm extension quarry works permitted under planning permission STA/8417/7-CM. The original quarry has been included to allow the proposed extension works to utilise the restored lake for water management. The restored lake is proposed to be used for settlement of silt. The proposed use for de-silting, will not compromise the restoration of Chinham Farm, nor will it delay the completion of restoration of the existing extension. The applicant doesn't propose to alter the restoration of Chinham Farm, other than to include additional biodiversity enhancements. The applicant proposes to import inert waste to restore proposed extraction area to the existing levels back to agricultural field.
43. Policy W7 of the OMWLP seeks to control the release and location of the landfill sites in such a way as to ensure that satisfactory restoration is progressively achieved with the least possible harm to the environment. There should be no material damage or disturbance to the environment or the amenities of surrounding properties. Policy W6 of the OMWCS states priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and afteruse of active or unrestored quarries. Permission will not otherwise be granted for development that involves the disposal of inert waste on land unless there would be overall environmental benefit. The restoration involves the 'recovery' of inert extraction wastes to progressively restore the site back to agricultural land, some of which includes grade 1, 2 and 3A (best and most versatile) agricultural land which otherwise would be lost.
44. During consultation, biodiversity consultees requested further biodiversity enhancements. This included an additional hedgerow along the northern edge of the agricultural field to help link the site to the nearby Conservation Target Area (West Oxon Heights). The hedge will act as a corridor for wildlife. The other requests include additional field margins along the main extension area.
45. After the second round of consultation. The County Ecologist had further questions, concerns and recommended conditions. The questions and concerns were all addressed by the applicant's agent. Some of the concerns regarded aftercare commencement and protection of the proposed meadow land in Chinham Farm during the operational phase. It was agreed with the applicant that as the pond in Chinham Farm will be used for dewatering during the operational phase, the existing extension at

Chinham Farm will be restored, but not enter aftercare until the entire site is restored. In the meantime the restored areas will be maintained in good state in accordance with the restoration scheme. No objections were received from BBOWT, providing the site's long term management area was extended to include field margins and additional hedgerow planting around the arable field. The existing biodiversity area covering the pond, meadow and tree planting will also enter into a 20 year long term management plan. The County Ecologist was in agreement with BBOWT's request to extend the area covering long term management of the site.

46. Therefore in terms of achieving a good and diverse restoration the application is considered to be in accordance with draft policies M10, W6 and C7 of the OMWCS, policies W7, PE13 & PE14 of the OMWLP, Core Policy 46 of the VWHL 2031, and Policy DC6 of the VWHL.

#### Agricultural Land

47. Policy C6 of the OMWCS protects the best and most versatile agricultural land. It allows for the permanent loss of best and most versatile agricultural land only if there is a need for the development which cannot reasonably be met using lower grade land and requires careful management and use of soils in order to maintain soil quality.

48. The development site has land which is graded as the "best and most versatile" in terms of agricultural use. However the majority of the application site, 70% comprises grade 3b agricultural land. The applicant proposes to progressively restore to agricultural land with no loss in area upon restoration, and therefore proposes to safeguard agricultural land long term. During consultation, Natural England (NE) commented on the application, stating 'no objection subject to appropriate mitigation being secured'. NE requested a Soil Management Plan, Reclamation Plan to Best and Most Versatile Agricultural Land and Protected and Priority Species Management Plan. The applicant submitted the three documents as part of the second round of consultation. Natural England has no objection to the proposed plans relating to soil management and restoration.

49. Therefore the application is in accordance with Policy C6 of the OMWCS.

#### Hydrology

50. Core Policy 42 of the VWHL 2031 seeks to ensure that development provides appropriate measures for the management of surface water as an essential element of reducing future flood risk. It requires that development does not increase the risk of flooding elsewhere.

51. Policy PE4 of the OMWLP states proposals for mineral extraction and restoration will not be permitted where they would have an impact on groundwater levels in the surrounding area which would harm existing water abstraction, river flow, canal, lake or pond levels or important natural

habitats. Proposals must not put at risk the quality of groundwater. Policy PE5 of the OMWLP states mineral working or waste disposal should not harm the immediate setting and nature conservation value of watercourses of significant visual or nature conservation value. Policy C4 of the OMWCS protects groundwater resources and watercourses and their quality.

52. Policy C3 of the OMWCS directs mineral developments to areas with the lowest probability of flooding and requires a Flood Risk Assessment to be submitted with the application. The site is located in flood Zone 1 which is the lowest risk of flooding. The proposals will not create additional flood risks and accords with flood policy. The proposals involve dewatering, which will temporarily suppress ground water levels in the vicinity of the excavations. A full flood risk assessment was carried out. The dewatering of the quarry void will continue as per the existing arrangements for the current workings.
53. Neither the Lead Flood Authority nor Environment Agency had objections to the development. Therefore the proposal is in accordance with Core Policy 42 of the VWHL 2031, Policies PE4 and PE5 of the OMWLP, and Policies C3 and C4 of the OMWCS.

#### Archaeology and Historic Environment

54. Policy PE8 of the OMWLP states before determining an application for mineral extraction the County Council will normally require the applicant to carry out a preliminary archaeological assessment to determine the nature and significance of any archaeological remains.
55. Policy C9 of the OMWCS states proposals for minerals and waste development will not be permitted unless it is demonstrated, including where necessary through prior investigation, that they or associated activities will not have an unacceptable adverse impact on the historic environment.
56. The application site lies within an area of considerable archaeological potential. The applicant has submitted an archaeological desk based assessment which recognised the archaeological potential of the application area and surrounding landscape. The application included a heritage statement which considered the proposal's impacts on heritage features. When originally consulted, the County's Archaeology Team Leader requested two pre-commencement conditions, one of which related to the submission of a Written Scheme of Investigation (WSI) and second relating to the implementation of the scheme. The applicant submitted the WSI in the autumn of 2016. The Archaeology Team Leader is satisfied the scheme has met the requirements of the proposed condition. Therefore the development is in accordance with Policy PE8 of the OMWLP and Policy C9 of the OMWCS.

## Landscape

57. Core Policy 44 of the VWHLP 2031 states key features that contribute to the nature and quality of the Vale of White Horse District's landscape will be protected from harmful development and when possible enhanced. This includes features such as trees, hedgerows, field boundaries and water bodies. Development will also need to protect surrounding tranquillity and need to protect against intrusion from light pollution, noise and motion.
58. Policy W7 of the OMWLP states waste proposals will not adversely affect an Area of Outstanding Natural Beauty (AONB). It also states that where waste disposal might damage the visual amenities of the area during the period of operation, the site will be screened by earth mounding, tree planting or other techniques appropriate to the area.
59. Policy DC6 of the VWHLP states developments are required to include landscaping measures to protect and enhance the visual amenities of the site and its surroundings including, where appropriate, existing important landscape features.
60. Policy C8 of the OMWCS states 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 siting, design and landscaping.
61. The development will result in a temporary change to the landscape, from an agricultural landscape to a working quarry, prior to it progressively reverting back to agricultural use by importing inert waste. The applicant states all existing field boundaries, hedgerows and woodland/scrub will be retained and protected. A full landscape assessment was provided within the EIA. The County's Environmental Strategy Officer (ESO) has concerns regarding the visual impact on Chinham Farm. After further information was provided by the applicant, the ESO stated he accepts that the scale of the site would be very small within any view and any impact would at most be minor on the AONB.
62. It was confirmed by the applicant, the landowner of extension, also owns Chinham Farm includes the Chinham Cottages. No objections from local residents in surrounding properties have been received. The ESO also wanted further information on several points including confirmation on the dimensions and locations of the screening bunds. The bunds and stockpiles will be restricted to five metres for subsoil bunds and stockpiles and three metres for topsoil.
63. Although the development proposal would see a short term detrimental impact on the landscape character, the long term restoration scheme would see a number of landscape enhancements with the inclusion of

additional hedgerow planting, and field margins. I consider that the application is generally in accordance with Core Policy 44 of the VWHL P 2031, DC6 of the VWHL P, and Policy C8 of the OMWCS.

### Transport

64. Policy DC5 of the VWHL P requires the provision of safe and convenient access to and from the adjoining highway network and that the road network is capable of safely accommodating traffic arising from the development. The policy requires safe on-site circulation and turning areas etc, and parking.
65. Policy PE18 of the OMWLP and 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.
66. The proposed quarry extension will make use of the existing quarry infrastructure which includes the site access which was constructed in the 1980s, as well as the site offices, parking area. The applicant proposes to carry out improvements including extending the tarmacked surface of the existing access road to the site offices to assist with wheel cleaning. The proposal included a Transport Assessment. The applicant proposes similar levels of HGV traffic as currently approved. Due to the site's early history, the original quarry had a routeing agreement attached preventing vehicles turning left towards Wantage. The case officer consulted Transport Development Control (TDC) asking if the site still needed such an agreement. TDC stated "the original purpose of the agreement was to prevent HGV traffic passing through Wantage Town Centre; however this matter is now covered by a restriction to through traffic and an appropriate alternative route to the North of the town centre." TDC have no objection to the development, and do not require a routeing agreement.
67. Providing the clay exportation is carried outside the harvest period, the proposal would be in accordance with policy PE18 of the OMWLP, Policy DC5 of the VWHL P and policy C10 of the OMWCS.

### Impacts on Local Amenity

68. OMWLP policy PE18 states that in determining applications the County Council will have regard to the appropriate provisions in the Code of Practice. This sets out details of measures to protect amenity to dwellings and other noise sensitive buildings and uses, including buffer zones, landscaping, standard hours, noise, dust and odour. Policy C5 of the OMWCS concludes there should be 'no unacceptable adverse impacts on the environment, residential amenity and other sensitive receptors', this includes noise, dust and visual intrusion and also requires where appropriate the provision of buffer zones.

69. Policy PE3 of the OMWLP requires the safeguarding of appropriate 'buffer zones' around the site to protect against unacceptable losses of residential or natural amenity and NPPF paragraph 123 states that planning decisions should aim to avoid noise giving rise to significant adverse effects as a result of new developments, whilst recognising that development will often create some noise.
70. Policy DC9 of the VWHL P states development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms noise, vibration, visual intrusion, dust and other emissions.
71. Policy PB1 of the OMWLP requires processing plants and any other necessary buildings associated with a mineral working to be sited and designed to minimise environmental disturbance and that they will be limited to the life of the mineral working. Policy PB2 of the OMWLP requires the removal of all plant, buildings and machinery within 24 months of extraction being completed or expiry of the permission (whichever is sooner).
72. The nearest residential properties to the extraction area are located approximately 100-180 metres to the property : to the west of the proposed quarry extension, Bowling Green Cottages, approximately 180m and to the west, Chinham Farm (approximately 100m) and Chinham Farm Cottages (130m). Although the properties are close in proximity, Chinham Farm is under the same ownership as the quarry extension, and Bowling Green Farm Cottages are already located in close proximity to the existing development, and are well screened by a large noise and dust attenuation bund. No objections have been received from the Environmental Health Officer (EHO) after the applicant submitted a Dust and Noise Management Plan. It is proposed that many of the existing conditions are carried forward from the existing permissions. There are no public rights of way within the application area. The proposal would use bunding to screen the operations, and all quarry infrastructures will be removed on completion of mineral extraction and restoration.
73. Providing existing conditions are replicated in any new permission that may be granted, the development will be in accordance with policies PE3, PB1, PB2 & PE18 of the OMWLP, draft policy C5 of the OMWCS, Policy PB1 of the OMWLP, and DC9 of the VWHL P.

#### Sustainable Development

74. The NPPF contains a presumption in favour of sustainable development which has environmental, economic and social roles, which is reflected in OMWCS policy C1. The development proposed was designed to avoid the loss of all boundary habitat including hedgerow and woodland. There are no changes to the proposed afteruse of the site, with the extraction area proposed to return to agricultural land with no permanent loss of quality and productivity. The proposed development will utilise the existing quarry

infrastructure. It would have an economic role through its contribution towards providing the materials necessary for the provision of economic growth and a social role through the provision of employment to the local community and the resources necessary for the creation of a high quality built environment. Therefore the development accords with NPPF's three roles in favour of sustainable development and Policy C1 of the OMWCS.

### **Conclusions**

75. The development contains a number of elements including the additional new area of extraction, and the use of the existing proposed pond for de-watering. The application and associated environmental information has been subject to two periods of consultation and the majority of concerns have been overcome subject to conditions. Subject to a legal agreement to the provision of a 20 years long term management scheme, I consider that the application is generally in accordance with development plan and national policy and would be sustainable development in environmental, economic and social terms in accordance with the NPPF.

### **RECOMMENDATION**

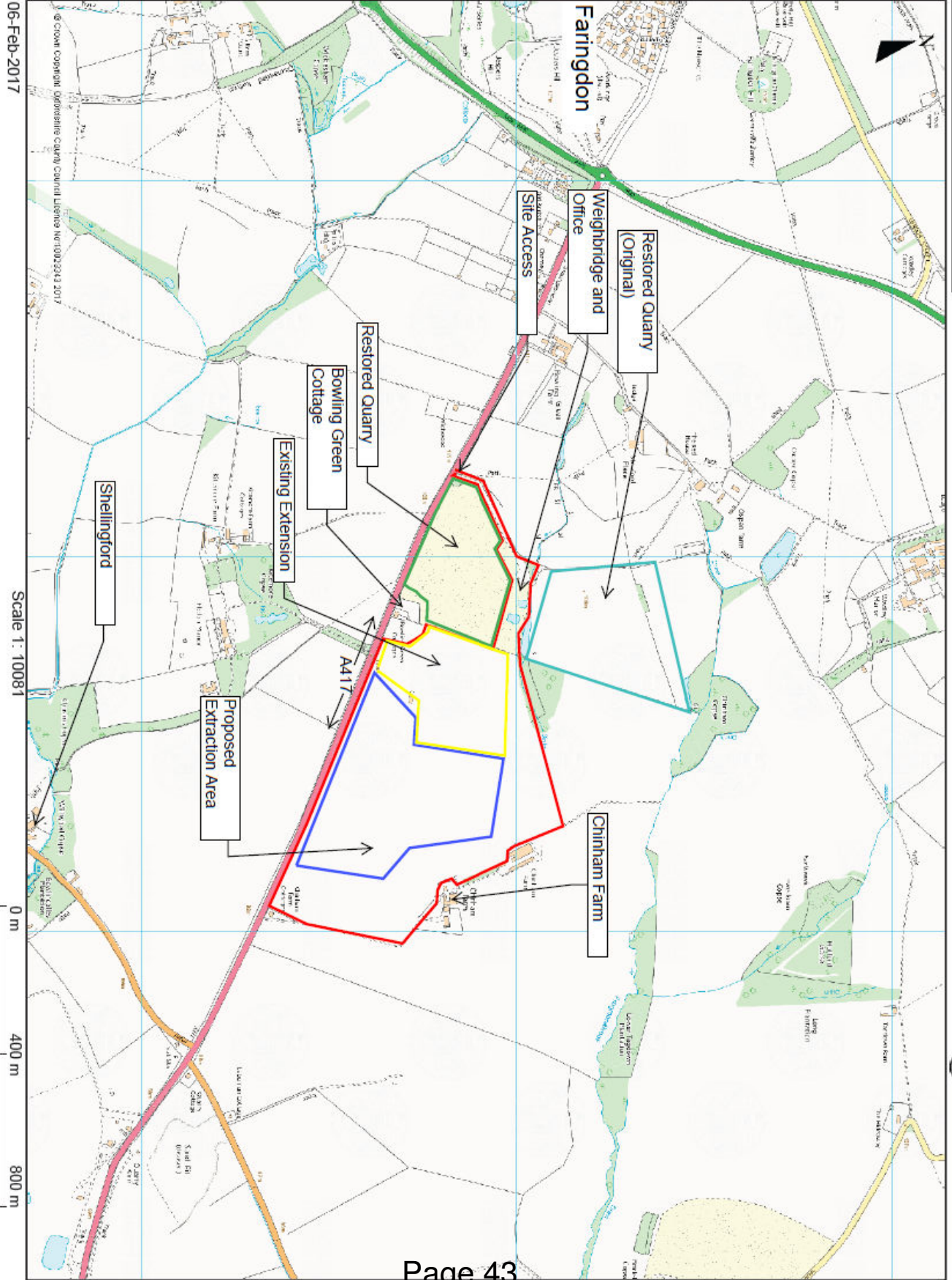
76. It is **RECOMMENDED** that subject to a legal agreement to secure a 20 year long term management plan for the development including the original Chinham Farm extension area already permitted under planning permission ST/8417/7-CM that planning permission for application MW.0124/16 be approved subject to conditions to be determined by the Director for Planning and Place including those set out in Annex 3 to the report.





Map Legend  
No overlays selected

Annotations not  
to Scale



This page is intentionally left blank

## **Annex 2 – Environmental Statement**

An Environmental Statement (ES) was submitted with the planning application.

**Chapter 1** - Introduces the application, states the Environmental Impact Assessment (EIA) regulations, and sets the scope of the Environment Statement (EA) and format. The chapter gives a site description of the existing quarry and proposed extension. Also gives a brief summary of the planning history.

**Chapter 2-** describes the existing environment with respect to archaeology and cultural heritage. It provides an assessment of the potential impacts of the operation and restoration phases of the proposed scheme on the known historic environment resource including individual heritage assets and their settings.

**Chapter 3** – assesses the likely significant effects of the proposed development on agricultural and soil resources. The chapter also describes the legislative and policy framework; the methods used to assess the effects; the baseline conditions currently existing at the site; the mitigation measures required to prevent, reduce or offset any significant negative effects; and the likely residual effects after these measures have been adopted.

**Chapter 4** - Considers the potential environmental impacts from the development on biodiversity. The chapter describes a methodology including desk-based study and field survey. The application also includes an Ecological Impact Assessment. The chapter assesses the potential impacts of the development and mitigation work needed both during the operational phase and during restoration and aftercare.

**Chapter 5** –The chapter assesses the potential impacts of noise from the development and mitigation work needed during the operational phase.

**Chapter 6** - Considers the potential environmental impacts of development in relation to hydrology, hydrogeology and flood risk.

**Chapter 7** – The chapter contains a Landscape and Visual Appraisal originally in August 2016, with minor changes made in December 2016 after revisions were made to the restoration scheme. The report assesses the visual impact from various viewpoints surrounding the development, including surrounding properties and nearby Faringdon Folly. The report also covers proposed mitigation measures to reduce the impact of the development during the operational phases.

**Chapter 8** – The report covers the geological investigations carried out on the land to the east of the current quarry workings at Chinham Farm, to confirm the quantify potential mineral resources as viable quarry extension.

