



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

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

**Monday, 24 April 2017 at 2.00 pm**

**Rooms 1&2 - County Hall, New Road, Oxford OX1 1ND**

A handwritten signature in black ink that reads "Peter G. Clark".

Peter G. Clark  
Chief Executive

April 2017

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

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

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**Membership**

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

*Councillors*

Lynda Atkins  
David Bartholomew  
Mark Cherry  
Patrick Greene

Bob Johnston  
Stewart Lilly  
James Mills  
Glynis Phillips

Anne Purse  
G.A. Reynolds  
John Sanders

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**Notes:**

- **Date of next meeting: 5 June 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 - 10)**

To approve the minutes of the meeting held on 27 February 2017 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **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 11 - 74)**

Report by the Director for Planning and Place (**PN6**).

The report provides an update to Members following the presentation of these applications to the 27 February 2017 Planning & Regulation. At that meeting the Committee were informed of an objection raised by the Environment Agency which following officer advice prompted a deferral to a future meeting

The objections raised by the Environment Agency and subsequent comments from the Ecology Officer have been addressed by the applicant within their submission dated 23 March 2017. We await a formal response from the Environment Agency and Ecology Officer.

The two applications, for a new pipeline to move mineral from the permitted Stonehenge Farm quarry instead of the permitted conveyor system and 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, are recommended for approval subject to conditions

and legal agreements.

***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 B to this report; and***
- (b) subject to:***
  - i) a supplemental S. 106 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;***

***that Application MW.0134/16 be approved subject to 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 C 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.***

## **7. Relevant Development Plan and other Policies (Pages 75 - 84)**

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

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

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 24 April at 12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

# Agenda Item 3

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 27 February 2017 commencing at 2.00 pm and finishing at 2.55 pm

**Present:**

**Voting Members:** Councillor Mrs Catherine Fulljames – in the Chair

Councillor Neil Owen (Deputy Chairman)  
Councillor Lynda Atkins  
Councillor David Bartholomew  
Councillor Mark Cherry  
Councillor Bob Johnston  
Councillor Stewart Lilly  
Councillor James F. Mills  
Councillor Glynis Phillips  
Councillor Anne Purse  
Councillor John Sanders

**Officers:**

Whole of meeting G. Warrington & D. Mytton (Directorate for Resources);  
C. Kenneford & D. Periam (Directorate for Planning & Place)

Part of meeting

**Agenda Item**

6 & 7  
8

**Officer Attending**

M. Case (Directorate for Planning & Place)  
G. Crossley (Directorate for Planning & Place)

*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.*

### 6/17 **APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

An apology for absence was received from Councillor George Reynolds.

**7/17 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

Item 6 – B&E Waste Recycling and Transfer Facility, Minster Lovell – Application No. MW.0070/16

Councillor Mark Cherry advised that as part of his employment in the building industry he had in the past dealt with B&E Skips. However, he did not consider that to be significant enough to affect his impartiality and therefore intended to participate in any discussion and voting on that item.

**8/17 MINUTES**

(Agenda No. 3)

The minutes of the meeting held on 16 January 2017 were approved and signed.

**9/17 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Suzi Coyne (Agent)	6. B & E Waste Recycling, Minster Lovell – Application MW/.0070/16

**10/17 CHAIRMAN'S UPDATES**

(Agenda No. 5)

- Minute 5/17 – Great Tew Ironstone Quarry – Application MW.0078/15 -The permission had now been issued and the enforcement notice withdrawn
- Additional meeting scheduled for 27 March 2017.

**11/17 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**

(Agenda No. 6)

The Committee considered (PN6) an application for a rectangular building measuring 25 metres by 27 metres. The building would encompass an existing concreted area, currently used for waste processing and link the proposed processing building with

small covered lean-to area which in turn would link to the existing shed (3.8 metres by 5 metres). The proposed building would accommodate a new processing system.

Mr Case presented the report and notified an amendment to paragraph 4 insofar as the whole site covered 0.34 hectares and the building itself 675 metres. He then responded to questions from –

Councillor Bartholomew – planting to the south of the site could be conditioned.

Councillor Cherry – he confirmed the height of the existing shed at 7.2 metres while the proposed building would be 8.5 metres.

Councillor Greene – he confirmed that although the original proposal had been reduced from a proposed height of 10 metres the applicants had confirmed that there could be no further reduction without compromising the ability to house machinery.

Councillor Purse – he confirmed that the hedge referred to in the ecologist's report was the one proposed to be managed jointly between the applicant and neighbour to the north.

Suzi Coyne confirmed that B&E had been operating for over 50 years in the haulage business and for the last 20 years in the recycling business. Currently that operation was in the open which was not ideal and would be best under cover. The Environment Agency favoured operations under cover and this proposal would achieve that. There would be no increase in throughput or vehicle movements. The proposal had been designed to comply with other sites but because of objections it had taken some time to reach this final iteration which was the absolute minimum height to accommodate machinery. It was proposed that lorries would only tip at the western end of the site which although manageable was not ideal. There would be substantial health and safety benefits and controls such as noise and the building would be sited 65 and 83 metres from neighbouring properties. Although an urban area there were many other similar commercial units and she urged the Committee to approve the application.

She then responded to questions from –

Councillor Owen – the firm employed 30 staff.

Councillor Johnston – she confirmed the advantages to be gained from keeping material dry and confirmed what materials would be picked out. Plastic would be baled separately.