**Chapter 9** - This chapter contains a Dust Assessment. The assessment considers the potential for dust impacts associated with the operation of mineral extraction scheme. The chapter also cover mitigation work needed during the operational phase.

**Chapter 10** – This chapter outlines the transport and access matters associated with the proposed extension to the Bowling Green Farm Quarry. The chapter describes the baseline conditions and indemnifies the likely effects of the proposed development.

**Chapter 11** - This is a short chapter which evaluates the process of understanding ‘alternatives’ in terms of alternative locations and sites, method of working and alternative supply options. Chapter summaries the existing site and methods of workings are the most viable and sustainable options as it enables the continuation of the existing operations, and avoids the need for a new infrastructure to set up a new site. The site also has a well-established market for soft sand and limestone.

**Chapter 12-** This is a short chapter which evaluates the drivers of climate change relevant to the development proposals. Assesses how the development has been designed to minimise impact on climate change.

**Chapter 13** – considers the socio-economic impacts which the development proposal for the proposed quarry extension may have on the local community.

**Appendix 1a-** Copy of the Scoping Opinion provided and completed by Oxfordshire County Council.

**Appendix 1b/1c** – Introduction to the development including description of the development proposals and a review of the policies and plans.

**Appendix 2** – Copy of the Heritage Statement. The statement concludes the assessment identified no overriding heritage constraints which should preclude development in accordance with the proposed scheme, although archaeological interest of regional significance has been identified with its bounds.

**Appendix 3** – Agricultural land Classification. The proposed extraction area of approximately 19ha was surveyed. The extension contains grade 1 (1.8ha), grade 2 (0.9ha), grades 3a (3.1ha) and 3b (13.3ha) agricultural land. The appendix is includes a copy of the ‘Good Practice Guide for Handling Soils’.

**Appendix 8** – Copy of the borehole logs, grading results and reserves calculations.

**Appendix 10** – Copy of the Location Plan showing the site history of extensions.

Annex 3 Conditions

- i. 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.
- ii. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission. The date of commencement of development shall be notified to the planning authority within 7 days of commencement.
- iii. The extraction element of the development hereby permitted shall cease on or before 31 December 2037 and the site shall be restored in accordance with the details submitted with the application and with approved plan CHIN001Rev.A, and any other plan approved under condition 16, by 31 December 2038.
- iv. No aggregates shall be imported to the site for any purpose whatsoever.
- v. 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 the site without prior planning permission from the Mineral Planning Authority, other than for limestone and sand processing plant erected in accordance with the approved plans.
- vi. With the exception of the movement and loading of heavy goods vehicles, water pumping and works necessary in emergency situations, no operations authorised or required by this permission shall be carried out, and plant shall not be operated:
  - a) other than between 0800 and 1800 hours Mondays to Fridays and 0800 to 1300 hours on Saturdays;
  - b) at any time on Sundays or recognised public holidays or on Saturdays immediately following public holidays
- vii. Heavy goods vehicles shall not enter or leave the site or be loaded except between the hours of 0700 and 1800 hours Mondays to Fridays; 0700 hours and 1300 hours on Saturdays and not at all on Sundays or recognised public holidays or on Saturdays immediately following public holidays.
- viii. All internal site haul roads shall be maintained in a condition free from potholes while in use and shall be removed when no longer required or during the course of site restoration, whichever is the sooner. Sections of haul road formed to a level higher than one metre below the final restoration level shall be removed before overburden and soils are re-spread. All sections of haul road shall be ripped before being covered with overburden and soils during restoration.
- ix. No heavy goods vehicles shall leave the site unless their wheels are sufficiently clean to prevent mud being carried onto the highway. If, in the opinion of the Minerals and Waste Planning Authority, heavy goods vehicles leaving the site are bringing mud onto the highway and causing a traffic safety problem or an amenity disbenefit, then, at the

- written request of the Minerals Planning Authority, facilities shall be provided on the site to clean the wheels of the heavy goods vehicles.
- x. No clay shall be excavated from the quarry other than for uses within the site.
  - xi. No water shall be discharged from the site which is sufficiently contaminated with clay or silt to cause clouding or sedimentation in adjoining ditches, ponds or watercourses.
  - xii. Tanks containing fuel, oil or chemicals shall not be located at the site other than on an impervious base surrounded by liquid tight bund walls capable of retaining at least 110 per cent of the tank(s) volume and any spillages from fill or draw pipes. No drainage outlet shall be provided. All fill pipes, draw pipes and sight gauges shall be enclosed within the bunded area and the vent pipe directed downwards into the bund.
  - xiii. Notwithstanding other conditions of this permission dewatering pumps may operate continuously.
  - xiv. No waste materials shall be imported to the site for the purposes of sorting for sale, storage, or disposal at some other location.
  - xv. Only clean, uncontaminated rock, subsoils and stones, brick rubble, crushed concrete, tiles and ceramic shall be permitted as infill material at the site.
  - xvi. Noise from operations on the site, including both fixed plant and mobile machinery, shall not exceed 62.5 db (A) Leq as measured on the boundary adjacent to the back facades of Bowling Green Cottages and the operators shall take such action, including the insulation of fixed plant, the silencing of vehicles and mobile machinery and the provision of acoustic screening, as may be necessary to ensure that these noise levels are not exceeded.
  - xvii. No blasting shall be carried out at any time.
  - xviii. The only pumps and generators which are permitted to operate on the site are those that are acoustically sound-proofed such that the background noise outside the operating hours set out in condition 4 is not exceeded when measured at the boundary adjacent to the back facades of Bowling Green Cottages.
  - xix. No reversing or other audible forms of warning reversing vehicles shall be fixed to, or used on, any mobile plant except in accordance with details to be agreed in writing by the Minerals Planning Authority.
  - xx. No working or deposit of waste shall take place within 100 metres of Bowling Green Cottages.
  - xxi. Sand processing plant shall not be located on the site other than on the floor of the quarry near the base of the limestone deposit.
  - xxii. Limestone processing plant shall not be visible from Bowling Green Farm Cottages or from the A417.
  - xxiii. In the event of the failure of any trees or shrubs planted or required to be retained on the site, such trees or shrubs shall be replaced with live specimens of such species and at such time and in such number as may be specified by the Minerals Planning Authority in writing.
  - xxiv. No topsoil storage shall take place above 3 metres in height.
  - xxv. No subsoil storage shall take place above 5 metres in height.
  - xxvi. No stockpile of overburden, limestone or soft sand shall exceed 5 metres in height.

- xxvii. No work shall be carried out within 2 metres of any retained hedgerow or within one and a half times the crown spread of any tree either underground or on the surface, including the trenching for services for drainage or storage of materials or subsoil and topsoil, location or operation of plant and machinery or siting of buildings.
- xxviii. No excavation shall take place from faces occupied by sand martins between 1 March and 30 October in any year.
- xxix. All stripped topsoil and subsoil shall be stored separately. Subsoils shall be retained on site for use in site restoration.
- xxx. Soil handling, cultivation and moving of vehicles or machinery over the topsoil and subsoils material shall not take place other than when the moisture content of the soils is 5% or more below the lower plastic limit of the soils.
- xxxi. Movement of topsoil, subsoil and other soil-forming materials shall not be by any method other than loading shovel, hydraulic excavator and dump truck.
- xxxii. The whole site, including topsoil and subsoil heaps and those parts of the site where stripping has not been undertaken, shall be kept free from weeds, and all necessary steps shall be taken to destroy weeds at an early stage of growth to prevent seeding.
- xxxiii. To avoid compaction the upper one metre of the restored profile shall be replaced using low ground pressure machinery.
- xxxiv. All the topsoil and subsoil used in restoration shall be replaced evenly and sequentially across the site following the final contours of the reinstated land.
- xxxv. The areas labelled 'proposed Meadow Grassland' on the approved 'Proposed Restoration Scheme' (Drawing No. CHIN001Rev.A) shall be placed with subsoil and no topsoil shall be placed as the top layer. This area is not to be treated with lime or fertilisers.
- xxxvi. The final land levels after any settlement shall not exceed those shown on approved plan CHIN001Rev.A.
- xxxvii. No waste skips or containers shall be stored on site.
- xxxviii. No floodlighting shall be erected on site without the prior written approval of the Minerals Planning Authority.
- xxxix. Prior to the commencement of the development a staged programme of archaeological investigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Minerals Planning Authority/Waste Planning Authority.
- xl. Aftercare of the restored site shall take place in accordance with a scheme to be submitted and approved in writing by the Mineral Planning Authority. The aftercare scheme shall be submitted within 10 years of the date of this permission. The scheme shall include provision for an annual meeting between the operator and the Mineral Planning Authority and any other party as may be agreed by the Mineral Planning Authority. Aftercare shall start when restoration is completed in accordance with conditions of this permission. The

annual meeting shall be held either in June or July each year. No later than 2 weeks following the annual meeting, any required revisions shall be submitted for the approval of the Mineral Planning Authority in writing and any that are agreed shall be implemented within the timescales agreed at the annual meeting.

- xli. The area covered by Planning Permission STA/8417/7-CM shall be restored in accordance with approved plan CHIN001Rev.A. The area is to be restored within 3 years of the commencement of permission, other than to access phases 1 to 8. The area covered by STA/8417/7-CM to be maintained in good condition in accordance with approved plan CHIN001Rev.A.
- xlii. The soil stockpile shown on the Topographical Survey (Drawing no. BOW/1250/28) to the north of the proposed Meadow Land shall be removed with 2 years and 6 months of the commencement of the permission.
- xliii. The meadow to be restored using the following seed mix, using native seed from non-agricultural sources:  
Emorsgate mixture EM4, EM5 or EM7 to be selected to suit subsoil type.
- xliv. The haul route to be fenced or clearly marked out to protect the meadow and pond areas on either side, and a fence to be erected between the pond and meadow area and the land to the east. Fences should be standard stock fence of post and rail or post and wire construction.



**Annex 4:**

1. Stanford in the Vale Parish Council – No Comments Received.
2. Hatford Parish Council – No Comments Received.
3. Shellingford Parish Council - No Comment Received.
4. Faringdon Town Council – No Objections
5. Vale of White Horse District Council – No Objections
6. Environmental Health Officer -The Air quality chapter of the Environmental Statement predicts that dust emissions are not predicted to be significant and can be mitigated by adherence to good industry practice. In view of this I would recommend that there should be a condition for the applicant to submit a dust management plan for approval by the planning authority and thereafter adhere to the plan in quarrying and restoration activities.

With respect to noise I have reviewed the Environmental Statement chapter on noise, this has included prediction of noise impacts on the nearest sensitive receptors, this indicates that noise levels during the preparation stage and the operational stage can meet appropriate noise objectives subject to suitable bunding being in place. I am not aware of complaints in respect of noise from current operations on Bowling Green farm which is operated as a quarry by the same operator. The quarrying methods on the land subject to this planning application are reported to be the same. In view of this I do not foresee noise being a significant issue after the bunds have been constructed. Noise will need to be mitigated as far as possible in the preparation of the site and in view of this I think that planning approval should be conditional on the submission of a noise management plan for approval by the planning authority and adherence to the plan thereafter.

Second Round of Consultation – I've reviewed the noise and air quality reports submitted in support of this application. The existing operation seems to operate without causing any nuisance. I do not anticipate the quarrying of the extension site will have any significant adverse effect on neighbours so long as the mitigation measures outlined in the noise and air quality reports are implemented.

7. Environment Agency – No Objection

**Advice to the LPA**

The Lead Local Flood Authority is responsible for assessing risk from groundwater flooding from any changes in groundwater levels.

**Advice to applicant**

The dewatering activities on site may have an impact upon local wells and water supplies. These activities are currently exempt from control, in

accordance with Section 29 of the Water Resources Act 1991, but could lead to problems for and representations by, current water users.

**Informative**

Item 3.14 of the Application to Carry Out Mineral Working, Waste Disposal and Associated Development document states that the site will be restored back to agriculture at original ground levels using imported inert wastes. Since item 3.10 states that dewatering will take place this suggests that the water table is shallow in the Secondary A Aquifer that underlies this site. We need to ensure that the inert waste used to fill the void is clean and uncontaminated and this will be covered by the Environmental Permit that will be required for this activity.

8. Natural England - No Objection - Subject to Appropriate Mitigation Being Secured

As submitted the application would:

- have an adverse effect on the integrity of Best and Most Versatile Agricultural Land
- have an impact on Protected and Priority Species.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Soil Management Plan
- Reclamation Plan to Best and Most Versatile Agricultural Land (including habitat for Protected and Priority Species)
- Protected and Priority Species Management Plan

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

The applicant submitted the requested information. Natural England was happy with the proposed plans and have no objection to the development.

9. County Ecologist -

I have reviewed the documents submitted with the planning application, and have no objection to the quarry extension, provided all recommendations in the Environmental Statement Section 4.6 Biodiversity Mitigation and Enhancement Strategy are carried out as specified. I also require clarification on after management and water supply to the eastern pond.

I recommend that the restoration includes a new hedgerow along the northern edge of the site along the track which runs east from the copse at the northern end of the site in line with the aims of the nearby West Oxon heights, streams and woods Conservation Target Area.

Can the applicant provide details of how the eastern pond will be supplied with water? My understanding is that the water table is some distance below the current level, and the western pond appears to be more steeply contoured.

The area around the ponds will need low-nutrient input management to protect water quality in the ponds. Can the applicant supply more information with regard to the use and management of this area? I recommend that the main aim of management in this area should be nature conservation.

In addition, it would be helpful to have an Ecological Clerk of Works in attendance before major excavation works (soil stripping etc.) to check areas for protected species and provide a toolbox talk for operatives).

I have outlined conditions and informative needed; I can provide exact wording if required.

## **Conditions & Informative**

### **Conditions**

- Specify working hours (protection of badger, bat foraging, brown hare).
- Specify the attendance of an Ecological Clerk of Works before soil stripping operations.
- Specify how smaller excavations within or outside the worked quarry area will be appropriately profiled, installed with an escape ramp, covered or back-filled at the end of the working day to avoid entrapment and/or accidental injury/mortality to animals (protection of badger, brown hare).
- Specify the production of an ecology restoration and management plan, with monitoring. This should be prepared in advance of work starting, and detail how the area around the ponds will be managed.

### **Informatives**

#### **Breeding Birds**

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

#### **Badgers**

All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and injured within the active quarry after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

### Wild Mammals

All wild mammals are protected from unnecessary suffering, including suffocation in burrows. Where common mammals such as hedgehogs, rabbits, foxes, voles and mice are found during works, they should be allowed to escape the working area to avoid unnecessary cruelty. Should any burrows be located in or near earthworks, ecological advice should be sought to determine which species is present and what measures can be taken to avoid any unnecessary suffering.

Comments after second consultation:

Recommendation: If minded to consent, I have recommended a number of conditions. I seek clarification on other points.

Further information required:

Clarification on timing of removal of soil stockpile to the northeast of the meadow area (3 below).

Clarification on how pond will be managed post operation of extension area (if minded to approve) (5)

Clarification on specification for size and location of any pipework to the pond (8)

### Comments

1. I have reviewed the revised restoration plan (Dec 2016), and the revised Protected Species and Habitat Management Plan (PS&HMP). I welcome the inclusion of a meadow area. The latest version of the PS&HMP (received 02/02/17) does not give details of the seed mix to be used for this area. I therefore suggest a condition for this.

2. The meadow area to be restored appears to contain the haul route for the next operational phases. I have therefore included a condition for this to be fenced to protect the restored meadow and pond area.

3. The northeast side of the meadow contains a soil stockpile. I understand that this will be removed after the first stages of the new operation. However it is not clear when this will occur and I seek clarification. Meadow restoration cannot commence on this part of the site until the soil is removed, and this will affect also timing of aftercare period.

4. Soils on the meadow area need to be low in plant nutrients, therefore it is best if the soil is restored from subsoil with topsoil either placed beneath or used elsewhere on site. The meadow area must not receive any lime or fertiliser. I therefore suggest a condition for this.

5. I am concerned that post operation, the ponds will be silted up and tend to dry out. I therefore seek clarification on how this area will be managed after this time. The PS&HMP should be amended to show this.

6. I note that the hedge section between the two ponds has now been relocated to the northern boundary of the site and agree that this is a more logical situation for it.

7. I welcome the inclusion of arable margins in the restoration plan.

8. Restoration and aftercare timing for meadow and pond – as the pond will effectively be operational for the life of the extension (if minded to approve) it may need to be removed from the current site and added to the

extension. This does not however appear to make sense given the restoration of the surrounding area to meadow.

I therefore suggest that it will need measures to protect it from accidental damage, for example specifying location and dimensions of any pipework, plus fencing this area from the rest of the site.

9. Aftercare of scheme – as the extension is proposed for arable restoration, with some additional field margins and hedgerow, I am happy that the aftercare period for this area would be 5 years.

10. I note that my previous requests regarding ecological clerk of works and ramping of earthworks to protect animals, and informatives are now incorporated into the PS&HMP.

## Conditions & Informatives

### Conditions

1 The meadow to be restored using the following seed mix, using native seed from non-agricultural sources.

Emorsgate mixture EM4, EM5 or EM7 to be selected to suit subsoil type.

Reason: to ensure the development results in biodiversity enhancement in accordance with NPPF paragraphs 9, 109 and 118 and NERC Act 2006.

2 Soils to be placed on the meadow area shall be placed in reverse order, that is topsoil below subsoil. This area is not to be treated with lime or fertilisers.

Reason: to ensure the development results in biodiversity enhancement in accordance with NPPF paragraphs 9, 109 and 118 and NERC Act 2006.

2 The haul route to be fenced to protect the meadow and pond areas on either side and a fence to be erected between the pond and meadow area and the land to the east. Fences should be standard stock fence of post and rail or post and wire construction.

Reason: To ensure that flora is protected from the effects of development in accordance with Oxfordshire Minerals & Waste Local Plan policy PE3 and PE10 to ensure the development does not result in a loss of biodiversity in accordance with [Oxfordshire Minerals & Waste Local Plan (1996) PE14 and] NPPF paragraphs 9, 109 and 118.

### European Protected Species

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

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs

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

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

Applicant Responded to comment:

Point 2;

I note the proposed condition for fencing and whilst we would be prepared to accept this can I question if it is necessary? There have been no issues related to operational movements and the restored ground of Bowling Green.

Point 3

approximately 2 years for its removal

Point 4

We are talking about the current workings which we haven't sought to amend the details for so this is a change over and above the approved details of that scheme. Again we would accept this as a condition if deemed necessary but can I ask if this has been fully thought through as it does seem a waste of topsoil and could preclude quality agricultural operations if required in some future context? The area in question is subject to the extended aftercare i.e. an extra 20 years so I would anticipate this management would address any weed and/or nutrient level issues without the need to permanently lose the topsoil.

Point 5

With the final depth of the pond there will be no issue with the silting up of the pond requiring any management. The pond is >7m deep and there are only very limited quantities of material that will settle out (it is not washed process water containing high levels of silt but pumped ground water which will have only a limited amount of disturbed solids to be settled out).

The pond created in the original workings has had no issue with drying out and this is with 'suppressed' water levels as the final water levels will be several metres higher than at present which are currently lower due to pumping.

Point 8

The 'infrastructure' with the dewatering is very limited, a submersible pump and pipework, whilst portable the reality is that it doesn't move. Again if you look to the existing pond created at Bowling Green you can appreciate how limited the impact of the pump is and the line of the pipe is just that a narrow line which typically will barely be noticeable other than as a line of rough grass. We can supply details of this if required (they will be as per the present arrangements) but we would suggest fencing as unnecessary and would present difficulties for management of the meadow area.

Ecologist Response:

Point 2;

If the operator can clearly mark the boundaries of each area to avoid accidental damage to restored meadow and pond area, then fencing may not be necessary. It would, however, mean that grazing of the meadow area would be possible. Ideally, late summer or autumn grazing would form part of the management of the meadow area, once a hay crop has been taken.

Point 3

I am happy with this timescale - so we are looking at the aftercare starting after the restoration of this part of the site, which is about 2 years from the start of the extension (if permitted)?

Point 4

Yes, this point is thought out as I have many years' experience in meadow creation, I refer also to the Rural Development Service Technical Advice Note 31, which states that the soil phosphorus status should be index 1 or lower for development of botanical diversity. It is not only about avoiding weeds, but about getting the correct balance of plants with low proportions of grasses. It is very difficult to lower P once it is too high; this is highly probable given the arable management on site. I suggest using the topsoil elsewhere if possible. I think this is a reasonable request given the need to revise the restoration plan in light of the proposed extension.

Point 5

I accept these reassurances regarding the future of the ponds.

Point 8

I accept the reassurances regarding the pump and pipework.

The Case Officer discussed Point 3 with the County Ecologist and Applicant, and agreed as the pond will be used during the operational phase for de-watering, the site will formally go into aftercare when the entire site is restored. The biodiversity elements covering the existing Chinham Farm extension will go into long term management for 20 years once 5 year aftercare period is completed. The agricultural restoration element will not be included in the long term management of the site, but additional hedgerow and field margins around the arable field will be included.

10. Arboricultural Officer – No Objections

11. BBOWT - has no objection to the scheme but we would like to make the following comments:

We have not examined the protected and priority habitat and species information at any detail but believe that adverse impacts on habitats and species can be adequately mitigated. Proposed mitigation and enhancement measures as outlined in the Environmental Statement should be secured via condition should the scheme be consented.

Proposed Restoration

We welcome that parts of the quarry are proposed to be restored for the benefit of biodiversity. However, we note that the majority of the extension area is proposed to be restored to agricultural land. I am not sure what restoration was agreed for the current workings but given the proximity of the site to the Conservation Target Area 'West Oxon heights, streams and woods', and the requirement of the NPPF to achieve a net gain in biodiversity we would welcome if a larger area was given over to biodiversity.

The 'Proposed Restoration Scheme' drawing outlines the proposed restoration. We welcome the proposal in general but have the following suggestions / questions:

The drawing suggests that the area around the eastern pond is to be restored to agricultural land. Considering the complex shape of this area between the pond and the proposed hedgerow we wonder how this land will be farmed. We are concerned that the close proximity of agricultural use to the pond and the limited provision of buffers along the pond margin might adversely affect the nutrient levels within the pond. More information with regard to the use and management of this area should be sought. We recommend that the whole western field, in which the ponds lie is given over to nature conservation.

The alignment of the proposed central hedgerow seems rather random and does not appear to follow existing field boundaries or respond to characteristic field patterns. We recommend that the restoration scheme seeks to reinstate hedgerows along boundaries where they have been lost or align new hedgerows in a way that is more in keeping with the landscape pattern;

We recommend that any restoration includes a new mixed native hedgerow along the northern edge of the site between Chinham Farm and the little woodland copse at the northern end of the site to improve ecological networks and habitat and species connectivity.

We welcome proposed setbacks from hedgerows and the provision of field margins but would welcome more information on make-up, management and width.

We welcome that an Ecological Management Plan will be produced. This will need to provide sufficient detail on new habitats and their management in the long term. It should also include ecological monitoring proposals.



Second Round of Consultation:

We welcome the proposed changes to the Restoration Plan and the submission of the Protected Species & Habitat Management Plan, which addresses most of our previous comments.

Having said this I could not see any information on what management period is proposed. It is my understanding that there is a requirement for a S106 agreement to secure the management of the pond and trees for 20 years. I welcome this but wonder whether the scope could be extended to also include the meadow and hedges and potentially even the arable field margins? I feel this could deliver additional benefits for biodiversity.

12. Thames Water – No Comment Received.

13. Transport Development Control- I confirm there are not any transport related objections to the proposal. It is understood the working of the extended quarry area would not commence until working of the existing quarry area had ceased. Future trip generation would be comparable to the existing, in terms of both the number and type of vehicle; although a very small increase in HGV traffic has been identified this would have a negligible impact upon the safe and convenient operation of the local highway network.

The existing site access would be used to gain access to the highway network. I confirm the suitability of this access, which has appropriate visibility and geometry to accommodate the expected quarry vehicles in a safe and convenient manner, a matter reflected in the accident records of the adjacent highway. Also I note the surface appears to be in a reasonable state of repair.

I recommend any perpetual conditions and obligations of the current permission are applied to any planning permission that may be granted in this instance.

The case officer emailed TDC asking for clarification on whether a Routeing Agreement is needed, TDC reply below:

*"I have considered the technical note and conclude the routeing agreement is an unreasonable burden upon the development. The original purpose of the agreement was to prevent HGV traffic passing through Wantage Town Centre; however this matter is now covered by a restriction to through traffic and an appropriate alternative route to the North of the town centre."*

14. Lead Flood Authority - Having gone through the application and as the discharge flow from the proposed works does not increase from the existing flow rate, I have no objection to the application
15. Archaeology - The application site is within an area of considerable archaeological potential. It lies at the western end of the Corallian Ridge and previous archaeological investigations related to the quarry have revealed the presence of a Romano British settlement, a Bronze Age barrow, a small rectangular enclosure dating to the later prehistoric and

Romano British periods and a variety of smaller discreet features that relate to agricultural and domestic activities.

The applicant has submitted an archaeological desk based assessment that recognises the archaeological potential of the application area and its immediate vicinity. The applicant has also undertaken a geophysical survey of the evaluation area. This has identified a number of linear features that would appear to relate to late prehistoric and Romano British field systems. There do not appear to be any archaeological features present that would preclude the principle of extraction nor does the geophysical survey identify any features that require predetermination investigation.

We would therefore recommend that, should planning permission be granted, the applicant should be responsible for implementing a programme of archaeological work. This can be ensured through the attachment of suitable negative conditions along the lines of:

No development shall commence until a Written Scheme of Investigation has been submitted to and approved in writing by the Minerals Planning Authority. This scheme shall provide details of the professional archaeological organisation that will carry out the investigation . The approved scheme shall be implemented in full.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

2) Prior to the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 1 [insert correct condition number], a staged programme of archaeological investigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the [Minerals Planning Authority/Waste Planning Authority/Deputy Director for Growth and Infrastructure].

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

If the applicant makes contact with us we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based.

16. National Planning Casework Unit - We have no further comments to make.

17. Countryside (OCC) – No Comment

18. Ministry of Defence – No Objections

19. Environmental Strategy Officer (Landscape OCC): No objection

I have reviewed the Landscape and Visual Impact Assessment (LVIA) and accompanying plans and have the following comments.

The application has referenced the appropriate planning background and character area descriptions.

The chosen viewpoints all appear reasonable however, the basis on which the assessment of visibility has been made is not clear. There does not appear to be a zone of visual impact or similar mapping to support the extent of where visual impacts may be felt.

I note the reference to the North Wessex Downs AONB and that there is considered to be no impact on the setting of the AONB. However, given the council's duty to comply with the aims of the AONB and, that the prominent and popular view point of White Horse Hill and the Ridgeway is due south it would be appropriate to have evidence to support this conclusion.

There does not appear to have been an assessment of the visual impact on those living / using the collection of buildings at Chinham Farm which are immediately adjacent to the eastern boundary of the site.

On the basis of existing consents the proposals are likely to be the only active quarry workings in this area for a proportion of their operational life. During this period the significance of the visual impacts from the proposed site are likely to be greater than when seen within the context of the existing quarry activity. Screening bunds, whilst accepted as a well-established mitigation measure, are not in themselves in keeping with the underlying landscape character and have an adverse impact, albeit one that is reduced compared to the effect without mitigation. It is not apparent from the information provided how the location and size of the bunds will vary during the course of the operations and therefore how the assessment of impact can be confirmed.

The assessment rightly identifies the views from Faringdon Folly as being particularly sensitive. The landscape photographs used in the assessment are taken in mid-summer. This illustrates a best-case scenario in terms of screening. It seems likely that the workings and those of adjacent sites which are considered under cumulative effects will be more visible in winter when the leaves are off the trees and hedgerows. The current assessment may therefore underestimate the severity of visual impact for visitors to the Folly.

In conclusion the LVIA acknowledges that there are a range of potential adverse impacts of varying severity and that these are long-term (i.e. within the expected lifespan of the quarry) but temporary. I do not consider

that there is yet the evidence to fully justify all the conclusions on severity. In particular

- The process by which viewpoints were selected.
- The impact on year round views from Faringdon Folly
- The expected location and dimensions of screening bunds to inform the assessment of severity
- The impact on views from Chinham Farm and adjacent buildings.
- Confirmation of the absence of impacts from within the North Wessex Downs AONB

Should the council be minded to grant permission I would recommend a condition, reflecting the proposals in the applicant's Planning Statement that defines the height of screening bunds, their management and maintenance and limits the height of storage and spoil mounds to at or below the height of the bunds.

#### Green Infrastructure Issues

The pond at the western side of the site has been permitted under a previous consent but falls within the scope of the current application. Current best practice on pond-habitat creation identifies the value of shallow water as a major factor in biodiversity value. The application does not provide information on the topography of the pond sides. The earlier application indicates that the slopes are relatively steep. A pond profile that provides a greater area of marginal habitat would improve biodiversity gain.

I note the uncultivated field margins and would wish to see such margins alongside all hedgerows included as part of the scheme. Such margins are an important part of maximising the biodiversity gain from hedgerows. I note that the new hedgerow east of the pond follows existing site features, but would welcome clarification whether this alignment has to be retained following extraction. It would seem to have the potential to hamper farming operations and is out of keeping with the general pattern of hedgerows in the local area. A less angular alignment would ease farming and provide additional space for non-arable habitat.

#### Community Infrastructure Investment

The proposal will maintain the existing level of quarry traffic for an extended period. Whilst noting that these are at a relatively low level, if consent is given local communities will not benefit from the reduction in the noise, dust and vehicle movements from HGV traffic that would otherwise occur when the existing permission is completed.

Should the council be minded to grant permission I would ask that the council seeks a contribution towards the development and maintenance of Stanford Community Woodland – an area of community greenspace that is owned by OCC and being developed in conjunction with the local community 1.2km east of the site along the Faringdon Road. This site provides an area of informal recreational and activity space that contributes to individual and community well-being. The form that this contribution takes to be determined.

Response from the applicant with the Environmental Strategy Officer comments in **Bold**:

A Zone of Visual Influence (ZVI) or Zone of Theoretical Visibility (ZTV) model was not produced in order to inform the location of the selected viewpoints as it was considered that any such work would be unnecessary in order to adequately select a number of representative locations. ZVI/ZTV models can be useful if the proposed development in question is likely to be particularly visible from a long distance away, usually due to surrounding undulating topography or the elevated level of the development (i.e. such as a proposed inert tip or large warehouse). The proposed development in this case is a quarry extension, which is not vertical in nature and the surrounding topography is not considered to be particularly undulating. A ZVI/ZTV model would not provide any additional information that could not be ascertained from an initial desk study followed by careful fieldwork.

**Thank you for confirming the reasoning for this.**

White Horse Hill and the Ridgeway close to the northern boundary of the North Wessex Downs AONB are nearly 9km away, to the south of the site. Even if there were unrestricted views from the top of the hill/ridgeway to the site, which there are unlikely to be, the proposed works would be all but invisible for anyone using this route due to the effects of distance. It is considered therefore that the proposed works would have no effects on users of the AONB and people using these viewpoints as they would not be visible to the naked eye, if not entirely screened from view. The evidence for this is clearly the fact that the site is so far away, so further evidence is considered unnecessary.

**Thank you for clarifying the basis for the judgement. I note that confirmation that field work was not undertaken from this viewpoint. The view north from White Horse Hill does not contain much development; which could draw further attention to the site if visible. I accept that the scale of the site would be very small within any view and any impact would at most be minor.**

The LVIA doesn't include the residents at Chinham Farm because they own the site, so any visual effects they may experience need to be judged in that context – i.e. that they are of much lower sensitivity than other residents so any adverse effects would therefore be of much lower significance than would otherwise be the case. The LVIA did not include assessment of impacts on these residents for that reason. This is similar to the accepted convention that quarry workers are not assessed for the impact of the works on their visual amenity.

**Thank you for the clarification. I do not have further information to confirm whether all those who are resident at Chinham Farm fall within the owner category.**

It is accepted that screen bunds can in themselves result in adverse visual effects, albeit of lower significance than the workings themselves. The existing quarry operations include screen bunds which influence the character of the adjacent site, so the LVIA baseline has taken this into account, although these are not typical of the wider landscape character. Information provided as part of the submission includes phased working drawings illustrating how the site would be worked and the position of screen bunds, either 5m high (subsoil/overburden) or 3m high (topsoil). The LVA used these drawings, and the positions/heights of the bunds, to carry out the appraisal work, for instance at points 7.7.7, 7.7.8 and 7.7.9. The report is not an LVIA but rather an LVA as stated above, looking at Key Effects. Therefore it is considered outside the scope of work to assess different views from each viewpoint during different phases of the proposed development, when bunds would be in different positions. The LVA looked at the worst case scenarios from each viewpoint location, when the active works would be in closest proximity and the most visual activities were taking place, often involving bund construction or removal (as stated in point 7.7.7 in the LVA).

**Thank you for the clarification. Noting the limits to the assessment the likely range of impacts from Minor-Moderate Adverse to Moderate-Major Adverse is noted.**

For timescale reasons, the fieldwork had to be undertaken in summer. Faringdon Folly is approximately 1.1km away from this sensitive location with intervening vegetation curtailing views of some parts of the site, with gaps in the vegetation and lower canopies allowing views of other parts. It is acknowledged that the screening effect of vegetation would be reduced in winter although this would not result in a significant increase in adverse effects. The leaf-less bulk of trunks and woody branches would still filter views to a certain extent and at over a kilometre away, distance would ensure that the slither of site visible comprises a very limited proportion of the overall panorama, as stated in the LVA. Referring to Table 7.1: Landscape and Visual Significance of Effects Definitions in the LVA, the Significance of Effects on views from the Folly in winter may increase to a Minor - Moderate (adverse) level, but no more than that considering the existing baseline context, whereby views of the current site are already visible to some extent throughout the year.

**I agree that the significance on views from the Folly would be increased to Minor-Moderate Adverse.**

The Environmental Strategy Officer has no Objections to the development, but wished to highlight key points which have not been fully assessed. The officer also wished to highlight the case for contributions towards the committee project at Stanford Community Woodland.



This page is intentionally left blank



**For: PLANNING AND REGULATION COMMITTEE – 27 FEBRUARY 2017**

**Development Proposed:**

**Application MW/0132/16**

**Installation and use of pipe system and associated pumps to transport minerals from the Stonehenge Farm extension area to the processing plant at Linch Hill permitted under appeal ref: APP/U3100/A/09/2107573**

**Application MW.0134/16**

**Variation of conditions attached to consent APP/U3100/A/09/2107573 for the extraction of sand and gravel with associated processing plant, silt ponds, conveyors and ancillary works. Restoration to wetland/reed bed and fishing, extraction of basal clay to form hydrological seals and for the purpose of restoration on site**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Division Affected:** Northmoor

**Contact Officer:** Gemma Crossley

**Location:** Land at Stonehenge Farm, Northmoor, OX29 5SY

**Application No:** MW.0132/16      16/03854/CM  
 MW.0134/16      16/03857/CM

**Applicant:** Hanson Quarry Products Europe Ltd

**District Council Area:** West Oxfordshire

**Date Received:** 4 November 2016

**Consultation Period:** 17 November – 15 December 2016

**Contents:**

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

## **Recommendation**

The report recommends that subject to no over-riding objections being received from outstanding consultees applications MW.0132/16 subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 and MW.0134/16 be approved, subject to Deeds of variation as necessary to the S. 106 and routing agreements and to conditions to be determined by the Director of Planning and Place including those set out in Annex 3.

## **• PART 1 – FACTS AND BACKGROUND**

### **Location (see site plans Annex 1)**

1. The site of application MW.0132/16 comprises the route of the proposed pipeline which runs from the Plant Site at Linch Hill, the former Stanton Quarry, to the extraction site at Stonehenge Farm, which lies to the south of Standlake Road between the villages of Northmoor and Standlake in west Oxfordshire. Stonehenge Farm Quarry is centred on grid reference 440720, 202225 and lies circa 11.25 km (7 miles) southwest of Oxford City Centre.
2. The site of application MW.0134/16 comprises land at Stonehenge Farm, the original conveyor route (and proposed pipeline route), the plant site area and silt disposal area at Linch Hill, to the north of Northmoor, and the site access onto Cow Lane.

### **Site and Setting**

3. The mineral extraction site at Stonehenge Farm is currently agricultural land comprising circa 40 hectares. It is bordered to the north by Standlake Road, to the west by the river Windrush, whilst further agricultural land lies to the south and east. Park Farm lies to the immediate north/northeast. Stonehenge Farmhouse lies some 300m to the southeast of the site.
4. High voltage overhead power cables cross the site in an east-west direction and a number of public footpaths also transect the site, particularly in the east and south.
5. The pipeline is proposed to follow the same route as the approved conveyor system, which runs from the north eastern corner of Stonehenge Farm Quarry, in a NNE direction, crossing Standlake Road, a stream, a footpath and ditch, a farm track and bridleway before entering the southwestern corner of the former Stanton Quarry, where the Plant Site is located.
6. The nearest residential properties to the site are Park Farm, which borders the northern boundary of the site; Newbridge Mill Cottage, circa 140m to the southwest of the site; Stonehenge Farmhouse, circa 220m to the south of the

site; Manor Farm circa 70m to the west of the route of the proposed pipeline and Rose Cottage, circa 190m to the east of the proposed pipeline.