Councillor Phillips – tipping had to be carried out at the western end as there were more open views to the south. The proposed building would only be 0.7 metres above the approved building and even at the new proposed height it would not be possible for vehicles to extend fully.

Councillor Mrs Fulljames – the shadow over the neighbouring garden would be no greater than would arise from the previously approved building and would be 63 metres from the edge of the neighbouring property.

Responding to Councillor Sanders Mr Case could not confirm the height of other business units in the area but that there were some substantial units.

**RESOLVED:** (on a motion by Councillor Greene, seconded by Councillor Johnston and carried by 11 votes to 0 with one abstention) that Application MW.0070/16 (16/01686/CM) be approved subject to conditions to be determined by the Director of Planning and Place which included those set out in Annex 2 to the report PN6.

**12/17 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**

(Agenda No. 7)

The Committee considered (PN7) an application for the extraction of 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 and cover 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 and will have a phased scheme of eight working phases.

Mr Case presented the report. Responding to a question from Councillor Purse he confirmed that the late comments from BBOWT referred to in the addenda sheet had been discussed with the county ecologist who had confirmed that the long term management would allow sufficient time for hedgerows to establish. It was proposed to include the longest hedge as part of the 106 agreement but to condition others which would be planted early in the life of the development and although not part of the 106 specifically they would have 20 years to establish and benefit from care.

Responding to Councillor Johnston Mr Periam confirmed that only matters that could be agreed and seen as necessary could be included in the 106 agreement and confirmed there was a test of reasonableness in the NPPF.

Councillor Johnston then moved the recommendation as set out in the addenda sheet. Councillor Atkins seconding.

The motion was put to the Committee and –

**RESOLVED:** (unanimously) 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 below and other conditions brought forward from planning permission ST/8417/7-CM as necessary:



- i. The development should 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 should be begun not later than the expiration of three years beginning with the date of this permission. The date of commencement of development should be notified to the planning authority within 7 days of commencement.
- iii. The extraction element of the development hereby permitted should cease on or before 31 December 2037 and the site should 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 should 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 should 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 should be carried out, and plant should 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 should 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 should be maintained in a condition free from potholes while in use and should be removed when no longer required or during the course of site restoration, whichever was the sooner. Sections of haul road formed to a level higher than one metre below the final restoration level should be removed before overburden and soils were re-spread. All sections of haul road should be ripped before being covered with overburden and soils during restoration.
- ix. No heavy goods vehicles should leave the site unless their wheels were 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 were bringing mud onto the highway and causing a traffic safety problem or an amenity dis-benefit, then, at the written request of the Minerals Planning Authority, facilities should be provided on the site to clean the wheels of the heavy goods vehicles.
- x. No clay should be excavated from the quarry other than for uses within the site.

- xi. No water should be discharged from the site which was sufficiently contaminated with clay or silt to cause clouding or sedimentation in adjoining ditches, ponds or watercourses.
- xii. Tanks containing fuel, oil or chemicals should 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 should be provided. All fill pipes, draw pipes and sight gauges should 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 should 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 should be permitted as infill material at the site.
- xvi. Noise from operations on the site, including both fixed plant and mobile machinery, should not exceed 62.5 db (A) Leq as measured on the boundary adjacent to the back facades of Bowling Green Cottages and the operators should take such action, including the insulation of fixed plant, the silencing of vehicles and mobile machinery and the provision of acoustic screening, as might be necessary to ensure that these noise levels were not exceeded.
- xvii. No blasting should be carried out at any time.
- xviii. The only pumps and generators which were permitted to operate on the site were those that were acoustically sound-proofed such that the background noise outside the operating hours set out in condition 6 was 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 should 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 should take place within 100 metres of Bowling Green Cottages.
- xxi. Sand processing plant should 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 should 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 should be replaced with live specimens of such species and at such time and in such number as might be specified by the Minerals Planning Authority in writing.
- xxiv. No topsoil storage should take place above 3 metres in height.
- xxv. No subsoil storage should take place above 5 metres in height.
- xxvi. No stockpile of overburden, limestone or soft sand should exceed 5 metres in height.
- xxvii. No work should 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 should take place from faces occupied by sand martins between 1 March and 30 October in any year.
- xxix. All stripped topsoil and subsoil should be stored separately. Subsoils should 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 should not take place other than when the moisture content of the soils was 5% or more below the lower plastic limit of the soils.
- xxxi. Movement of topsoil, subsoil and other soil-forming materials should 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 had not been undertaken, should be kept free from weeds, and all necessary steps should 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 should be replaced using low ground pressure machinery.
- xxxiv. All the topsoil and subsoil used in restoration should 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) should be placed with subsoil and no topsoil should be placed as the top layer. This area was not to be treated with lime or fertilisers.
- xxxvi. The final land levels after any settlement should not exceed those shown on approved plan CHIN001Rev.A.
- xxxvii. No waste skips or containers should be stored on site.
- xxxviii. No floodlighting should 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 should be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work should include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which should be submitted to the Minerals Planning Authority/Waste Planning Authority.
- xl. Aftercare of the restored site should take place in accordance with a scheme to be submitted and approved in writing by the Mineral Planning Authority. The aftercare scheme should be submitted within 10 years of the date of this permission. The scheme should include provision for an annual meeting between the operator and the Mineral Planning Authority and any other party as might be agreed by the Mineral Planning Authority. Aftercare should start when restoration had been completed in accordance with conditions of this permission. The annual meeting should be held either in June or July each year. No later than 2 weeks following the annual meeting, any required revisions should be submitted for the approval of the Mineral Planning Authority in writing and any that were agreed should be implemented within the timescales agreed at the annual meeting.
- xli. The area covered by Planning Permission STA/8417/7-CM should be restored in accordance with approved Restoration Scheme plan CHIN001Rev.A. The area should be restored within 3 years of the commencement of permission, other than the land required to access phases 1 to 8 of the development hereby permitted and the noise attenuation bund around Bowling Green