7. Langley Lane Meadow Site of Special Scientific Interest (SSSI) lies 1.3km to the southwest of the mineral extraction site and Appleton Lower Common SSSI lies 1.5km to the southeast.
8. The Scheduled Monument listed as Prehistoric and Later Settlements near Northmoor, List number 1006343 lies to the east and north of Stonehenge Farm quarry and is crossed by both the route of the pipeline and part of the existing permitted area for the mineral extraction site.
9. The site lies within Flood Zones 2 and 3, which respectively have a 1 in 1000 and 1 in 100 chance of flooding each year. The site does not lie within a Groundwater Protection Zone.

### **Background and History**

10. Planning permission was granted for the extraction of 1.55 million tonnes of sand and gravel with associated processing plant, silt ponds, conveyors and ancillary works; restoration to wetland/reed bed and fishing; extraction of basal clay to form hydrological seals and for the purpose of restoration on site at Stonehenge Farm Quarry on appeal (reference number **APP/U3100/A/09/2107573**) on 8<sup>th</sup> October 2010. This required that the development commence by 8<sup>th</sup> October 2013 and that the mineral extraction be completed by the earlier of 31<sup>st</sup> July 2021 or 8 years from when the winning and working of minerals had begun with restoration completed by 30<sup>th</sup> September of the year following the cessation of mineral extraction. The appellant provided Planning Obligations under S. 106 of the Town and Country Planning Act and also a routeing agreement. In summary these provide for:
  - i) vehicle routeing from the plant site requiring vehicles to travel via the Blackditch, B4449 and A415 to and from the A40, with the provision of associated signage and measures for ensuring that contractors and sub-contractors are aware of and comply with the required routeing;
  - ii) A contribution of £32,000 to the County Council to be used towards monitoring compliance with the routeing agreement;
  - iii) 20 years period of long term management of the restored quarry and associated payments including provision of money to the Lower Windrush Valley Project;
  - iv) The payment of an index-linked monitoring fee for the agreements to the council;
  - v) A flood management plan;
  - vi) Water levels monitoring plan with mitigation measures including the provision of works mitigate any derogation of water supplies to affected local residents;
  - vii) a permissive footpath suitable for wheelchair users leading to and maintenance of a bird hide;
  - viii) bird management because of the nearby RAF base; and

- ix) limited parking for 4 cars during the management period.
11. The planning permission was legally implemented in September 2013 with officers confirming the situation following a site visit made on 4<sup>th</sup> October 2013 by the carrying out of works for the winning and working of around 278 tonnes of mineral. However, the quarry has not been actively operational since that time. Thus mineral extraction is currently required to be completed by 31<sup>st</sup> July 2021 with restoration by 30<sup>th</sup> September 2022.

### **Details of the Development**

12. The applicant has submitted a planning application (reference MW.0132/16) for the installation and use of a pipe system and associated pumps to transport minerals as an alternative to the permitted conveyor system and a section 73 application (reference MW.0134/16) to amend a number of conditions on the existing planning permission (appeal reference: APP/U3100/A/09/2107573) including to amend the end date for mineral extraction to 31<sup>st</sup> December 2023, with restoration being completed by 31<sup>st</sup> December 2024 rather than 30<sup>th</sup> September 2022 and to commensurately amend plans currently showing a conveyor to a pipeline. The proposed pipeline would be a twin rigid pipeline (315 mm diameter HDPE) extending over a distance of approximately 1.7 Km to facilitate the movement of mineral from the permitted quarry mixed with water under high pressure using acoustically housed electric pumps and the return of clean water. The pipelines within the quarry itself would be flexible so that they could be moved around as required from the working phases and they would be fed by dump trucks feeding into a hopper. The pipeline would facilitate an extraction rate of 300,000 tonnes per annum which if run at that rate would reduce the extraction to five years. However, to allow for initial setting up works, and contingencies such as winter flood stoppages, the duration for which permission is sought is therefore for cessation of extraction by 31<sup>st</sup> December 2023 with restoration to be completed by 31<sup>st</sup> December 2024. Where the fixed pipes are in floodplain areas of 1% Annual Exceedance Probability with a 20% allowance for climate change, the pipes would be elevated above ground level by railway sleepers which would allow for the unimpeded flow of surface water during a flood event. The pipes would be similarly elevated where required to allow for the free movement of small animals.
13. Provision would be made for the crossing of the water course adjacent to Pinnock's Farm, two public rights of way and a farm track. Formation of these crossings is anticipated to take a maximum of a week and closure will be avoided unless absolutely necessary for health and safety reasons. The ditch near Manor Farm is culverted, as consented.
14. The pipe system would be installed underneath the Standlake Road by horizontal directional drilling which does not require closure of the road. There would be a temporary launch pit and 'launch lay-down' area of approximately 25m x25m to the north of the road (with a temporary access track) and a reception pit and smaller hardstanding (10m x 10m) to the south of the road. The drilling would be undertaken in a southerly direction from the launch pit north of the road and the pipes would be fed back from the reception pit south of

the road. These temporary areas would comprise stone over terram and would be in place for two to three weeks and then removed.

15. There are also a number of conditions which have been discharged and therefore they can be removed or amended to refer to approved schemes should planning permission be granted to application no. MW.0134/16.

16. The table below sets out the proposed changes to conditions:

Condition	Variation
<p><i>1. The development shall be carried out strictly in accordance with the particulars of the development, plans, specifications and phasing contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise the application form dated 21<sup>st</sup> December 2006, supporting statement dated December 2006, supplementary information dated January 2008, plans S59/105A, S59/106A, S59/107A, S59/108 rev C, S59/109-1 rev C, S59/109-2 rev C, S59/109-3 revC, S59/112A, S59/125, S59/123A, S59/113A, S59/111 rev C, and Hydrologic Flood Risk Assessment 2029/5 rev2 incorporated in the Environmental Statement dated January 2008 as updated by the Entec 2d Modelling Report dated 26 October 2009 and 2d Supplementary Modelling Report dated 22 January 2010.</i></p>	<p>Drawing references to change.</p>
<p><i>2. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.</i></p>	<p>The initial implementation of permission commenced September 2013. Condition met.</p>
<p><i>3. Extraction of minerals shall cease by the earlier of 31st July 2021, or 8 years after the date on which winning and working of minerals shall have begun, and buildings, plant and machinery to which this permission relates shall be removed and restoration shall be completed in accordance with the approved details by 30th September of the year following the completion of mineral extraction.</i></p>	<p>Amend dates to cessation of mineral extraction by 31 December 2023 and completion of restoration by 31 December 2024</p>

Condition	Variation
<p>4. 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: 07.00 to 18.00 hours on Mondays to Fridays 07.00 to 13.00 hours on Saturdays. No operations shall take place on Sundays, Public or Bank Holidays.</p>	No change.
<p>5. During development, there shall be no raising of ground levels as shown on the pre-development topographical survey submitted in accordance with condition 23, other than in the areas shown on approved plans S59/109-1 rev C, S59/109-2 rev C and S59/109-3 rev C.</p>	These drawings were superseded by plans submitted to discharge condition 33.
<p>6. Save as modified by any details approved pursuant to any other condition of this permission, the development shall not be designed and constructed other than in accordance with the flood risk assessment produced by Hydro Logic incorporated in the Environmental Statement dated January 2008.</p>	No change.
<p>7. No extraction, tipping or temporary storage of materials shall take place within 16 metres of the River Windrush. During the course of development, no tipped material shall enter any watercourse or culvert.</p>	No change.
<p>8. No dewatering shall take place in phases 1, 3 and 5, as shown on approved plan S59/108 rev C.</p>	Drawing reference to change.
<p>9. Vehicular access to the site shall only take place via the site access to Stanton Harcourt Quarry as shown on approved plan S59/105 rev A except that maintenance and extraction plant and vehicles used in extraction, construction on site or maintenance of the conveyor shall enter adjacent to the point marked as "conveyor to be tunnelled under road" on approved plan S59/105 rev A or from the south west corner of the plant site.</p>	Drawing reference to change.
<p>10. No mineral shall leave the extraction area except on the conveyor to Stanton</p>	Condition to be amended to reflect change from conveyor to piped system.

Condition	Variation
<i>Harcourt Quarry which includes the notation “conveyor to be tunnelled under road” on approved plan S59/105 rev A.</i>	Drawing reference to change.
<i>11. The surface of the internal access road between the weighbridge and the public highway shall be metalled, drained and kept clear of debris throughout the life of the plant site during the course of the development hereby permitted and no vehicles shall enter the public highway unless their wheels are sufficiently clean to ensure that no mud or debris is taken onto the public highway.</i>	No change.
<i>12. No loaded vehicles shall leave the site unsheeted except those only carrying stone in excess of 75mm.</i>	No change.
<i>13. The noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour) at the boundary of the Plant Site, 51 dB(LAeq) (1 hour) at the boundary of phase 3, and 46 dB(LAeq) (1 hour) at the boundary of all other phases identified on approved plan S59/108 rev C.</i>	Drawing reference to change.
<i>14. The noise levels arising from the temporary operations of soil stripping, bund formation and restoration shall not exceed 70 dB(LAeq) (1 hour free field) measured at the closest dwelling. Such temporary works shall not take place for more than eight weeks in any twelve month period. At least 48 hours prior notice of such works shall be given to residents of dwellings within 350 metres of the works before those works begin.</i>	No change.
<i>15. All vehicles, plant and machinery operated within the site shall be serviced and maintained in accordance with the manufacturer’s instructions and, where silencers are specified by the manufacturer for any vehicles, plant or machinery, they shall be installed and retained in use.</i>	No change.
<i>16. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicle, excluding HGVs or delivery</i>	No change.

Condition	Variation
<i>vehicles, operating on the site, other than those which use white noise.</i>	
<i>17. No pumping of water shall take place on site except with electrically powered pumps.</i>	No change.
<i>18. The existing trees, bushes and hedgerows within the site, as shown to be retained on approved plans S59/108 rev C and S59/113A (except to allow the conveyor to enter the processing plant area), shall be retained and shall not be felled, lopped, topped or removed in areas outside the current or succeeding phase of mineral working or tipping. 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 Minerals Planning Authority.</i>	Drawing reference to change.  Reference to 'conveyor' to be deleted and replaced with 'piped system'.
<i>18A No development shall take place until full details and a programme of soft landscape works have been submitted to and approved in writing by the Minerals Planning Authority and the approved works shall be carried out in accordance with the approved programme. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. If within a period of 2 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Minerals Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Minerals Planning Authority gives its written approval to any variation.</i>	Condition discharged. No change.
<i>19. No restoration shall take place except</i>	No change.



Condition	Variation
<i>in accordance with the details of the restoration scheme to reed beds and lakes, as specified in the restoration scheme to be approved under condition 33 of this permission.</i>	
20. No lowering of the water level of any water areas to expose the base of the reedbeds of the restored quarry shall take place save where required on a short term basis for the management of the reed beds.	No change.
21. There shall be no after-use of any of the restored ponds other than in accordance with details of a scheme to be submitted to and approved in writing by the Minerals Planning Authority	No change.
22. Deleted(Inspector did not use this condition number)	No change.
23. Development shall not commence until a detailed pre-development topographical survey of the site south of Standlake Road, which shall verify ground levels before any development takes place, has been submitted to and approved in writing by the Minerals Planning Authority.	Condition discharged.
24. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Minerals Planning Authority. The hereby permitted development shall be carried out in accordance with the approved drainage details.	Condition discharged. Pipe allows for flood water flows in same way as conveyor.
25. There shall be no working of minerals within 15 metres of the pond, as shown on approved plan S59/107A, except in accordance with a scheme for monitoring the hydrological effects of working which shall identify the action needed to protect and retain the ecological interests of the pond. The scheme shall be submitted to and approved in writing by the Minerals Planning Authority before development commences.	No change.

Condition	Variation
<p>26. No mineral working shall take place within 30 metres of any main river except in accordance with details that shall have been submitted to and approved in writing by the Minerals Planning Authority before development commences. The details shall include the extent of workings and the associated mitigation needed to protect the physical integrity of the watercourse or watercourses.</p>	<p>No change.</p>
<p>27. No development shall take place until details of the tunnel and conveyor crossing beneath Standlake Road in the location marked as “conveyor to be tunnelled under road” on approved plan S59/105A have been submitted to and approved in writing by the Minerals Planning Authority. The details shall include provision for a wall of hay bales in the tunnel crossing area to screen views of the conveyor from Park Lodge Farm and for the annual replacement of that screen by no later than the end of the month of September. The conveyor shall not operate save in accordance with the approved details.</p>	<p>Condition originally discharged in respect of conveyor proposal.</p> <p>Condition to be amended to reflect pumping system application.</p> <p>Drawing reference to change.</p>
<p>28. No development shall take place until details of how bridleway 362/28 and footpaths 313/2A and 313/4c will cross the conveyor, including any trees to be lost as a result, have been submitted to and approved in writing by the Minerals Planning Authority. The conveyor shall not operate unless the approved crossing arrangements are in place.</p>	<p>Condition originally discharged in respect of conveyor proposal.</p> <p>Condition to be amended to reflect pumping system application.</p> <p>Drawing reference to change.</p>
<p>28A No development shall take place until details of the covers, fencing and plastic rollers for the section of the conveyor running parallel to footpath 313/2A and fencing between the conveyor and any public footpath that lies adjacent to the conveyor have been submitted to and approved in writing by the Minerals Planning Authority. The conveyor shall not operate unless the approved details are in place.</p>	<p>Condition discharged. Condition redundant.</p>
<p>29. No development shall take place until</p>	<p>Condition originally discharged in respect</p>

Condition	Variation
<p><i>details of the conveyor bridge and associated screening at the stream crossing point west of Pinnocks Farm have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be carried out in accordance with the approved details.</i></p>	<p>of conveyor proposal.</p> <p>Condition to be amended to reflect pumping system application.</p> <p>Drawing reference to change.</p>
<p><i>30. No development shall take place until a scheme of measures for the suppression of dust, has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include:</i></p> <p><i>(a) The suppression of dust caused by the moving and storage of soil and overburden, stone and other materials within the site;</i></p> <p><i>(b) Dust suppression on haul roads, including speed limits.</i></p> <p><i>The approved scheme shall be implemented and complied with at all times.</i></p>	<p>Condition discharged. No change.</p>
<p><i>31. No development shall take place until a plan showing the layout of the Plant Site and Stock Storage Area and silt disposal area, all as shown on approved plan S59/105 rev A, has been submitted to and approved in writing by the Minerals Planning Authority. The approved layout shall be in place during any sand and gravel processing at the site.</i></p>	<p>Condition discharged. Submitted plan S59/177 amended to show pipe and new replacement office, and new plan provided showing office unit.</p>
<p><i>32. No development shall take place until the developer has secured the implementation of a staged programme of archaeological investigation and recording in accordance with a written scheme which has been submitted to and approved in writing by the Minerals Planning Authority.</i></p>	<p>Condition discharged. No change.</p>
<p><i>33. Development shall not commence until details of a scheme of restoration to reedbeds and lakes as identified in the approved supporting statement and following the general principles of the application in particular approved plan S59/111C have been submitted to and</i></p>	<p>Condition discharged. Changes to some of the documents submitted for that discharge.</p>

Condition	Variation
<p><i>approved in writing by the Minerals Planning Authority; such details shall show:</i></p> <p><i>(a) the retention of the pond and the nearby black poplar tree between phases 2 and 4 as shown on approved plan S59/108 rev C;</i></p> <p><i>(b) how the clay seals in phases 2, 4 and 6 shall be removed and how lakes shall be linked and how hydraulic connectivity between lakes shall be retained to effectively manage flood risk and groundwater levels;</i></p> <p><i>(c) how water levels shall be managed to assist with the establishment and management of the reedbeds;</i></p> <p><i>(d) cross-sections showing the angles of slope into the water;</i></p> <p><i>(e) scalloped lake margins;</i></p> <p><i>(f) the positions, species, density/planting distance and initial sizes of all new trees and shrubs;</i></p> <p><i>(g) enhancements to allow wheelchair access;</i></p> <p><i>(h) removal of all soil and overburden bunds; and (i) the programme of restoration.</i></p> <p><i>Any scheme that is approved shall be carried out in accordance with the approved details. Planting shall be carried out in the first available planting season.</i></p>	
<p><i>34. Groundwater and surface water monitoring of each phase of the development shall take place throughout the working, restoration and the 5 year after-care period referred to in condition 43, in accordance with a scheme which shall include details of the frequency of measurements and examination of the measurements. The scheme shall have been approved in writing by the Minerals Planning Authority and it shall include provision for a hydrological report to be submitted annually to the Minerals Planning Authority for approval setting out the groundwater and surface water</i></p>	<p>No change.</p>

Condition	Variation
<p><i>monitoring data collected in the preceding year, which report shall include recommendations for any modifications to the scheme of groundwater and surface water monitoring and mitigation measures to prevent derogation of private wells as a result of the development. The groundwater and surface water monitoring and mitigation measures shall be undertaken in accordance with any approved scheme and approved modifications to that scheme.</i></p>	
<p><i>35. Ground levels which are above the restored water level following extraction shall be verified by a post-restoration topographical survey to be submitted to the Minerals Planning Authority for approval within one year of the complete restoration of the site south of Standlake Road. Any ground levels identified by the approved survey which are above those shown on the predevelopment topographical survey shall be reduced to those shown on the pre-development topographical survey within a further year.</i></p>	No change.
<p><i>36. No dewatering operations shall take place until details of a scheme to monitor and protect the levels of domestic and licensed groundwater and surface water sources has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall address the following sources:</i>  <i>Licensed Surface Water:</i>  <i>28/39/11/009 Littlebrook Nurseries NGR: SP415028</i>  <i>Private Supplies:</i>  <i>Moreton Farm NGR: SP41190142 Ref. SP40/01</i>  <i>Stonehenge Bungalow NGR: SP41030150 Ref. SP40/64</i>  <i>Moreton House NGR: SP41000150 Ref. SP40/066</i>  <i>Moreton Cottage NGR: SP41320152 Ref. SP40/067</i>  <i>The Well House NGR: SP41250138 Ref.</i></p>	No change.