- Cottages. The area covered by STA/8417/7-CM to be maintained in good condition in accordance with approved plan CHIN001Rev.A. The land required to access phases 1 to 8 of the development hereby permitted and the noise attenuation bund around Bowling Green Cottages should be restored no later than one year from the date of completion of mineral extraction or 31 December 2038 whichever was earlier.
- xlii. The soil stockpile shown on the Topographical Survey (Drawing no. BOW/1250/28) to the north of the proposed Meadow Land should 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, or 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.
  - xlv. No later than the end of the first planting season following the commencement of the development, the hedgerow planting along the northern and eastern boundary of the 'proposed agricultural land' should be planted in accordance with the approved Restoration Scheme plan CHIN001Rev.A. The hedgerows should be maintained and any plants which at any time during the development and aftercare period die, were removed or became seriously damaged or diseased should be replaced in the next planting season with others of a similar size and species.

**13/17 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**

(Agenda No. 8)

The Committee had before it a report which covered 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. The applications had been brought to committee because the local member had objected to the proposed extension of time.

However a further late objection received from the Environment Agency had prompted the applicants to request a deferral of both applications in order for them to consider the detail and context of that objection.

**RESOLVED:** (unanimously) that Applications MW.0132/16 & MW.0134/16 be deferred to the next meeting.

..... in the Chair

Date of signing .....

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**For: PLANNING & REGULATION COMMITTEE – 24 APRIL 2017**

**By: THE DIRECTOR FOR PLANNING AND PLACE**

**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**

**Division Affected:** Eynsham  
**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 – Introduction and Background
- Part 2 – Update from previous Report dated 27<sup>th</sup> February 2017
- Part 3 – Analysis and Conclusions

## **RECOMMENDATION**

The report recommends that, subject to no over-riding objections being received from outstanding consultees:

- application MW.0132/16 is approved, subject to conditions to be determined by the Director of Planning and Place including those set out in Annex B; and
- application MW.0134/16 be approved, subject to Deeds of Variation as necessary to the S.106 and routeing agreements and to conditions to be determined by the Director of Planning and Place including those set out in Annex C.

## **PART 1 - INTRODUCTION AND BACKGROUND**

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 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.
3. 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.
4. 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.
5. The details of these applications, consultee responses and policy discussions are set out in full within the Officer's Report to Committee dated 27 February 2017, which is appended at Annex A.



**PART 2 - UPDATE FROM PREVIOUS COMMITTEE REPORT DATED 27<sup>TH</sup>  
FEBRUARY 2017**

6. Members may recall that at the Planning and Regulation Committee Meeting dated 27 February 2017, Officers informed them that the Environment Agency (EA) had raised an objection to both applications on two grounds, one on flood risk and another on water quality issues and the potential impact on water based ecology.
7. In addition to the E A objection, the County Council's Ecology Officer revised her comments in response to the application to reflect the water quality and nature conservation concerns raised by the EA.
8. On the day of Committee (27 February 2017) we also received correspondence from an Agent, whose Client is developing Park Farm, which is located on Standlake Road to the north of the mineral extraction area at Stonehenge Farm. Planning permission (15/00320/FUL) was granted by West Oxfordshire District Council for residential development of fifteen dwellings, including garages and sewage treatment plant at Park Farm. The developers of Park Farm have raised concern over the proposed extension of time and phasing of the applications at Stonehenge Farm, which is discussed further below.
9. An error was made in the last report, where it was reported that Northmoor Parish Council had not yet responded. However, they have responded and they confirmed that they do not object to the application to extend the site to 2024, but would object to any further extension of time.

**Environment Agency Objections**

10. As stated above, the EA objected to both applications on the grounds of Flood Risk and Water Quality issues on 24<sup>th</sup> February 2017 and as such determination of the applications was deferred at the Committee Meeting on 27<sup>th</sup> February 2017 in order that the applicant be given the opportunity to address these objections. The applicant responded to the EA objections on 23<sup>rd</sup> March 2017 with the following documents:
  - Technical Note: Stonehenge Farm – Hydrological Advice on Proposed Replacement of Conveyor with Pipeline. Addendum. Dated March 2017, reference: 38949C002i2, produced by Amec Foster Wheeler.
  - Letter from Corylus Planning and Environmental Ltd to Oxfordshire County Council Planning Department dated 23<sup>rd</sup> March 2017.
11. The objections and the applicants response are addressed in detail below.

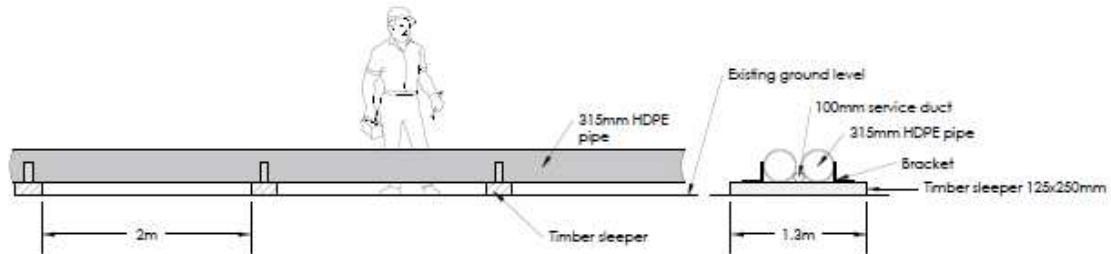
## Flood Risk

12. The site lies within Flood Zones 2 and 3, as such the EA had objected to the applications on the following grounds:
- i) The modelled flood level is not clearly listed to compare to the ground level along with the level of the pipe and bridges. This will need to be assessed if enough allowance is to be provided for high flood flows.
  - ii) It is not clear if the level of the conveyance pipe is the same level all the way along the structure.
  - iii) We require clarity of the height of ground and flood levels for the crossings.
  - iv) We need details on the effects of the watercourse crossings on reducing channel capacity and the subsequent impact this will have on fluvial flood risk.
  - v) We would need this data for all areas the pipeline crosses land which is at risk in the modelled 1% plus climate change.
  - vi) It's not clear whether the pumping station lies within Flood Zones 2 or 3 to see if this needs flood risk compensation or not. We will need to see an assessment of this.
13. The EA suggest that their objections could be overcome by the submission of a Flood Risk Assessment to address these points and demonstrate that the development will not increase risk elsewhere and where possible reduces flood risk overall.
14. In response the applicant has submitted a Hydrological Technical Note Addendum by Amec Foster Wheeler dated March 2017 in response to the EA's objections i) to vi) (although as point v) relates to the previous numbered points, it is not addressed separately). The Technical Note refers to 2D modelling carried out in 2009 as part of Hanson's Appeal (reference APP/U3100/A/09/2107573) to the refusal of application 07/0111/P/CM, which was granted in October 2010.

### Flood Modelling and Pipeline (Objection points i) to iii))

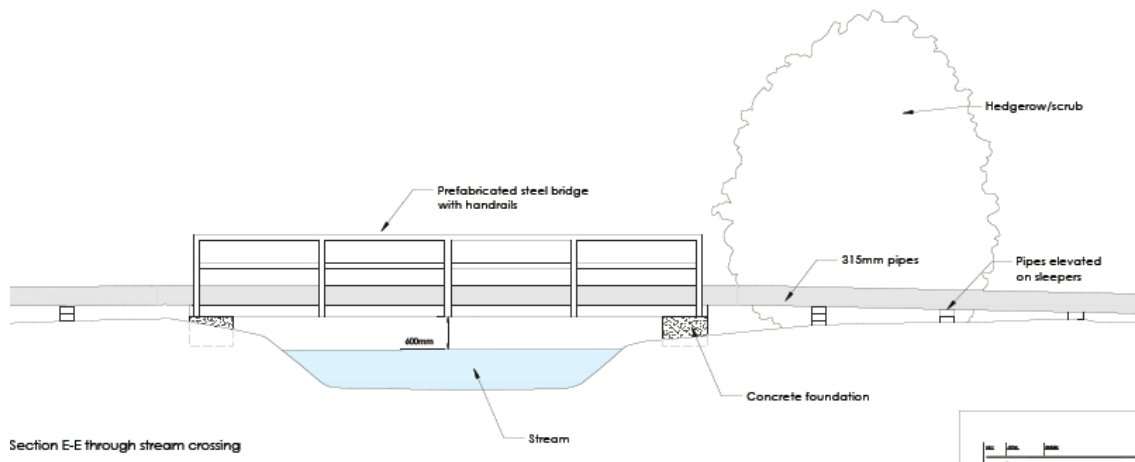
15. The Technical Note states that the southernmost 85% of the 1km length of pipeline that lies within the floodplain is situated immediately to the west of an existing hedge boundary. The hedge is modelled as a bank which forms a linear barrier to water movement about 0.15 to 0.2m high. The pipeline is proposed to be located as close to the hedge line as possible so that it will not act as an additional linear barrier, but only as a widening of the existing hedge bank. The Technical Note states that the modelling shows that there are localised areas of flooding less than 0.1m in depth to the west of the hedge.

16. Further, the pipe will be raised on railway sleepers along the entire length within the Flood Zone 3 such that the soffit will be 0.125 to 0.13m above existing ground level to prevent impact on flood flows or flood storage (see image below taken from drawing no. S2/HAN/5/07 – Proposed Pipe Detail).



Watercourse Crossings (Objection point iv))

17. The Technical Note states that the pipeline would cross just one significant watercourse to the west of Pinnocks Farm. Modelling results indicate flood levels of 64.66m AOD at this location. Ground levels are at 64.5m AOD and the pipeline is proposed to cross the watercourse on a pre-fabricated steel bridge (details shown on drawing S2/HAN/5/15), with the soffit no less than 64.8m AOD, allowing a freeboard of 140mm above the modelled flood level.



18. There is also a ditch crossing to the east of Manor Farm and south of the footpath. The Technical Note states that this is a local land drainage ditch connected to the moated drains around Manor Farm, with no significant catchment and that modelling shows no floodplain at the crossing location. The ditch is proposed to be piped underneath the pipeline crossing using a 600mm

diameter pipe culvert, which the Technical Note states would be adequate to pass any flows along the ditch.