Condition	Variation
<p>SP40/069  Newbridge Mill NGR: SP40230187  The scheme details shall include:  (a) The number and location of monitoring boreholes.  (b) The means and frequency of monitoring, including during prolonged dry periods.  (c) Hydrological calculations to determine:  (i) the minimum water levels to be maintained in each of the monitoring boreholes and (ii) the water levels in each of the monitoring boreholes at which reporting and assessment will be undertaken (reporting trigger levels) (d) To whom and the frequency with which reports shall be made of monitoring results.  (e) The mitigation measures to be undertaken in the event that any reporting trigger levels are reached.  The scheme shall be carried out in accordance with the approved details. No dewatering operations shall take place unless at least the minimum water levels in (c)(i) above are maintained in each of the monitoring boreholes.</p>	
<p>37. Within 1 month of completion of mineral working in phase 2, as shown on approved plan S59/108 rev C, a hydrogeological review and evaluation of the dewatering working method shall be submitted to the Minerals Planning Authority for approval.</p>	<p>Drawing reference to change.</p>
<p>38. No dewatering shall take place in phases 4 and 6 as shown on approved plan S59/108 rev C until a scheme of mitigation to ensure that sufficient water is maintained in the recharge trenches has been submitted to and approved in writing by the Minerals Planning Authority. No dewatering in phases 4 and 6 shall take place except in accordance with the approved scheme.</p>	<p>Drawing reference to change.</p>
<p>39. No screening bunds shall be constructed in phases 2 and 3 as shown</p>	<p>Amend drawing references to drawings approved under condition 33 or as</p>

Condition	Variation
<p><i>on approved plan S59/109-1 rev C and S59/109-2 rev C unless they are located and constructed in accordance with details that have been submitted to approved in writing by the Minerals Planning Authority. The details shall be informed by any 2d modelling necessary to assess the impact of locating the screening bunds in their proposed positions. Survey details of the position of each of these screening bunds shall be submitted to the Minerals Planning Authority within 1 month of the completion of its construction. No mineral extraction shall take place in phase 2 unless the bunds for the phase are in place and no mineral extraction shall take place in phase 3 unless the bunds for the phase are in place.</i></p>	<p>amended under this application.</p>
<p><i>40. No water shall be discharged from the site except in accordance with a scheme that has been submitted to and approved in writing by the Minerals Planning Authority.</i></p>	<p>No change.</p>
<p><i>41. Details of the location, height, design, sensors and luminance of external lighting (which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways and pollution of the sky) shall be submitted to and approved in writing by the Minerals Planning Authority before any external lighting is used on the appeal site. External lighting at the appeal site shall be in accordance with the approved details for the duration of the development.</i></p>	<p>No change.</p>
<p><i>42. No vegetation clearance works shall be undertaken in the bird nesting season (March 1st – August 31st) without prior written approval from the Minerals Planning Authority. Such approval will only be granted if a survey of nesting birds in the area to be cleared has been undertaken by an appropriately qualified ornithologist and details of the survey have been submitted to the Minerals Planning</i></p>	<p>No change.</p>

Condition	Variation
<i>Authority.</i>	
<p><i>43. An after-care scheme and programme for each of the phases as shown on approved plan S59/108 rev C, which starts in each phase as restoration is complete in that phase and lasting for 5 years in each phase, shall be submitted for the approval of the Minerals Planning Authority at least one year before after-care is due to start in phase 1. The scheme shall include the monitoring and management details of the following habitat types: open water, reed beds, wet woodland and species types: nesting birds, bat roosts otter holts, amphibian ponds and invertebrate provisions. No further working in any subsequent phase to be commenced shall take place until a scheme and programme are approved in writing. The scheme and programme shall be carried out in accordance with the approved details, subject to the requirements of condition 44 below.</i></p>	<p>Drawing reference to change.</p>
<p><i>44. Prior to completion of restoration in phase 1 and in every subsequent year during the after-care period for the relevant phase (as identified in condition 43), the mineral operator shall provide the Minerals Planning Authority and the landowner/occupier with a detailed annual scheme and programme for the written approval of the Minerals Planning Authority including:</i></p> <p><i>(a) Proposals for managing the land for the forthcoming 12 months, incorporating any proposed modifications to the scheme and programme as a result of the findings in (b) below;</i></p> <p><i>(b) A record of after-care operations carried out on the land during the previous 12 months.</i></p> <p><i>No further working in any subsequent phase to be commenced shall take place until a scheme and programme of management and after-care of the land are approved in writing by the Minerals</i></p>	<p>No change.</p>



Condition	Variation
<i>Planning Authority. The scheme and programme shall be carried out in accordance with the approved details.</i>	
<i>45. No winning and working of minerals shall take place in phase 6, as shown on plan S59/108 rev C, until a scheme and programme to manage water levels in the reedbeds of the restored site has been submitted to and approved in writing by the Minerals Planning Authority. Any scheme that is approved shall be implemented.</i>	Drawing reference to change .
<i>46. No winning and working of minerals shall take place in any phase as shown on approved plan S59/108 rev C until details of fencing or vegetation sufficient to deter geese from entering that restored phase have been submitted to and approved in writing by the Minerals Planning Authority. Any details that are approved shall be implemented.</i>	Condition discharged. Drawing reference to change.
<i>47. No above ground oil storage tank shall be erected on site unless it is sited on an impervious base and surrounded by a liquid-tight bunded compound with no drainage outlet. Any bunded area shall be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges shall be enclosed within its curtilage. The vent pipe shall be directed downwards into the bund.</i>	No change.
<i>48. Development shall not commence until details of a scheme to prevent pollution of the environment resulting from oil/fuel spills has been submitted to and approved in writing by the Minerals Planning Authority, such scheme to include the following: mobile fuel bowsers to be double skinned with lock off valves and drip trays beneath connection points; availability of oil/fuel spill kits and hose repair kits; training of staff in the use of such kits. Development shall be in accordance with the approved scheme.</i>	Condition discharged. No change.
<i>49. Prior to the commencement of any tree felling, lopping or topping within the</i>	No change.

Condition	Variation
<p><i>site, details of a bat survey and measures to protect any bats shall be submitted to and approved in writing by the Minerals Planning Authority.</i></p> <p><i>There shall be no tree felling, lopping or topping other than in accordance with the approved measures.</i></p>	

## • PART 2 – OTHER VIEWPOINTS

### Representations

17. No objections have been received from third parties or local residents, however one comment stated that disturbance to the footpath and bridleway that are crossed by the pipeline should be kept to a minimum during construction. A further query received requested further information on the application in terms of potential negative impacts from “*disruption, noise, mess etc.*”

### Consultations

18. Consultation responses are available to read in full on the eplanning website<sup>1</sup> and are summarised below. To summarise there have been no outstanding objections from statutory consultees. This application has been brought to Committee following the Local Member’s concern about the extension of time requested by the applicant.
19. West Oxfordshire District Council Planning – No objection to either application.
20. Natural England have no objection to the pipeline application, subject to appropriate mitigation being secured, including:
- Raise the pipeline off the ground at regular intervals and in locations identified by Dr Duncan Painter in the ecology letter dated 4 October 2016 Applied Ecology.
21. Natural England have no objection to the variation of conditions application, stating that the development will not increase the risk to the interest features of Langley Lane Meadow and Appleton Lower Common SSSI.
22. The County Ecology Officer states that the proposed pipeline will cause little disturbance to species because the pipeline will be raised on sleepers for most of its length, allowing newts to move freely beneath it during operation and the section on the ground (about 300m) is over rough topography, with gaps to enable small species such as newts to pass under the pipe. However, as the

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

installation and removal of the pipe, particularly in the vicinity of the pond may cause some disturbance to newts, the following condition is recommended:

“An appropriately qualified ecologist should attend during installation and decommissioning of the northern 200m section of the pipeline (nearest to the pond with Great Crested Newts) to check the area for newts, provide a toolbox talk to operatives, and ensure that no harm occurs.

Reason: to ensure the protection of fauna and to ensure that the development does not result in the loss of biodiversity in accordance with Oxfordshire Minerals & Waste Local Plan (1996) PE14, NPPF paragraphs 9, 109 and 118.”

23. In response to application MW.0134/16 for the variation of conditions, the Ecology Officer does not object, but recommends the following condition:

“All open pipework associated with the development should be covered overnight to minimise the risk of small mammals, such as hedgehogs being inadvertently killed and injured.

Reason: to ensure the protection of small mammals and to ensure the development is in accordance with Mineral and Waste Local Plan (1996) PE14 and NPPF paragraphs 9, 109 and 118.”

24. Subject to the above condition and proposed mitigation measures, the Ecology Officer does not consider that the proposed development would have an adverse impact upon protected species.

25. The Technical Pollution Services, who respond on Environmental Health issues, provided the following initial comments on the pipeline application:

“I understand the pumps will be electrical and housed inside a standard ISO container. I take on good faith that these pumps are as quiet as the applicants believe and report they are. As there is no noise emission data or noise report which qualifies this point. I would also comment that the ISO container/s do not appear to be contained in a pump house. Also I’m not certain how close they are to the nearest noise sensitive premises.”

26. Following clarification of the details of the application, they provided the following further comments:

“My view is that the change from a conveyor system to a piped system (fixed and flexible) is unlikely to cause a significant increase to noise emissions and may be preferable to a conveyor with respect to noise and dust. My understanding is that electric pumps are to be employed rather than diesel pumps which based upon in my experience is a quieter option. I acknowledge the potential for noise emission from the pipes as the gravel moves along

causing vibration. However my judgement is that this is unlikely to be significantly noisier than a conveyor system.

In addition there are existing noise conditions that will still apply and the applicant is confident that the existing noise conditions can still be met with this revised method. They have also assured me that they have arrangements in place to liaise with residents to ensure that any problems will be effectively dealt with.

Having considered whether we should require validation of the process to ensure that noise conditions are complied with, I am mindful of the fact that the original permission does not require this and therefore we may not have a strong case for requiring it for this new application and variation.

On that basis I have no objections or recommendations to make regarding this application.”

27. The County Archaeological Officer has responded to say that there are no archaeological constraints to these applications.
28. The British Horse Society Oxfordshire responded to say that the key points from an equestrian point of view is safety for horses and riders using the bridleways; using the correct equestrian surfacing on the proposed new sections; and mitigating noise and disruption during construction and use. They request that the developer consider issues such as dust, lorries releasing air brakes, giving horses sufficient space and time to react or move away from a construction vehicle and sufficient noise barriers. They have provided details of recommended surfacing, specifications and standards for the applicant.
29. The County Drainage Engineer (Lead Local Flood Authority) has no drainage objection to the pipeline application provided there is no obstruction to overland flood flows (where the pipe is laid on the ground) and that the quality of the abstracted water is returned to the lake silt free.
30. Historic England responded to say that the proposed pipeline system route crosses the scheduled monument known as: Prehistoric and Later Monuments near Northmoor, List no. 1006343. The scheduled monument consists of below-ground archaeological deposits and the proposed scheme will cause only very limited direct impacts where the pipes will be horizontally bored below Standlake Road. These impacts will be smaller than for the conveyor system. They have no objection to the proposals, but recommend that no works take place until the applicant has obtained scheduled monument consent from the Secretary of State advised by Historic England, as required by the Ancient Monuments and Archaeological Areas Act (1979).
31. In relation to application MW.0134/16 for the variation of conditions, Historic England do not object, but they refer to their advice letter on the original application which pointed out that waterlogged archaeological deposits could be at risk from dewatering by the adjacent mineral extraction operations and

therefore advise that management of ground water and monitoring of ground levels, should be carried out so as to avoid dewatering of the area of the scheduled monument.

32. The MOD has no safeguarding objections to either application.
33. National Grid has identified that it has apparatus in the vicinity which may be affected by the activities specified. It has been referred to their Asset Protection Team for further assessment. This information has been referred to the applicant.
34. The Highways Authority state that the proposed development has the benefit, from a highways perspective, that the piped system can be installed under Standlake Road using directional drilling, thus avoiding the requirement for a temporary road closure. They inform the applicant of the need to obtain a Section 50 (New Roads and Street Works Act 1991) license before commencing drilling operations under the highway. They also state that there will be no adverse impacts on the highway from a traffic or safety point of view and therefore they do not object to the application.
35. Southern Gas Networks have confirmed that they have no apparatus in this area.
36. The Local Member Cllr Charles Mathew has commented to officers that he has no issue with the applications other than the requested extension of time in the section 73 application which he considers is unacceptable as it will extend the period of disturbance to local residents beyond what was originally proposed.
37. Responses have not been received from the Environment Agency, Thames Water, Standlake Parish Council, Eynsham Parish Council, Stanton Harcourt Parish Council, Northmoor Parish Council and BBOWT, among others. The committee will be updated orally should any further responses be received.

- **PART 3 – RELEVANT PLANNING DOCUMENTS**

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

38. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
39. The relevant development plan documents are:
  - The Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) - saved policies  
The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP have been “saved” until such time as the

replacement Minerals and Waste Local Plan (RMWLP) is adopted. As the OMWLP pre-dates the NPPF, an assessment of the consistency of the saved policies with the NPPF and NPPW has been undertaken to ensure the continued validity of these policies to assist decision makers, developers and the local communities.

- The West Oxfordshire Local Plan (WOLP) 2011 - saved policies

The WOLP was adopted in 2006 and covered the period to 2011. All but 8 policies and proposals were 'saved' beyond June 2009 until such time as they are replaced by the new Local Plan.

40. Other material considerations are:

- i) The Draft Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS) was submitted to the Secretary of State for independent examination in January 2016. Following an examination hearing held in September, the Inspector has produced an Interim Report dated October 2016. Following the Inspector's Interim Report, the Council carried out further Strategic Environmental Assessment/Sustainability Appraisal (SEA/SA) work and have now published the Proposed Modifications (February 2017) and a SEA/SA update report for consultation, which runs from 3<sup>rd</sup> February to 20<sup>th</sup> March. Therefore, although the OMWCS is not yet adopted, it is at an advanced stage and the draft policies should be given due weight.
- ii) The Emerging West Oxfordshire Local Plan 2011-2031 (EWOLP) was submitted to the Planning Inspectorate for independent examination in July 2015. The first hearing sessions were held in November 2015, following which the examination was suspended until December 2016 to allow further work to be undertaken in relation to housing need. The Council consulted upon the Proposed Modifications in December 2016 and they are now being prepared, along with the Proposed Modifications to submit to the Planning Inspector in early 2017. Therefore, the EWOLP is at an advanced stage and so the policies can be afforded due weight.
- iii) The National Planning Policy Framework (NPPF), is also a material consideration.

### **Relevant Policies**

41. The relevant policies are:

Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996 (saved policies)

PE4 - Groundwater

PE7 – Floodplain

PE9 – Scheduled Ancient Monuments

PE11 – Rights of Way

PE13 – Restoration of mineral workings and landfill sites

PE14 – Nature Conservation

PE18 – Code of Practice

West Oxfordshire Local Plan (WOLP) 2011

NE8 - Floodplain

NE15 – Protected Species

TLC8 – Public Rights of Way

Draft Oxfordshire Minerals and Waste Core Strategy (OMWCS)

C1 – Sustainable Development

C5 – Local Environment, Amenity and Economy

C7 – Biodiversity and Geodiversity

C9 – Historic Environment

C10 – Transport

C11 – Rights of Way

M10 – Restoration of Mineral Workings

Emerging West Oxfordshire Local Plan (EWOLP) 2011-2031

OS1 – Presumption in Favour of Sustainable Development

EH2 – Biodiversity

EH6 – Environmental Protection

• **PART 4 – ANALYSIS AND CONCLUSIONS**

**Comments of the Director for Planning and Place**

42. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The two applications are inter-related insofar as the section 73 application is dependent on planning permission being granted to the proposed pipeline and therefore the two applications are considered together here as one overall project. The key planning policies are set out above and discussed below in accordance with the key planning issues, which are restoration; amenity; the water environment including flood risk; impact on protected species; highways and rights of way; and the historic environment.
43. The NPPF sets out a presumption in favour of sustainable development, which is supported in policy OS1 of the emerging WOLP and policy C1 of the draft OMWCS.

**Restoration**

44. NPPF paragraph 144 states that when determining planning applications, local authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high standards.
45. OMWLP policy PE13 states that mineral workings and landfill sites should be restored within a reasonable time to an afteruse appropriate to the location and surroundings. Both of these policies are considered to be consistent with the NPPF.

46. Application MW.0134/16 seeks permission to vary a number of conditions on permission APP/U3100/A/09/2107573, including condition 3 which refers to the end date for the extraction of mineral and for final restoration of the site. The applicant requests that this condition be amended to require the cessation of mineral extraction by 31<sup>st</sup> December 2023, with final restoration one year later. This would provide an additional two years and five months for the completion of extraction and two years and three months for the completion of restoration to the requirements of the existing consent. The Local Member considers this to be unacceptable as it would extend the period of disturbance to local residents beyond what was originally proposed. The existing consent was implemented by October 2013 by the extraction of around 278 tonnes of mineral, following the discharge of all necessary pre-commencement conditions. Therefore, under the existing consent, the required end date for mineral extraction is 31 July 2021. However, since that time, no further works have been carried out.
47. The applicant states that in addition to providing improvements in terms of environmental impacts over the conveyor system, the pipeline will allow for an increased production rate, which will reduce the remaining period now required for extraction of the permitted reserves from 8 to 5 years, although according to the submitted schedule this would be 6 years (to 2023). Therefore, if works recommenced this year, the permitted mineral reserves would be worked out by some time in 2023. The concern of the local member is fully understood, but the County Council has no power to require that a site operator continue with a development in earnest once it has legally commenced. The overall period of time over which the quarry will be worked will be of the order of 2.5 years longer than originally envisaged but the reality has been that little actual disturbance has occurred since the commencement in 2013. If the development now proceeds without substantial further periods of dormancy, then the overall period of remaining operational disturbance would be around six years based on the application proposal. Considering the delay to mineral extraction since 2013, this is considered to now realistically be the earliest opportunity for completion of the mineral extraction with restoration following on within the following year by the end of 2024.
48. The permitted mineral reserves form part of the council's landbank of sand and gravel permissions. Whilst the landbank is not a minimum figure, if the mineral were not to be worked at this site then alternative provision will ultimately need to be made elsewhere. The planning inspector on behalf of the Secretary of State clearly found that the principle of mineral extraction at Stonehenge Farm was acceptable subject to conditions. Whilst the total time period now proposed would be longer than originally envisaged I do not consider that it could be demonstrated that there would now be a commensurate unacceptable impact on the amenity of local residents and to the local environment. Indeed the use of the proposed pipeline would seem to have reduced impacts compared to the permitted conveyor system. I do not consider that a refusal of planning permission to the section 73 application on this ground would be sustainable should the applicant then appeal the decision.



49. Overall, it is considered that the applications are supported by existing and emerging policy relating to restoration including OMWLP policy PE13, OMWCS policies M10 and the NPPF paragraph 144, particularly in that the proposal would ensure the site is worked out and restored within as short a period of time as is now possible i.e. by 2023 /2024.
50. Therefore I consider that whilst the extension of time may be regrettable, the developments are in accordance with the requirements of OMWLP policy PE13, OMWCS policy M10 and with NPPF paragraph 144.