#### Pumping Station (Objection point vi))

19. The Pumping Station is proposed to be located where the pipeline enters the excavation area, close to Phase 2 and southeast of Park Farm. The Technical Note Addendum clarifies that the Pumping Station is to be located within a small area of Flood Zone 3 within the excavation area. It also states that as the Pumping Station measures 6m long by 2.4m wide by 2.6m high, its footprint is just 14.4m<sup>2</sup> and therefore would have an insignificant effect on floodplain storage within the wider floodplain.

#### **Water Quality and Nature Conservation**

20. The second objection raised by the Environment Agency related to water quality and the subsequent potential effect on nature conservation. The EA stated:

*“We **object** to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water quality and nature conservation can be safely managed.”*

21. They went on to say that the potential for water quality and nature conservation impacts to Stoneacres Lake had not been assessed and that if necessary, mitigation measures should be proposed. They requested a water quality and ecological impact assessment, to include:
  - a. An assessment of any impacts associated with a rise in water temperature, from travelling 1.7km in an overground black pipe, on the discharged water and its effects on the ecology in Stoneacres Lake;
  - b. An assessment of suspended solids and the risks of sediment laden water entering the lakes and the watercourses in the area;
  - c. Mitigation measures for any potential impacts as a result of this activity;
  - d. A plan for the prevention and detection of leaks from the overground piping and the mitigation measures that need to be in place for this.
22. The applicant had not submitted a water quality and ecological impact assessment, however in response within a letter from their agent, Corylus Planning & Environmental Ltd, to the Case Officer, dated 23<sup>rd</sup> March 2017, they summarise a conversation with the EA Technical Officer (see below) and state that he is now happy to remove his objection:
  - i. The pipe system is the same as the approved conveyor system in that water is taken from Stoneacres Lake (an abstraction licence is in place) and returned via a silt pond system.
  - ii. The silt pond system is as per approved drawing S59/112a which was approved as part of the appeal permission. This system moves water through an initial settling area and to a clean water or polishing lagoon prior to returning to Stoneacres Lake. Water from the pipeline does NOT go directly back to Stoneacres.

- iii. The pipe is a purpose designed and robust product, all joints are fully welded. As with all equipment on site, regular checks are a standard element of good practice to prevent leaks.
  - iv. Water will be moving within the pipe, not static and warming in any sunlight, and will return via the silt system. Therefore there is no raised water temperature issue, and water returning to Stoneacres Lake will do so in the same way as for the approved conveyor scheme.
23. The Environment Agency responded to the further information on 5 April 2017, withdrawing their previous objections, subject to the following conditions:

Application MW.0132/16

*“The development permitted by this planning permission shall be carried out in accordance with the Stonehenge Farm-hydrological advice on proposed replacement of conveyor with pipeline addendum , 38949c00i2, March 2017, Amec Foster Wheeler Environment & Infrastructure UK Limited, and the following mitigation measures detailed within the technical note:*

1. *Pipe Crossing will be raised on sleepers with a soffit no lower than 0.125 as stated in section 3.1 of the technical note.*
2. *Watercourse crossings will be raised with a soffit of no less than 64.8 AOD, which allows for 30cm freeboard, as noted in section 3.2 of the Technical note.*
3. *That the location of the pumping station will stay within the excavation area therefore not increasing built footprint as stated in section 3.3 in the technical note.*
4. *That the pumping station will be no bigger than the 14.4m<sup>2</sup> as stated in section 3.3 of the technical.*

*The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

*Reasons:*

1. *To prevent flooding elsewhere by ensuring the pipe is not blocking flood flow on the site including climate change level, increasing flood water elsewhere.*
2. *To prevent flooding elsewhere by ensuring that the watercourse crossing is high enough to not be effected in times of high flow.*
3. *To ensure there is no loss in floodplain storage on the site.*
4. *To ensure there is no loss in floodplain storage on the site.”*

Application MW.0134/16

*“The development permitted by this planning permission shall be carried out in accordance with the Stonehenge Farm, Stanton Harcourt Quarry, Oxfordshire, Variation application-use of flexible pipes within extraction area Supporting*

*Statement, October 2016, Corylus Planning & Environmental Ltd, and the following mitigation measures detailed within the technical note:*

- 1. That the flexible pipework is laid either directly on top of the stripped gravel surface (generally below original field levels) or alongside the soil bund, as stated on page 6 of the Variation application Supporting statement.*

*Reason:*

- 1. To prevent an increase in flooding elsewhere by ensuring the pipe is not blocking flood flow on the site.”*

### **Ecology Response**

24. The Ecology Officer provided a revised response to both applications dated 1 March 2017, within which she reflected the concerns of the EA and requested further information on how to prevent the heating of water in the pipe; how to prevent silt contamination to discharged water; and how to ensure the separation of great crested newts from any heated water.
25. The Ecology Officer has also had sight of the submission from the applicant dated 23 March 2017 and has responded to say that she accepts that any effects from water heating and silt contamination will be minimal.

### **Park Farm Residential Development**

26. As set out above, a representation has been received from JP Planning Ltd, who raise concerns on behalf of their Client, with regards to permitted residential development at Park Farm.
27. Planning application 15/00320/FUL for fifteen residential properties, was granted on 4 December 2015. According to JP Planning, the development commenced in August/September 2016 and the first units are due to be completed in June 2017.