### **Impacts on Amenity**

51. OMWLP policy PE18 states that in making decisions the Code of Conduct will be taken into account, this sets out how operations should take place in terms of buffer zones, landscape screening, hours of working, noise, dust and odour. This policy is considered consistent with the NPPF. Policy EH6 of the EWOLP states that proposals which are likely to cause pollution will only be permitted if measures can be implemented to minimise this to a level which provides a high standard of protection for health, environmental quality and amenity.
52. OMWCS policy C5 states that proposals for minerals and waste development should demonstrate that they will not have an unacceptable adverse impact on the environment, residential amenity and other sensitive receptors, including from noise, dust, visual intrusion, vermin, birds, litter and cumulative effects of development.
53. The current consent is subject to a number of planning conditions, which include aspects of amenity control, which includes noise. These existing controls would be carried forward onto any forthcoming planning permission.
54. The impact on amenity in terms of the extension of time proposed has been considered as set out above. The proposed pipeline system is proposed to follow the same alignment as the approved conveyor and potential amenity issues such as noise and dust levels are anticipated to be lower. This is supported by the comments received from the Technical Pollution Services (TPS) who are consulted upon Environmental Health issues. The TPS response stated that as electric pumps are proposed instead of diesel pumps, noise levels are anticipated to be lower than originally proposed. In addition, it is anticipated that the existing noise controls as set out within conditions 13 and 14 are sufficient to ensure the proposed development does not cause detrimental impacts in terms of noise.
55. The developments are considered to be acceptable in terms of impact on amenity. The changes now proposed would be likely to cause less potential amenity impacts than the currently approved scheme. The development is considered to be in accordance with OMWCS policy C5, OMWLP policy PE18, and policy EH6 of the EWOLP.

### **Water Environment including Flood Risk**

56. The site is located within Flood Zones 2 and 3 and must therefore be considered in terms of potential impacts upon the free flow of flood waters. Policy PE7 of the OMWLP states that proposed in the floodplain should not result in the raising of groundwater levels or water quality and not impede flood flows. Policy NE8 of the WOLP has a similar requirement. Policy PE4 of the OMWLP states that proposals for mineral extraction and restoration will not be permitted where they would have an impact on groundwater levels in the surrounding area which would harm existing water abstraction, river flow, canal, lake or pond levels or important natural habitats. Proposals must not put at risk the quality of groundwater.
57. The County Drainage Engineer representing the council as Lead Local Flood Authority has no drainage objection provided there is no obstruction to overland flood flows (where the pipe is laid on the ground) and that the quality of the abstracted water is returned to the lake silt free. The existing S. 106 legal agreements make provision for a flood management plan and the monitoring of water levels and the provision of alternative water supplies to local residents if required. Subject to these requirements being maintained on the section 73 application and to no over-riding objection to either application being received from the Environment Agency, I consider that the proposed developments are in compliance with the above policies.

### **Protected Species**

58. OMWLP policy PE14 seeks to protect sites of nature conservation importance. OMWCS policy C7 states that waste development should conserve and where possible deliver a net gain in biodiversity. Policy NE15 of the WOLP states that development will not be permitted unless any potential damage to specially protected species could be prevented through compliance with conditions or planning obligations. Policy EH2 of the EWOLP states that *“the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity ...by ...protecting and mitigating for impacts on priority habitats, protected species and priority species...”*
59. The proposed development would have no greater impact upon biodiversity or protected species than the approved scheme. The Ecology Officer is happy that the pipeline is raised off the ground along much of its length, which will allow the free movement of Great Crested Newts and requests that two conditions be attached to any forthcoming permission for the pipeline to protect Great Crested Newts and small mammals.
60. In summary, it is considered that the proposed developments would not impact upon the biodiversity of the site or upon protected species, in accordance with OMWLP policy PE14, OMWCS policy C7, WOLP policy NE15 and EWOLP policy EH2.

### **Highways and Rights of Way**

61. OMWLP policy PE11 states that the rights of way network should be maintained. OMWLP PE11 is considered to be consistent with the NPPF. Policy

C10 of the OMWCS states that where possible minerals should be transported by rail, water, pipeline or conveyor. Policy C11 requires that the integrity and amenity value of the rights of way network is maintained. Policy TLC8 of the WOLP states that the existing rights of way network shall be safeguarded.

62. The proposed installation of a pipeline system to replace the approved conveyor would provide improvements in terms of highway impacts as the pipeline would be installed underneath Standlake Road using horizontal directional drilling, which does not require the road to be closed for these works, which was proposed in order to install the conveyor.
63. The Highways Authority agree that this is a benefit, from a highways perspective. They also state that there will be no adverse impacts on the highway from a traffic or safety point of view and therefore they do not object to the application.
64. There would be no greater impact upon the crossings of the stream, footpath, farm track and bridleway. There would be no greater HGV movements as a result of the proposed development.
65. For these reasons, the development is considered to be in accordance with the NPPF, policy PE11 of the OWMLP, policy TLC8 of the WOLP, and policies C10 and C11 of the draft OMWCS.

### **Historic Environment**

66. Policy PE9 of the OMWLP states that Scheduled Ancient Monuments should be preserved in situ. Policy C9 of the OMWCS states proposals for minerals and waste development will not be permitted unless it is demonstrated, including where necessary through prior investigation, that they or associated activities will not have an unacceptable adverse impact on the historic environment.
67. The proposed pipeline would cross a scheduled ancient monument. Neither Historic England nor the council's Archaeological Officer have raised objection to this but separate Scheduled Monument Consent from the Secretary of State would also be required before any planning permission for the pipeline could be implemented.

### **Legal Agreements**

68. Section 106 Obligations and a Routeing Agreement already exist in connection with the current planning permission, these control amongst other things the long-term management, routeing and provision of funding towards the monitoring of the development and routeing of HGVs by the County Council. It is recommended that the requirements of the existing Agreements and Obligations be carried forward by way of Deed of Variations to the section 73 application (MW.0134/16) where necessary.

## **Conclusions**

69. The proposed installation of a pipeline to transport mineral extracted from Stonehenge Farm Quarry to the Plant Site at Linch Hill to the north, in place of the approved conveyor system, is considered to have some benefits in terms of noise impacts and lesser disruption to the use of Standlake Road. It is considered to accord with the policies of the Development Plan and with the Development Plan as a whole and would be sustainable development on environmental, social and economic grounds in accordance with paragraph 7 of the NPPF. Whilst the concern expressed by the Local Member with regard to the proposed extension of time under the section 73 application is fully understood it is not considered that refusal of that application on those grounds could be sustained. Therefore it is considered that planning permission for applications MW.0132/16 and MW.0134/16 should be granted, subject to conditions and legal agreements as set out below.

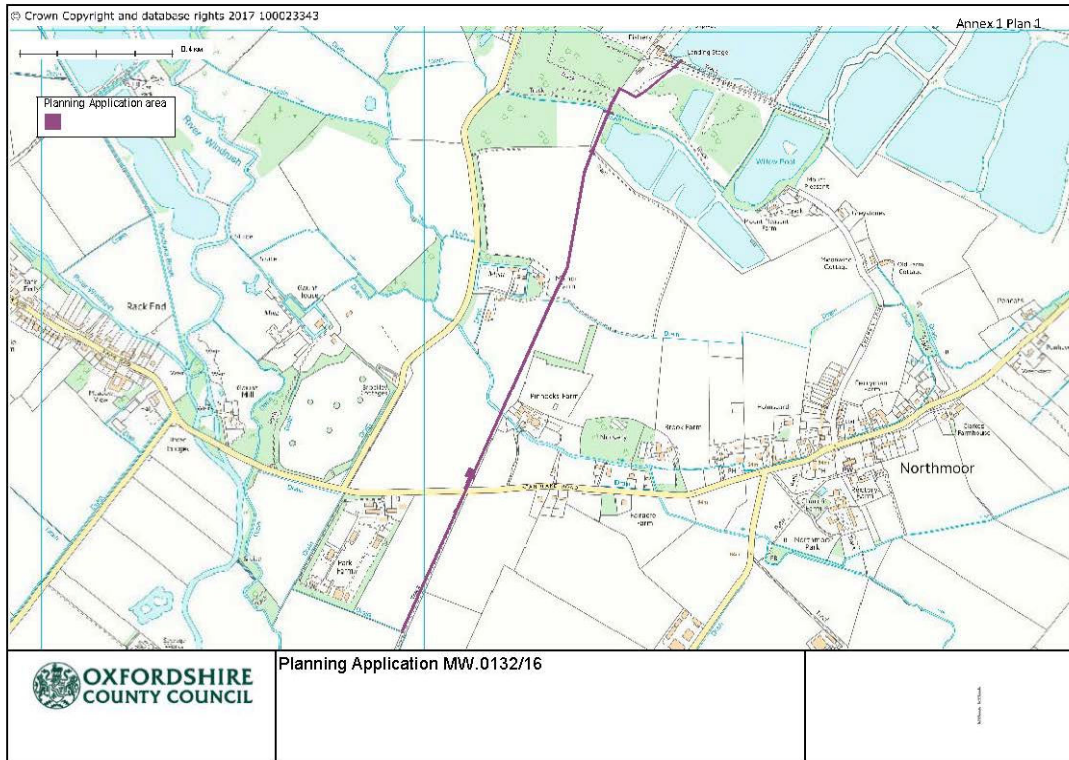
## **RECOMMENDATION**

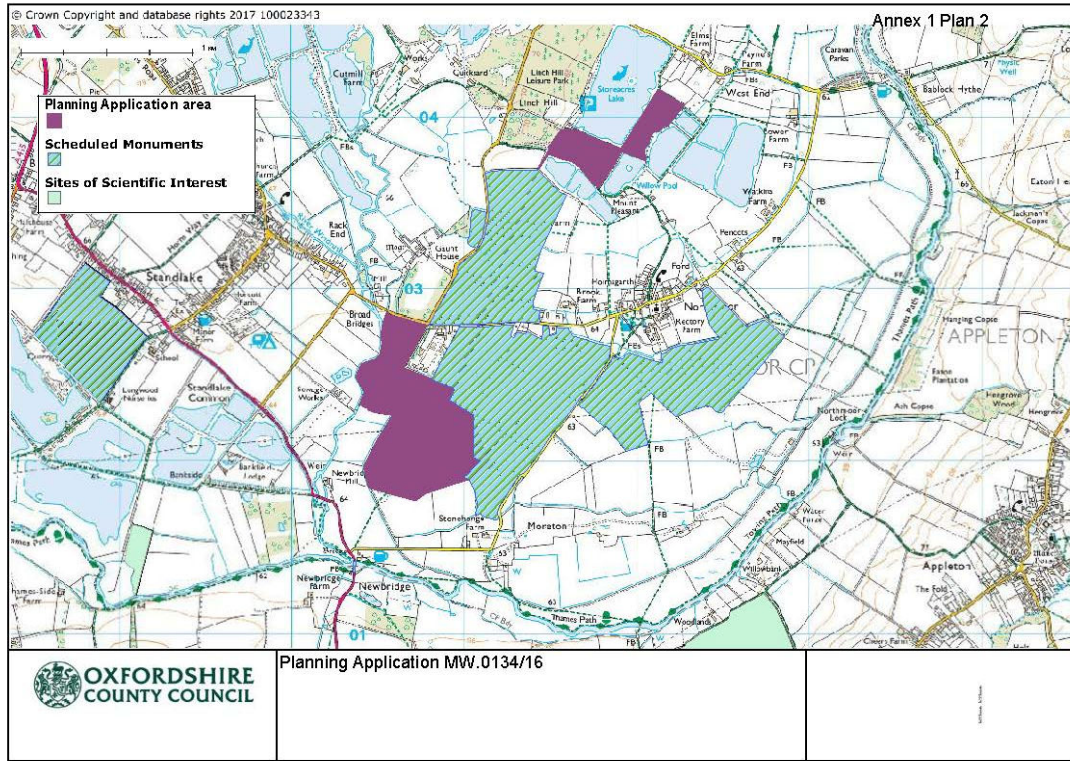
**It is RECOMMENDED that subject to no over-riding objections being received from outstanding consultees that:**

- (a) Application MW.0132/16 be approved subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to this report; and**
- (b) Application MW.0134/16 be approved subject to:**
  - i) A supplemental S106 legal agreement to bring forward relevant provisions from the existing agreements.**
  - ii) A supplemental routeing agreement linking the proposed development to the existing routeing agreement.**
  - iii) Conditions as on existing consent APP/U3100/A/09/2107573, with the amendments to conditions, deletion of redundant conditions and additional conditions and informatives to be determined by the Director for Planning and Place, in accordance with the details set out in Annex 3 and with any necessary updates to the wording of existing conditions to ensure clarity and reflect changes to policy since the original permission was issued.**

SUSAN HALLIWELL  
Director for Planning and Place

February 2017





Annex 2: Proposed Conditions – MW. 0132/16

- i. 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.
- ii. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission. The date of commencement of development shall be notified to the planning authority within 7 days of commencement.
- iii. The development shall not be carried out other than in association with the development permitted by planning permission no. MW.0134/16.
- iv. The development shall cease and the pipelines and all associated pumps, plant and machinery shall be removed and the site shall be restored no later than one year from the date of cessation of the mineral extraction permitted by planning permission no. MW.0134/16 or 31<sup>st</sup> December 2024, whichever is earlier.
- v. With the exception of any works necessary in emergency situations, no operations authorised or required by this permission shall be carried out, and plant shall not be operated:
  - a) other than between 07.00 and 18.00 hours Mondays to Fridays and 07.00 to 13.00 hours on Saturdays;  
No operations shall take place on Sundays, Public or Bank Holidays.
- vi. The noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour) at the facades of the closest dwelling.
- vii. The noise levels arising from the laying and removal of the pipeline and associated plant and machinery shall not exceed 70 dB(LAeq) (1 hour free field) measured at the closest dwelling.
- viii. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicles involved with the laying and removal of the pipeline and associated plant and machinery, other than those which use white noise.
- ix. The pumps hereby permitted shall not be other than electrically powered.
- x. No floodlighting shall be erected on site.
- xi. An appropriately qualified ecologist shall attend during installation and decommissioning of the northern 200 metres section of the pipeline (nearest to the pond with Great Crested Newts) to check the area for newts, provide a toolbox talk to operatives, and ensure that no harm occurs.

## Annex 3: Proposed Conditions – MW.0134/16

1. The development shall be carried out strictly in accordance with the particulars of the development, plans, specifications and phasing contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise the application form dated 21st December 2006 as amended by the application form dated 4<sup>th</sup> October 2016, supporting statement dated December 2006 as amended by the supporting statement dated October 2016, supplementary information dated January 2008, plans S59/105 rev C, S59/106A, S59/107A, S59/108 rev D, S2/HAN/04/01 rev B, S2/HAN/04/02 rev A, S2/HAN/04/03 rev B, S2/HAN/04/04 rev B, S2/HAN/04/05 rev B, S2/HAN/04/06 rev A, S2/HAN/04/07 rev A, S59/112A, S59/125 rev A, S59/123 rev B, S59/113A, S59/111 rev D, S59m/177 rev A, S2/HAN/5/21 Hydrologic Flood Risk Assessment 2029/5 rev2 incorporated in the Environmental Statement dated January 2008 as updated by the Entec 2d Modelling Report dated 26 October 2009, 2d Supplementary Modelling Report dated 22 January 2010; plan numbers S59/175a and S59m/1758a approved pursuant to condition 18A of planning permission no. APP/U3100/A/09/2107573; plan number S59m/176 approved pursuant to condition 23 of planning permission no. APP/U3100/A/09/2107573; the AMEC report dated 12<sup>th</sup> July 2013, clarification regarding condition 36 - Email from Paul Williams to Mary Thompson dated 19th August, the clarification of water related submissions - letter from Mike Carey to Mary Thompson dated 29th August 2013 and the e-mail of clarification on condition 24 for EA - Email from Mike Carey dated 29.08.13 approved pursuant to conditions 24, 25, 26, 34, 36 & 48 of planning permission no. APP/U3100/A/09/2107573; the Smith Grant Dust Management Scheme dated June 2013 and the Smith Grant Dust Monitoring Scheme dated August 2013 approved pursuant to condition 30 of planning permission no. APP/U3100/A/09/2107573; the Written Scheme of Archaeological Investigation dated October 2012 approved pursuant to condition 32 of planning permission no. APP/U3100/A/09/2107573; plan numbers S2/HAN/04-08, S2/HAN/04-09, S2/HAN/04-10, S2/HAN/04-11, S2/HAN/04-12, S2/HAN/04-13 rev A, S2/HAN/04-14 rev B, and the Explanatory Note dated September 2012 approved pursuant to condition 33 of planning permission no. APP/U3100/A/09/2107573 as updated by Figure 1: Stonehenge Farm: Phasing Sequence and Period of Operations within each Phase from initial soil stripping through to completion of restoration earthworks (amended October 2016) and Figure 2: Stonehenge Farm: Programme of Operations for Infrastructure Development, Soil Stripping, Mineral Extraction and Restoration (Amended October 2016); plan no. S59m/179 (Goose Fencing) approved pursuant to condition 46 of planning permission no. APP/U3100/A/09/2107573.

2. Extraction of minerals shall cease by 31<sup>st</sup> December 2023 and restoration shall be completed in accordance with the approved details by one year from the date of cessation of mineral extraction or 31<sup>st</sup> December 2024 whichever is the earlier.

3. 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:

07.00 to 18.00 hours on Mondays to Fridays

07.00 to 13.00 hours on Saturdays.

No operations shall take place on Sundays, Public or Bank Holidays.

4. During development, there shall be no raising of ground levels as shown on the pre-development topographical survey approved pursuant to condition 23 of planning permission no. APP/U3100/A/09/2107573 other than in the areas shown on approved plans S2/HAN/04/01 rev B, S2/HAN/04/02 rev A, S2/HAN/04/03 rev B, S2/HAN/04/04 rev B, S2/HAN/04/05 rev B, S2/HAN/04/06 rev A, S2/HAN/04/07 rev A.

5. Save as modified by any details approved pursuant to any other condition of this permission, the development shall not be designed and constructed other than in accordance with the flood risk assessment produced by Hydro Logic incorporated in the Environmental Statement dated January 2008.

6. No extraction, tipping or temporary storage of materials shall take place within 16 metres of the River Windrush. During the course of development, no tipped material shall enter any watercourse or culvert.

7. No dewatering shall take place in phases 1, 3 and 5, as shown on approved plan S59/108 rev D.

8. Vehicular access to the site shall only take place via the site access to Stanton Harcourt Quarry as shown on approved plan S59/105 rev C except that maintenance and extraction plant and vehicles used in extraction, construction on site or maintenance of the pipeline permitted pursuant to planning permission no. MW.0132/16 shall enter adjacent to the location where the pipeline permitted pursuant to planning permission no. MW.0132/16 crosses the Standlake Road as marked on approved plan no. S59/105C on approved plan S59/105 rev C or from the south west corner of the plant site.

9. No mineral shall leave the extraction area except via the pipeline permitted pursuant to planning permission no. MW.0132/16.

10. The surface of the internal access road between the weighbridge and the public highway shall be metalled, drained and kept clear of debris throughout the life of the plant site during the course of the development hereby permitted and no vehicles shall enter the public highway unless their wheels are sufficiently clean to ensure that no mud or debris is taken onto the public highway.

11. No loaded vehicles shall leave the site unsheeted except those only carrying stone in excess of 75mm.

12. The noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour) at the boundary of the Plant Site, 51 dB(LAeq) (1 hour) at the boundary of phase 3, and 46 dB(LAeq) (1 hour) at the boundary of all other phases identified on approved plan S59/108 rev D.

13. The noise levels arising from the temporary operations of soil stripping, bund formation and restoration shall not exceed 70 dB(LAeq) (1 hour free field) measured at the closest dwelling. Such temporary works shall not take place for more than eight weeks in any twelve month period. At least 48 hours prior notice of such works shall be given to residents of dwellings within 350 metres of the works before those works begin.

14. All vehicles, plant and machinery operated within the site shall be serviced and maintained in accordance with the manufacturer's instructions and, where silencers are specified by the manufacturer for any vehicles, plant or machinery, they shall be installed and retained in use.

15. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicle, excluding HGVs or delivery vehicles, operating on the site, other than those which use white noise.

16. No pumping of water shall take place on site except with electrically powered pumps.

17. The existing trees, bushes and hedgerows within the site, as shown to be retained on approved plans S59/108 rev D and S59/113A (except to allow the pipeline permitted pursuant to planning permission no. MW.0132/16 to enter the processing plant area), shall be retained and shall not be felled, lopped, topped or removed in areas outside the current or succeeding phase of mineral working or tipping. 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 Minerals Planning Authority.

18. The development shall not take place other than in accordance with plan numbers S59/175a and S59m/1758a approved pursuant to condition 18A of planning permission no. APP/U3100/A/09/2107573. If within a period of 2 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Minerals Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Minerals Planning Authority gives its written approval to any variation.

19. No restoration shall take place except in accordance with the details of the restoration scheme to reed beds and lakes, as shown on approved plans numbers S2/HAN/04/01 rev B, S2/HAN/04/02 rev A, S2/HAN/04/03 rev B, S2/HAN/04/04 rev B, S2/HAN/04/05 rev B, S2/HAN/04/06 rev A, S2/HAN/04/07 rev A and plan numbers S2/HAN/04-08, S2/HAN/04-09, S2/HAN/04-10, S2/HAN/04-11, S2/HAN/04-12, S2/HAN/04-13 rev A, S2/HAN/04-14 rev B, and the Explanatory Note dated September 2012 approved pursuant to condition 33 of planning permission no. APP/U3100/A/09/2107573.

20. No lowering of the water level of any water areas to expose the base of the

reedbeds of the restored quarry shall take place save where required on a short term basis for the management of the reed beds.

21. There shall be no after-use of any of the restored ponds other than in accordance with details of a scheme to be submitted to and approved in writing by the Minerals Planning Authority.

22. The development shall not take place other than in accordance with the AMEC report dated 12<sup>th</sup> July 2013, the clarification of water related submissions - letter from Mike Carey to Mary Thompson dated 29th August 2013 and the e-mail of clarification on condition 24 for EA - Email from Mike Carey dated 29.08.13 approved pursuant to condition 24 of planning permission no. APP/U3100/A/09/2107573.

23. There shall be no working of minerals within 15 metres of the pond, as shown on approved plan S59/107A, except in accordance with the AMEC report dated 12<sup>th</sup> July 2013 approved pursuant to condition 25 of planning permission no. APP/U3100/A/09/2107573.

24. No mineral working shall take place within 30 metres of any main river except in accordance with AMEC report dated 12<sup>th</sup> July 2013 approved pursuant to condition 25 of planning permission no. APP/U3100/A/09/2107573.

25. No development shall take place other than in association with the pipeline permitted pursuant to planning permission no. MW.0134/16 including where the pipeline passes under Standlake Road as shown on plan no. S2/HAN/5/16 approved pursuant to that permission.

26. No development shall take place other than in association with the pipeline permitted pursuant to planning permission no. MW.0134/16 including where the pipeline crosses bridleway 362/28 and footpath 313/4c as shown on drawing nos. S2/HAN/5/08 and S2/HAN/5/12 approved pursuant to that permission.

27. No development shall take place other than in association with the pipeline permitted pursuant to planning permission no. MW.0134/16 including where the pipeline crosses the stream west of Pinnocks Farm as shown on drawing nos. S2/HAN/5/14 and S2/HAN/5/15 approved pursuant to that permission.

28. No development shall take place other than in accordance with the Smith Grant Dust Management Scheme dated June 2013 and the Smith Grant Dust Monitoring Scheme dated August 2013 approved pursuant to condition 30 of planning permission no. APP/U3100/A/09/2107573. The approved scheme shall be implemented and complied with at all times.

29. No development shall take place other than in accordance approved plan nos. S59m/177 rev A and S2/HAN/5/21 for the Plant Site and Stock Storage Area and silt disposal area, all as shown on approved plan S59/105 rev C. The approved layout shall be in place during any sand and gravel processing at the site.

30. No development shall take place other than in accordance with the Written Scheme of Archaeological Investigation dated October 2012 approved pursuant to condition 32 of planning permission no. APP/U3100/A/09/2107573.

31. No development shall take place other than in accordance with the approved supporting statement dated October 2016, approved plan nos. S2/HAN/04/01 rev B, S2/HAN/04/02 rev A, S2/HAN/04/03 rev B, S2/HAN/04/04 rev B, S2/HAN/04/05 rev B, S2/HAN/04/06 rev A, S2/HAN/04/07 rev A and plan numbers S2/HAN/04-08, S2/HAN/04-09, S2/HAN/04-10, S2/HAN/04-11, S2/HAN/04-12, S2/HAN/04-13 rev A, S2/HAN/04-14 rev B, and the Explanatory Note dated September 2012 approved pursuant to condition 33 of planning permission no. APP/U3100/A/09/2107573 for restoration to reedbeds and lakes.

32. Groundwater and surface water monitoring of each phase of the development shall take place throughout the working, restoration and the 5 year after-care period referred to in condition 41, in accordance with the AMEC report dated 12<sup>th</sup> July 2013 and the clarification of water related submissions - letter from Mike Carey to Mary Thompson dated 29th August 2013 approved pursuant to condition 34 of planning permission no. APP/U3100/A/09/2107573.

33. Ground levels which are above the restored water level following extraction shall be verified by a post-restoration topographical survey to be submitted to the Minerals Planning Authority for approval within one year of the complete restoration of the site south of Standlake Road. Any ground levels identified by the approved survey which are above those shown on the predevelopment topographical survey shall be reduced to those shown on the pre-development topographical survey within a further year.

34. No dewatering operations other than in accordance with the AMEC report dated 12<sup>th</sup> July 2013, the clarification of water related submissions - letter from Mike Carey to Mary Thompson dated 29th August 2013 and the clarification regarding condition 36 - Email from Paul Williams to Mary Thompson dated 19th August approved pursuant to condition 36 of planning permission no. APP/U3100/A/09/2107573.

35. Within one month of completion of mineral working in phase 2, as shown on approved plan S59/108 rev D, a hydrogeological review and evaluation of the dewatering working method shall be submitted to the Minerals Planning Authority for approval.

36. No dewatering shall take place in phases 4 and 6 as shown on approved plan S59/108 rev D until a scheme of mitigation to ensure that sufficient water is maintained in the recharge trenches has been submitted to and approved in writing by the Minerals Planning Authority. No dewatering in phases 4 and 6 shall take place except in accordance with the approved scheme.

37. No screening bunds shall be constructed in phases 2 and 3 other than as shown on approved plan nos. S2/HAN/04/01 rev B, S2/HAN/04/02 rev A, S2/HAN/04/03 rev B and S2/HAN/04/04 rev B, and plan number S2/HAN/04-09 and the Explanatory Note dated September 2012 approved pursuant to condition 33 of planning permission no. APP/U3100/A/09/2107573 unless they are located and constructed in

accordance with details that have been first submitted to and approved in writing by the Minerals Planning Authority. The details shall be informed by any 2d modelling necessary to assess the impact of locating the screening bunds in their proposed positions. Survey details of the position of each of these screening bunds shall be submitted to the Minerals Planning Authority within 1 month of the completion of its construction. No mineral extraction shall take place in phase 2 unless the bunds for the phase are in place and no mineral extraction shall take place in phase 3 unless the bunds for the phase are in place.

38. No water shall be discharged from the site except in accordance with a scheme that has been submitted to and approved in writing by the Minerals Planning Authority.

39. Details of the location, height, design, sensors and luminance of external lighting (which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways and pollution of the sky) shall be submitted to and approved in writing by the Minerals Planning Authority before any external lighting is used on the appeal site. External lighting at the appeal site shall be in accordance with the approved details for the duration of the development.

40. No vegetation clearance works shall be undertaken in the bird nesting season (March 1st – August 31st) without prior written approval from the Minerals Planning Authority. Such approval will only be granted if a survey of nesting birds in the area to be cleared has been undertaken by an appropriately qualified ornithologist and details of the survey have been submitted to the Minerals Planning Authority.

41. An after-care scheme and programme for each of the phases as shown on approved plan S59/108 rev D, which starts in each phase as restoration is complete in that phase and lasting for 5 years in each phase, shall be submitted for the approval of the Minerals Planning Authority at least one year before after-care is due to start in phase 1. The scheme shall include the monitoring and management details of the following habitat types: open water, reed beds, wet woodland and species types: nesting birds, bat roosts, otter holts, amphibian ponds and invertebrate provisions. No further working in any subsequent phase to be commenced shall take place until a scheme and programme are approved in writing. The scheme and programme shall be carried out in accordance with the approved details, subject to the requirements of condition 42 below.

42. Prior to completion of restoration in phase 1 and in every subsequent year during the after-care period for the relevant phase (as identified in condition 41), the mineral operator shall provide the Minerals Planning Authority and the landowner/occupier with a detailed annual scheme and programme for the written approval of the Minerals Planning Authority including:

- (a) Proposals for managing the land for the forthcoming 12 months, incorporating any proposed modifications to the scheme and programme as a result of the findings in (b) below;
- (b) A record of after-care operations carried out on the land during the

previous 12 months.

No further working in any subsequent phase to be commenced shall take place until a scheme and programme of management and after-care of the land are approved in writing by the Minerals Planning Authority. The scheme and programme shall be carried out in accordance with the approved details.

43. No winning and working of minerals shall take place in phase 6, as shown on plan S59/108 rev D, until a scheme and programme to manage water levels in the reedbeds of the restored site has been submitted to and approved in writing by the Minerals Planning Authority. Any scheme that is approved shall be implemented.

44. No winning and working of minerals shall take place in any phase as shown on approved plan S59/108 rev D other than in accordance with approved plan no. S59m/179 (Goose Fencing).

45. No above ground oil storage tank shall be erected on site unless it is sited on an impervious base and surrounded by a liquid-tight bunded compound with no drainage outlet. Any bunded area shall be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges shall be enclosed within its curtilage. The vent pipe shall be directed downwards into the bund.

46. No development shall take place other than in accordance with the AMEC report dated 12<sup>th</sup> July 2013 detailing the scheme to prevent pollution of the environment resulting from oil/fuel spills

47. Prior to the commencement of any tree felling, lopping or topping within the site, details of a bat survey and measures to protect any bats shall be submitted to and approved in writing by the Minerals Planning Authority. There shall be no tree felling, lopping or topping other than in accordance with the approved measures.

#### **Annex 4: European Protected Species**

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

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

4. Damage or destruction of an EPS breeding site or resting place.

Ecological survey results indicate that a European Protected Species is likely to be present.

The application details the following mitigation measures: the pipeline will be raised on sleepers for most of its length, allowing newts to move freely beneath it during operation.

Your officers would therefore recommend the following conditions to secure the implementation of the offence avoidance measures to ensure that no offence is committed: An appropriately qualified ecologist should attend during installation and decommissioning of the northern 200m section of the pipeline (nearest to the pond with Great Crested Newts) to check the area for newts and ensure that no harm occurs.

#### **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, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

Issues which arose in the processing of the application included requests for further information for a number of consultees including Historic England, the MOD and the Ecologist Planner. The applicant responded to these requests.





## PLANNING & REGULATION COMMITTEE – 27 FEBRUARY 2017

### POLICY ANNEX (RELEVANT DEVELOPMENT PLAN AND OTHER POLICIES)

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

##### POLICY PE2: LOCATION AND CONTROL OF MINERAL WORKINGS

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

- (a) the working would be acceptable under policy SD2, or
- (b)
  - (i) the proposal satisfies the policies of the Structure Plan and this Local Plan, and
  - (ii) in the case of sand and gravel, the apportioned supply from the county cannot be met from within the areas identified, or
  - (iii) in the case of other minerals, the demand cannot be met from within areas which are identified in the Plan.

##### POLICY PE3: BUFFER ZONES

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

##### POLICY PE4: GROUNDWATER PROTECTION

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

##### POLICY PE5: PROTECTION OF WATER COURSES

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

##### POLICY PE7: FLOODPLAIN PROTECTION

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

**POLICY PE9: SCHEDULED ANCIENT MONUMENTS**

Scheduled Ancient Monuments, other archaeological remains of national importance and their settings should be preserved in situ. For all other remains of importance preservation in situ will be preferred. Where this is not appropriate and for all other remains adequate provision should be made for their excavation and recording. This policy applies to all remains, including those not revealed by policy PE8

**POLICY PE11: RIGHTS OF WAY**

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

**POLICY PE13: RESTORATION OF MINERAL WORKINGS AND LANDFILL SITES**

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: NATURE CONSERVATION**

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

**POLICY PE18: 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 W3: WASTE DISPOSAL**

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

- (a) the site is close to the source of the waste and/or the market for the re-used/recycled material;

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

#### POLICY W4: WASTE DISPOSAL

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

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

#### POLICY W5: WASTE DISPOSAL

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

#### POLICY W7: LANDFILL RESTORATION

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.

#### POLICY PB1: PLANT AND BUILDINGS

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

#### POLICY PB2: PLANT AND BUILDINGS

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

#### POLICY SD2: SAND AND GRAVEL – SMALL EXTENSIONS

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

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

#### POLICY C1: SUSTAINABLE DEVELOPMENT

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

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

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

\*For example, those policies relating to sites protected under the Birds and Habitats Directives (NPPF paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

## POLICY C2: CLIMATE CHANGE

Proposals for minerals or waste development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.

## POLICY C3: FLOODING

Minerals and waste development will, wherever possible, take place in areas with the lowest probability of flooding. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted (using the Sequential Test and Exceptions Test as necessary) and where a flood risk assessment is able to demonstrate that the risk of flooding is not increased from any source, including:

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

The opportunity should be taken to increase flood storage capacity in the flood plain where possible, particularly through the restoration of sand and gravel workings.

## POLICY C4: WATER ENVIRONMENT

Proposals for minerals and waste development will need to demonstrate that there would be no unacceptable adverse impact on or risk to:

- The quantity or quality of surface or groundwater resources required for habitats, wildlife and human activities;
- The quantity or quality of water obtained through abstraction unless acceptable alternative provision can be made; and
- The flow of groundwater at or in the vicinity of the site.

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

## POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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

- the local environment;
- human health and safety;
- residential amenity and other sensitive receptors; and
- the local economy;

including from:

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

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

## POLICY C6: AGRICULTURAL LAND AND SOILS

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

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

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

## POLICY C7: BIODIVERSITY AND GEODIVERSITY

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

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

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

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

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

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

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

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

## POLICY C8: LANDSCAPE

Proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate

measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping.

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

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

#### POLICY C9: HISTORIC ENVIRONMENT AND ARCHAEOLOGY

Proposals for minerals and waste development will not be permitted unless it is demonstrated, including where necessary through prior investigation, that they or associated activities will not have an unacceptable adverse impact on the historic environment.

Great weight will be given to the conservation of designated heritage assets: Blenheim Palace World Heritage Site; scheduled monuments; listed buildings; conservation areas; historic battlefields; registered parks and gardens; and non-designated archaeological assets which are demonstrably of equivalent significance to a scheduled monument; and the setting of those assets.

Where an application would affect a non-designated heritage asset, the benefits of the proposal will be balanced against the scale of harm to or loss of the heritage asset and its significance.

Where, following assessment of an application, the loss (wholly or in part) of a heritage asset is considered acceptable in principle, the applicant will be required to record and advance understanding of that asset, proportionate to the nature and level of the asset's significance, and to publish their findings.

Proposals for mineral working and landfill shall wherever possible demonstrate how the development will make an appropriate contribution to the conservation and enhancement of the historic environment.

#### 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 C11: RIGHTS OF WAY

The integrity and amenity value of the rights of way network shall be maintained and if possible it shall be retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. If permanent diversions are required, these should seek to enhance and improve the public rights of way network.

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.

#### POLICY M2: PROVISION FOR WORKING AGGREGATE MINERALS

Provision will be made through policies M3 and M4 to enable the supply of aggregate minerals from land-won sources within Oxfordshire to meet the requirement identified in the most recent Local Aggregate Assessment throughout the period to the end of 2031.

Permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves with planning permission to be maintained for the extraction of minerals of:

- at least 7 years for sharp sand and gravel;
- at least 7 years for soft sand;
- at least 10 years for crushed rock;  
in accordance with the annual requirement rate in the most recent Local Aggregate Assessment.

#### POLICY M3: PRINCIPAL LOCATIONS FOR WORKING AGGREGATE MINERALS

The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as indicated on the Minerals Key Diagram:

##### Sharp sand and gravel

- The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton;
- The Thames and Lower Thame Valleys area from Oxford to Cholsey;
- The Thames Valley area from Caversham to Shiplake.

##### Soft sand

- The Corallian Ridge area from Oxford to Faringdon;
- The Duns Tew area.

##### Crushed rock

- The area north west of Bicester;
- The Burford area south of the A40;
- The area east and south east of Faringdon.

Specific sites for working aggregate minerals will be identified within these strategic resource areas in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document.