### **Objection to the Extension of Time**

28. The developers of Park Farm have raised concern over the extension of time for Stonehenge Farm, as proposed under application MW.0134/16. At the time that the residential development was permitted, Stonehenge Farm had been granted permission on appeal (ref: APP/U3100/A/09/2107573 – dated 8 October 2010), with condition 3 requiring the cessation of mineral extraction by 31 July 2021 or 8 years following commencement of development, with restoration being completed by 30 September the following year. As the development was legally implemented in September 2013, mineral extraction is currently required to be completed by 31 July 2021 with restoration by 30 September 2022. Application MW.0134/16 seeks to vary a number of conditions, including condition 3 to extend mineral extraction to 31 December 2023 and completion of restoration by 31 December 2024. If permitted, this would extend the life of mineral working by 2 years 5 months and restoration by 2 years 3 months.

29. JP Planning consider that an extension of 2 years and 5 months would present a material increase in the level of harm to the occupiers of the properties currently under construction at Park Farm. They state that one of the purposes of time-limiting conditions (such as condition 3 attached to the current consent), is to provide some certainty to applicants, third parties and Local Authorities. This concern was also raised by the Local Member and addressed within the Committee Report dated 27 February 2017 at paragraphs 46 to 48.

#### Objection to Phasing of Working

30. The second concern raised by JP Planning Ltd on behalf of the developers of Park Farm relates to the proposed and approved phasing of mineral working and in particular, that the northern phases should be worked first and not third. They consider it would be preferable to work closest to Park Farm first and then move away. It is suspected that this would ensure the closest phases were worked prior to completion and occupancy of some of the proposed residential units.
31. The applicant has responded with an explanation as to why the proposed phasing scheme cannot be amended, this is because it is not a simple process of “switching” phases; a complex assessment is made with regard to material volumes (minerals, soils and overburden) to provide the working and restoration schemes, carried out using many years of mineral experience. The applicant states that the scheme proposed is the most effective; taking account of the volumes of materials, types of soils, the need to minimise soil handling and the requirement for progressive restoration.

### **PART 3 – ANALYSIS AND CONCLUSIONS**

#### Discussions

##### **Flooding and Flood Risk**

32. As stated above, 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 proposals in the floodplain should not result in the raising of ground levels and not impede flood flows. Policy NE8 of the WOLP has a similar requirement.
33. As set out within the Committee Report dated 27 February 2017, the County Drainage Engineer (Lead Local Flood Authority) has no Drainage objection to this 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.
34. As clarified by the applicant, where the pipe is to be laid upon the ground, it is to be constructed upon railway sleepers and therefore will lie some 0.125-0.13m off the ground, which would allow for the free flow of flood waters.

35. The applicant has responded to the objections raised by the EA in their letter dated 24 February 2017. The EA has considered the applicant's response, following which they have withdrawn their objection. Therefore, the development is considered acceptable in terms of Flood Risk and compliant with policies PE7 of the OMWLP and NE8 of the WOLP.

### **Water Quality and Nature Conservation**

36. The County Ecology Officer initially responded to both applications to say that subject to recommended conditions and proposed mitigation measures, it is not considered that the proposed development would have an adverse impact upon protected species.
37. Following the objection from the EA, the Ecology Officer provided a revised response, which in addition to the previously recommended conditions, requested further information to address the prevention of heating of the water in the pipeline and silt contamination to discharged water; and separation of great crested newts from any heated water.
38. As set out within the Committee Report dated 27<sup>th</sup> February 2017, OMWCS policy C7, WOLP policy NE15 and EWOLP policy EH2 all seek to protect and conserve biodiversity and protected species. 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..."*
39. The National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution (paragraph 109). It also requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications (paragraph 118).
40. 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 to protect Great Crested Newts and small mammals.
41. The applicant has responded to the concerns raised by the EA and Ecology Officer regarding water within the pipeline becoming heated and effecting the ecology within Stoneacres Lake. The water would move through the pipe system, it would not be static and therefore is not expected to have an opportunity to warm within the pipe. Further, the water would be extracted from Stoneacres Lake and returned via a silt pond system, this system would allow silts to drop out of suspension prior to returning to Stoneacres Lake as clean water.



42. The Ecology Officer is satisfied with the response from the applicant, stating that any effects on water heating and silt contamination will be minimal. It is therefore considered by the Planning Officer that these objections have been overcome and that the development is considered acceptable in terms of Water Quality.
43. It is therefore considered that the proposed development would have no greater impact upon biodiversity or protected species than the approved scheme and would accord with OMWCS policy C7, WOLP policy NE15 and EWOLP policy EH2.

### **Timescales and Phasing of Development**

44. As stated above, consent APP/U3100/A/09/2107573 was implemented in October 2013, following which works ceased. If these permissions are granted, the applicant proposes to re-commence in the spring of 2018. The applicant states that the pipeline will allow for an increased production rate compared to the conveyor system, which will reduce the remaining period now required for extraction of the permitted reserves, taking mineral extraction and subsequent restoration through to 2023. Considering the delay to works since implementation in 2013, if permission is granted and works commence in 2018, completion in 2023 and restoration in 2024 is now realistically considered to be the earliest opportunity for completion of the development and therefore is considered compliant with paragraph 144 of the NPPF policy PE13 of the OMWLP.
45. Further, environmental impacts were assessed during the original application and subsequent appeal and conditions placed on the consent to control potential impacts. For example, condition 4 restricts the hours of operation; condition 13 and 14 limit noise levels; and conditions 15 and 16 control vehicle and plant noise, for example requiring the use of white noise reversing beepers. Other than reference to a drawing number, these conditions are not proposed to change under application MWV.0132/16.
46. Of particular relevance, are conditions 13 and 14, as set out below:

Condition 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. (Proposed to be amended to reference plan S59/108 rev D instead).