#### POLICY M4: SITES FOR WORKING AGGREGATE MINERALS

Specific sites for working aggregate minerals within the strategic resource areas identified in policy M3, to meet the requirements set out in policy M2, will be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, in accordance with the following criteria:

- a) consideration of the quantity and quality of the mineral resource;
- b) achieving a change over the course of the plan period in the balance of production capacity for sharp sand & gravel between the strategic resource areas in western & southern Oxfordshire to more closely reflect the distribution of demand within the county;

- c) priority for the extension of existing quarries, where environmentally acceptable (including taking into consideration criteria d) to m)) and after consideration of criterion b), before working new sites;
- d) potential for restoration and after-use and for achieving the restoration objectives of the Plan in accordance with policy M10;
- e) suitability & accessibility of the primary road network;
- f) proximity to large towns and other locations of significant demand to enable a reduction in overall journey distance from quarry to market;
- g) ability to provide more sustainable movement of excavated materials;
- h) avoidance of locations within or significantly affecting an Area of Outstanding Natural Beauty;
- i) avoidance of locations likely to have an adverse effect on sites and species of international nature conservation importance and Sites of Special Scientific Interest; in the case of locations within the Eynsham / Cassington / Yarnton part of the Thames, Lower Windrush and Lower Evenlode Valleys area, it must be demonstrated that there will be no change in water levels in the Oxford Meadows Special Area of Conservation and the proposal must not involve the working of land to the north or north east of the River Evenlode; in the case of locations within the Corallian Ridge area, it must be demonstrated that there will be no change in water levels in the Cothill Fen Special Area of Conservation;
- j) avoidance of locations likely to have an adverse effect on designated heritage assets, including World Heritage Sites, Scheduled Monuments and Conservation Areas, or on archaeological assets which are demonstrably of equivalent significance to a Scheduled Monument;
- k) avoidance of, or ability to suitably mitigate, potential significant adverse impacts on:
  - i. locally designated areas of nature conservation and geological interest;
  - ii. local landscape character;
  - iii. water quality, water quantity, flood risk and groundwater flow;
  - iv. agricultural land and soil resources;
  - v. local transport network;
  - vi. land uses sensitive to nuisance (e.g. schools & hospitals);
  - vii. residential amenity & human health; and
  - viii. character and setting of local settlements;
- l) potential cumulative impact of successive and/or simultaneous mineral development, including with non-mineral development, on local communities;
- m) ability to meet other objectives and policy expectations of this Plan (including policies C1 – C11) and relevant policies in other development plans.

## POLICY M5: WORKING OF AGGREGATE MINERALS

Permission will be granted for the working of aggregate minerals within the sites allocated further to policy M4 provided that the requirements of polices C1 – C11 are met.

Permission will not be granted for the working of aggregate minerals outside the sites allocated further to policy M4 unless the requirement to maintain a steady supply of aggregate in accordance with policy M2 cannot be met from within those sites. The criteria in policy M4 will be taken into consideration in the determination of planning applications for aggregate minerals working in locations not allocated under policy M4.

Permission will exceptionally be granted for the working of aggregate minerals outside the sites allocated further to policy M4 where extraction of the mineral is required prior to a planned development in order to prevent the mineral resource being sterilised, having due regard to polices C1 – C11.

Prior to the adoption of the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, permission will be granted for the working of aggregate minerals where this is required in order to maintain landbanks in accordance with policy M2 and taking into consideration the criteria in policy M4 and provided that the requirements of polices C1 – C11 are met.

Notwithstanding the preceding paragraph, permission for working of ironstone for aggregate use will not be permitted except in exchange for an agreed revocation (or other appropriate mechanism to ensure the non-working) without compensation of an equivalent existing permission in Oxfordshire containing potentially workable resources of ironstone and where there would be an overall environmental benefit.

## 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.

#### POLICY W3: PROVISION FOR WASTE MANAGEMENT CAPACITY AND FACILITIES REQUIRED

Provision will be made through this policy and policies W4, W5 and W6 sufficient to meet the need for management of the principal waste streams identified in policy W1 and the waste management targets in policy W2, including any provision that needs to be made for additional waste management capacity that cannot be met by existing facilities.

Waste management capacity requirements will be kept under review and updated in the Oxfordshire Minerals and Waste Annual Monitoring Reports. The Minerals and Waste Annual Monitoring Reports will also set out how the waste management capacity requirements are expected to be met, including the capacity that is expected to be provided by:

- Permanent and established waste management facilities;
- Time-limited waste management facilities;
- Sites with planning permission for waste management facilities that have not yet been built; and
- Sites allocated for waste development in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document.

Account will be taken of any requirements for additional waste management capacity (as identified in Table 7 or the most recent update in the Oxfordshire Minerals and Waste Annual Monitoring Reports) in the consideration of proposals for new waste management facilities for the principal waste streams.

Proposals for facilities for re-use, transfer and pre-treatment of waste (recycling, composting and treatment of food waste) will normally be permitted. Proposals for the treatment of residual waste will only be permitted if it can be demonstrated that the development would not impede the achievement of the waste management targets in policy W2 and that it would enable waste to be recovered at one of the nearest appropriate installations.

Proposals for disposal by landfill will be determined in accordance with policy W6.

#### POLICY W5: SITING OF WASTE MANAGEMENT FACILITIES

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

- is already in waste management or industrial use; or
- is previously developed, derelict or underused; or
- is at an active mineral working or landfill site; or

- involves existing agricultural buildings and their curtilages; or
- is at a waste water treatment works.

Proposals for temporary facilities must provide for the satisfactory removal of the facility and restoration of the site at the end of its temporary period of operation, including at mineral working and landfill sites where the facility shall be removed on or before the cessation of the host activity. Temporary facility sites shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings.

Waste management facilities will not be permitted on green field land unless this can be shown to be the most suitable and sustainable option for location of the facility.

Waste management development that is inappropriate in the Green Belt will not be permitted unless there are very special circumstances why it should be located in the Green Belt . Conditions may be imposed on any permission granted to ensure that the development only serves to meet a need that comprises or forms part of the very special circumstances.

Proposals for new waste management facilities shall meet the criteria in policies C1 – C11.

#### POLICY W6: LANDFILL

##### Non-hazardous waste disposal facilities

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

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

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

##### Inert waste disposal facilities

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

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

#### General

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

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

### **Vale of White Horse Local Plan 2011**

#### 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 DC6: LANDSCAPING

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

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

#### POLICY 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.

### **Vale Local Plan 2029 (Consultation draft Feb 2013)**

#### CORE POLICY 42: FLOOD RISK

The risk and impact of flooding will be minimised through:

- i. directing new development to areas with the lowest probability of flooding
- ii. ensuring that all new development addresses the effective management of all sources of flood risk
- iii. ensuring that development does not increase the risk of flooding elsewhere,  
and
- iv. ensuring wider environmental benefits of development in relation to flood risk.

The suitability of development proposed in flood zones will be strictly assessed using the Sequential Test, and, where necessary, the Exceptions Test. A sequential approach should be used at site level.

A site-specific flood risk assessment will be required for all developments of 1 hectare and greater in Flood Zone 1 and, for all proposals for new development, including minor development and change of use in Flood Zone 2 and 3 and, in Critical Drainage Areas, and also where proposed development or a change of use to a more vulnerable class that may be subject to other forms of flooding. Appropriate mitigation and management measures will be required to be implemented.

All development proposals must be assessed against the Vale of White Horse and South Oxfordshire Strategic Flood Risk Assessment and the Oxfordshire Local Flood Risk Management Strategy to address locally significant flooding. Appropriate mitigation and management measures must be implemented.

All development will be required to provide a drainage strategy. Developments will be expected to incorporate sustainable drainage systems and ensure that run-off rates are attenuated to greenfield run-off rates. Higher rates would need to be justified and the risks quantified. Developers should strive to reduce run-off rates for existing developed sites.

Sustainable drainage systems should seek to enhance water quality and biodiversity in line with the Water Framework Directive (WFD).

#### CORE POLICY 44: LANDSCAPE



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

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

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

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

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

#### CORE POLICY 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 Area 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 Habitat 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 are 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) and iii) comprise:

- Sites of Special 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
- Local 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 or 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 BE2: GENERAL DEVELOPMENT STANDARDS**

New development should respect and, where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment.

Proposals for new buildings and land uses should clearly demonstrate how they will relate satisfactorily to the site and its surroundings, incorporating a landscape scheme and incidental open space as appropriate.

A landscape scheme accompanying detailed proposals for development should show, as appropriate, hard and soft landscaping, existing and proposed underground

services, a phasing programme for implementation and subsequent maintenance arrangements.

Proposals will only be permitted if all the following criteria are met:

Quality of Development and Impact upon the Area:

- a) the proposal is well-designed and respects the existing scale, pattern and character of the surrounding area;
- b) new buildings or extensions to existing buildings are designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining buildings, with local building traditions reflected as appropriate;
- c) the proposal creates or retains a satisfactory environment for people living in or visiting the area, including people with disabilities;
- d) existing features of importance in the local environment are protected and/or enhanced;
- e) the landscape surrounding and providing a setting for existing towns and villages is not adversely affected;
- f) in the open countryside, any appropriate development will be easily assimilated into the landscape and wherever possible, be sited close to an existing group of buildings.

Crime:

- g) good design has been used to help reduce the opportunities for crime.

Energy and Resources:

- h) regard has been given to:
  - i) principles of energy and resource conservation;
  - ii) provision for sorting and storage facilities to facilitate recycling of waste.

### POLICY BE3: PROVISION FOR MOVEMENT AND PARKING

Development should make provision for the safe movement of people and vehicles, whilst minimising impact upon the environment. Within built-up areas priority should be given to pedestrians, cyclists and public transport.

Proposals will only be permitted if all the following criteria are met:

- a) safe and convenient circulation of pedestrians and cyclists, both within the development and externally to nearby facilities, with provision to meet the needs of people with impaired mobility as appropriate;
- b) safe movement of all vehicular traffic both within the site and on the surrounding highway network;
- c) provision for the increased use of public transport as appropriate to the scale of development;
- d) provision for the parking of vehicles, including bicycles and motorcycles, in accordance with the standards in Appendix 2.

Development which would have a significant impact on the highway network will not be permitted without the prior submission of a Transport Assessment.

**POLICY BE18: POLLUTION**

Planning permission will not be permitted for development which could give rise to unacceptable levels of pollution, unless adequate mitigation measures are provided to ensure that any discharge or emissions will not cause harm to users of land, including the effects on health and the natural environment.

**POLICY BE19: NOISE**

Planning permission will not be granted for:

- a) housing and other noise sensitive development if the occupants would experience significant noise disturbance from existing or proposed development;
- b) development including the use of land, if because of the noise it will create, the occupants of housing and other noise sensitive development would be exposed to significant noise disturbance, unless there is an overriding need for the proposal which cannot be met elsewhere.

**POLICY E7: EXISTING BUSINESSES**

Proposals for the expansion of existing established businesses either within, adjoining or adjacent to the existing premises that are commensurate with the scale and character of the locality will be permitted.

**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 NE6: RETENTION OF TREES, WOODLANDS AND HEDGEROWS**

Planning permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic or biodiversity value. Removal will only be allowed where it can be demonstrated that the proposed development would enhance the landscape quality and nature conservation value of the area.

**POLICY NE7: THE WATER ENVIRONMENT**

Development should not have an adverse impact on the water environment. Initiative which seek to restore or enhance the natural elements of this environment will be supported.

**POLICY NE8: FLOOD RISK**

New development or intensification of existing development will not be permitted within areas at risk from flooding which is likely to:

- i. impede the flow of water;
- ii. result in the net loss of flood plain storage;
- iii. increase the flood risk elsewhere.

Within areas at risk of flooding an appropriate Flood Risk assessment must be undertaken when preparing development proposals.

#### POLICY NE9: SURFACE WATER

New development or intensification of existing development will not be permitted where the additional surface water run-off would result in adverse impacts such as an increased risk of flooding, river channel instability or damage to habitats, unless appropriate attenuation and pollution control measures are provided.

#### POLICY NE15: PROTECTED SPECIES

Development that would have an adverse effect on a site supporting a specially protected species will not be permitted unless damage to the ecological interest can be prevented through the compliance with conditions or planning obligations.

#### POLICY TLC8: PUBLIC RIGHTS OF WAY

The existing public rights of way network will be safeguarded and, where appropriate, improved access to the countryside will be sought, with additional public rights of way for walkers, horseriders and cyclists.

### **Emerging West Oxfordshire Local Plan (EWOLP) 2011-2031**

#### POLICY OS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in 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 – taking into account whether:

- 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
- Specific policies in that Framework indicate that development should be restricted.

#### POLICY OS2: LOCATING DEVELOPMENT IN THE RIGHT PLACES

## **Main Service Centres, Rural Service Centres and Villages**

New homes, jobs and supporting services will be primarily focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton. This includes Strategic Development Areas (SDAs) at Witney, Carterton and Chipping Norton. Development elsewhere will be more limited and will focus on meeting locally identified community and business needs.

The rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough and Woodstock are suitable for development of an appropriate scale and type that would help to reinforce their existing service centre role. Sites may be specifically identified by the Council within or on the edge of some of these service centres, including through Neighbourhood Plans.

The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. Sites may be specifically identified by the Council within or on the edge of some of these villages to help meet local needs, including through Neighbourhood Plans.

Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan.

## **Small Villages, Hamlets and Open Countryside**

Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Appropriate development will include:

- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting, with preference given to employment, tourism and community uses;
- new accommodation proposed in accordance with policies specifically for travelling communities;
- proposals to support the effectiveness of existing businesses and sustainable tourism;
- development which will make a positive contribution to farm and country estate diversification; and
- telecommunications development sited and designed to minimise impact upon the environment.

Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan.

## **General Principles**

All development will be located where:

- it forms a logical complement to the existing scale and pattern of development and/or the character of the area;
- it would not have a harmful impact on the amenity of existing occupants;
- it protects or enhances the local landscape and the setting of the settlement/s;
- it makes use of previously developed land where available, provided it is not of high environmental value (e.g. ecology) and the loss of any existing use would not conflict with other policies of this plan;
- it does not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- it can be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- it is not at risk of flooding or likely to increase the risk of flooding elsewhere;
- it complies with policies for the protection of the natural environment and heritage assets;
- it safeguards mineral resources;
- in the Green Belt, it complies with national policies for the Green Belt; and
- necessary supporting infrastructure can be provided.

### POLICY OS3: PRUDENT USE OF NATURAL RESOURCES

All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources, including:

- making the most efficient use of land and buildings, whilst having regard to the character of the locality;
- delivering development that seeks to minimise the need to travel;
- minimising use of non-renewable resources, including land and energy, and maximising opportunities for travel by sustainable means;
- minimising their impact on the soil resource\*;
- minimising energy demands and energy loss through design, layout, orientation, landscaping, materials and the use of technology;
- maximising resource efficiency, including water;
- minimising risk of flooding;
- making use of appropriate sustainable drainage systems;
- using recycled and energy efficient materials;
- minimising waste and making adequate provision for the re-use and recycling of waste; and causing no deterioration and, where possible, achieving improvements in water or air quality.

All development proposals will be required to achieve high standards of sustainable design and construction including achieving low carbon development in line with Government policy.

\*Guidance includes the 2011 DEFRA publication: Construction Code of Practice for the Sustainable Use of Soils on Construction Sites

### POLICY OS4: HIGH QUALITY DESIGN

High design quality is central to the strategy for West Oxfordshire. New development should respect and contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings and should:

- demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced and the likelihood of crime and fear of crime is reduced; and
- not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties; and
- demonstrate resilience to future climate change, particularly increasing temperatures and flood risk, and the use of water conservation and management measures; and
- preserve or enhance areas, buildings and features of historic, architectural and environmental importance, including unlisted vernacular buildings and habitats of biodiversity value; and
- enhance local green infrastructure and its biodiversity, including the provision of attractive, safe and convenient amenity open space commensurate with the scale and type of development, with play space where appropriate.

Designers of new development will be expected to provide supporting evidence for their design approach. They should have regard to specific design advice contained in supplementary planning guidance covering the District. The West Oxfordshire Design Guide, Landscape Assessments, Conservation Area Appraisals and Cotswolds AONB guidance documents are key tools for interpreting local distinctiveness and informing high design quality.

#### 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.

## POLICY EH2: BIODIVERSITY

The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity, including by:

- giving sites and species of international nature conservation importance and nationally important sites of special scientific interest the highest level of protection from any development that will have an adverse impact;
- requiring a Habitats Regulation Assessment to be undertaken of any development proposal that is likely to have a significant adverse effect, either alone or in combination, on the Oxford Meadows SAC, particularly in relation to air quality and nitrogen oxide emissions and deposition;
- protecting and mitigating for impacts on priority habitats and protected species and priority species, both their importance individually and as part of a wider network;
- avoiding loss, deterioration or harm to locally important wildlife and geological sites and sites supporting irreplaceable habitats (including ancient woodland and aged or veteran trees), UK priority habitats and priority species, except in exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm and the harm can be mitigated through appropriate measures and a net gain in biodiversity is secured;
- ensuring development does not prevent the achievement of the aims of the Conservation Target Areas (CTAs and Nature Improvement Areas (NIAs));
- promoting the preservation, conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, particularly within the CTAs and NIAs;
- taking all opportunities to enhance the biodiversity of the site or the locality, especially where this will help deliver networks of biodiversity and green infrastructure and UK priority habitats and species targets and meet the aims of Conservation Target Areas CTAs.

All developments will be expected to provide towards the provision of necessary enhancements in areas of biodiversity importance.

## POLICY EH6: ENVIRONMENTAL PROTECTION

Proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity. The following issues require particular attention:

### Air quality

The air quality within West Oxfordshire will be managed and improved in line with National Air Quality Standards, the principles of best practice and the Air Quality

Management Area Action Plans for Witney and Chipping Norton. Where appropriate, developments will need to be supported by an air quality assessment.

#### Contaminated land

Proposals for development of land which may be contaminated must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination, remedial measures must be identified and satisfactorily implemented.

#### Hazardous substances, installations and airfields

Development should not adversely affect safety near notifiable installations and safeguarded airfields.

#### Artificial light

The installation of external lighting and proposals for remote rural buildings will only be permitted where:

- i) the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light;
- ii) the elevations of buildings, particularly roofs, are designed to limit light spill;
- iii) the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation.

#### Noise

Housing and other noise sensitive development should not take place in areas where the occupants would experience significant noise disturbance from existing or proposed development.

New development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.

#### Water resources

Proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and important ecological features.

#### Waste

Planning permission will be granted for appropriately located development that makes provision for the management and treatment of waste and recycling, in accordance with the Oxfordshire Joint Municipal Waste Strategy and local waste management strategy.