Condition 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.
47. Should consent be granted, these conditions will be carried forward and therefore noise limits at the boundary of Phase 3 (which is the closest working

area to the existing and proposed new residential properties at Park Farm) will be limited to 51 dB (LAeq) (1 hour).

48. Permission for mineral extraction at Stonehenge Farm was granted in 2010, with the Park Farm residential development being permitted in December 2015. Therefore, the location of the minerals site, method of working, phasing, mitigation measures and planning conditions were all available for consideration at the time the residential application was considered. Application MW.0132/16 seeks permission for a pipeline to transport mineral from the permitted extraction site to the plant site instead of a conveyor system (as permitted), while MW.0134/16 seeks permission to vary a number of conditions relating to the pipeline, including to extend the completion and restoration dates for the development by circa 2 years 5 months. It is not considered that the delay in completion of mineral extraction and restoration would result in a significant detrimental effect to the amenities of either existing or proposed residential receptors.
49. With regards to the phasing of mineral working, the development was permitted on appeal and therefore this aspect was considered and found to be acceptable by the Planning Inspector. The applicant is not proposing to vary the phasing scheme at this time.

### **Conclusions**

50. As set out within the Committee Report dated 27<sup>th</sup> February 2017, 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.
51. Whilst the concern expressed by the Local Member and developers of Park Farm, 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.
52. The objections raised by the Environment Agency and The Ecology Officer in relation to flood risk and water quality have been satisfactorily addressed and, subject to the conditions recommended by the Environment Agency and Ecology Officer, it is not considered that the proposed development would have an unacceptable impact upon flood risk or the quality of the water returned to Stoneacres Lake.
53. It is therefore 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 B to this report; and
- (b) subject to:
  - i) a supplemental S. 106 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;

that Application MW.0134/16 be approved subject to 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 C 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

April 2017

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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 routeing 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. <i>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.</i>	No change.
21. <i>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</i>	No change.
22. <i>Deleted(Inspector did not use this condition number)</i>	No change.
23. <i>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.</i>	Condition discharged.
24. <i>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.</i>	Condition discharged. Pipe allows for flood water flows in same way as conveyor.
25. <i>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.</i>	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>

<b>Condition</b>	<b>Variation</b>
<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>	of conveyor proposal.  Condition to be amended to reflect pumping system application.  Drawing reference to change.
30. <i>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: (a) The suppression of dust caused by the moving and storage of soil and overburden, stone and other materials within the site; (b) Dust suppression on haul roads, including speed limits. The approved scheme shall be implemented and complied with at all times.</i>	Condition discharged. No change.
31. <i>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>	Condition discharged. Submitted plan S59/177 amended to show pipe and new replacement office, and new plan provided showing office unit.
32. <i>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>	Condition discharged. No change.
33. <i>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>	Condition discharged. Changes to some of the documents submitted for that discharge.

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
<p><i>Authority.</i></p> <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. 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 recommended 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**

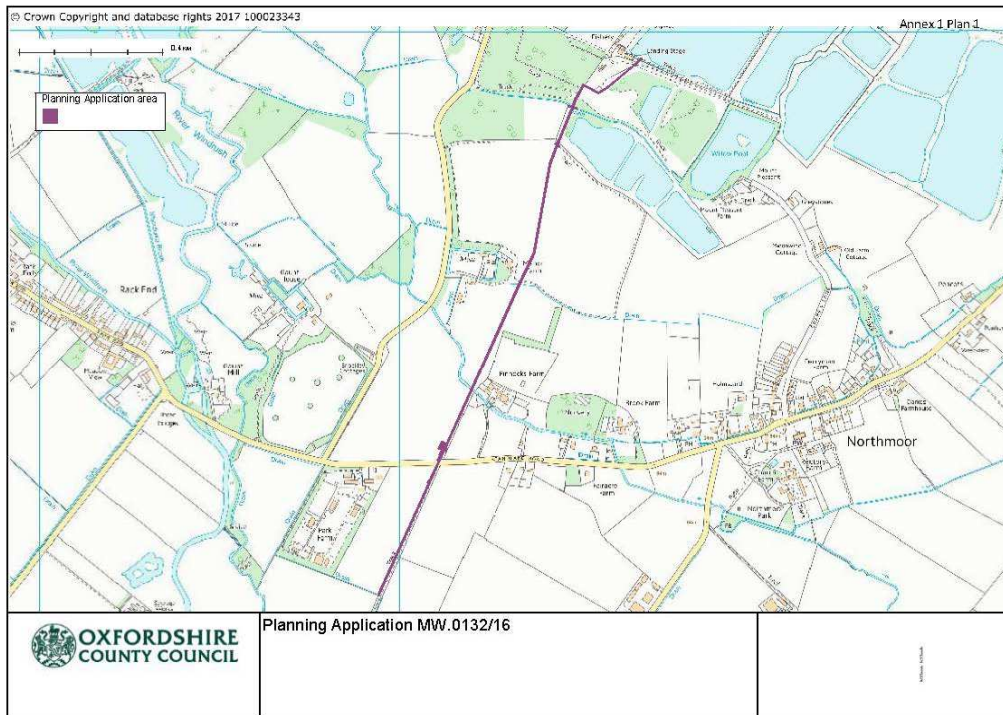
**It is RECOMMENDED that subject to no over-riding objections being received from outstanding consultees that:**

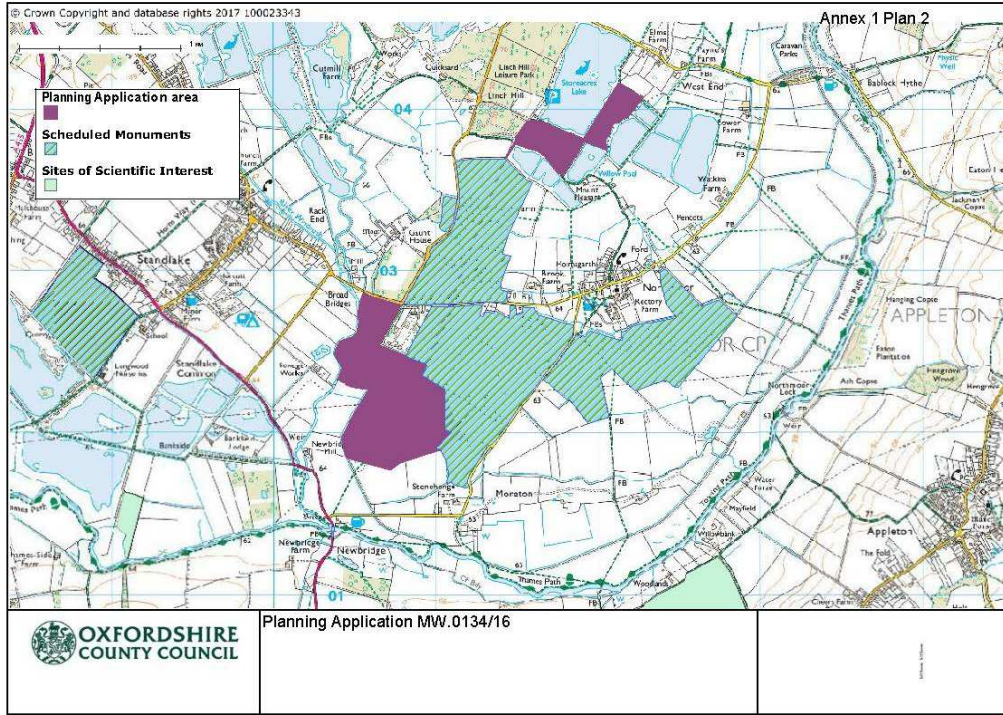
- (a) Application MW.0132/16 be approved subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to this report; and**
- (b) Application MW.0134/16 be approved subject to:**
  - i) A supplemental S106 legal agreement to bring forward relevant provisions 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 29<sup>th</sup> 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.



**PROPOSED CONDITIONS – MW. 0132/16**

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
2. The 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.
3. The development shall not be carried out other than in association with the development permitted by planning permission no. MW.0134/16.
4. 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.
5. 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;
  - b. No operations shall take place on Sundays, Public or Bank Holidays.
6. The noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour) at the facades of the closest dwelling.
7. 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.
8. 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.
9. The pumps hereby permitted shall not be other than electrically powered.
10. No floodlighting shall be erected on site.
11. 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.
12. The development permitted by this planning permission shall be carried out in accordance with the Stonehenge Farm-hydrological advice on proposed replacement of conveyor with pipeline addendum , 38949c00i2, March 2017, Amec Foster Wheeler Environment & Infrastructure UK Limited, and the following mitigation measures detailed within the technical note:
  - a. Pipe Crossing will be raised on sleepers with a soffit no lower than 0.125 as stated in section 3.1 of the technical note.

- b. **Watercourse crossings will be raised with a soffit of no less than 64.8 AOD, which allows for 30cm freeboard, as noted in section 3.2 of the Technical note.**
  - c. **That the location of the pumping station will stay within the excavation area therefore not increasing built footprint as stated in section 3.3 in the technical note.**
  - d. **That the pumping station will be no bigger than the 14.4m<sup>2</sup> as stated in section 3.3 of the technical.**
- 13. The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Mineral Planning Authority.**

**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 21<sup>st</sup> 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. The development permitted by this planning permission shall be carried out in accordance with the Stonehenge Farm, Stanton Harcourt Quarry, Oxfordshire, Variation application-use of flexible pipes within extraction area Supporting Statement, October 2016, Corylus Planning & Environmental Ltd, and the following mitigation measures detailed within the technical note:
  - a. That the flexible pipework is laid either directly on top of the stripped gravel surface (generally below original field levels) or alongside the soil bund, as stated on page 6 of the Variation application Supporting statement.
24. 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.
25. 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.
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 passes under Standlake Road as shown on plan no. S2/HAN/5/16 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 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.
28. 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.
29. 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.

30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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.
  39. 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.
  40. 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.
  41. 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.
  42. 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.

**43. 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.**

**44. 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.**

**45. 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).**

**46. 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.**

**47. 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**

**48. 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.**

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## PLANNING & REGULATION COMMITTEE – 24 APRIL 2017

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

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

##### 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 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.

#### **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 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 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 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 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.

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

## 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 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 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.

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