



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

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

Monday, 14 May 2018 at 2.00 pm

County Hall, New Road, Oxford

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

Peter G. Clark
Chief Executive

May 2018

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

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

Membership

Chairman – Councillor Les Sibley
Deputy Chairman - Councillor Jeannette Matelot

Councillors

Mrs Anda Fitzgerald-
O'Connor
Mike Fox-Davies
Stefan Gawrysiak
Bob Johnston

Mark Lygo
Glynis Phillips
G.A. Reynolds
Judy Roberts

Dan Sames
Alan Thompson
Richard Webber

Notes:

- **Date of next meeting: 2 July 2018**

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 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 - 6)**

To approve the minutes of the meeting held on 26 March 2018 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Routeing Agreements Protocol (Pages 7 - 14)**

Report by the Director for Planning & Place and Director of Law & Governance (PN6).

This report considers the adoption of a revised Routeing Agreements Protocol further to the adopted motion by Councillor Mike Fox-Davies at the meeting of the County Council on 27 March 2018.

It is RECOMMENDED that the revised Routeing Agreements Protocol set out in Annex 2 to the report PN6 be adopted.

7. **Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum - Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum - Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum - Application No. MW.0015/18 (Pages 15 - 48)**

Report by the Director for Planning & Place (PN7)

This application is for an increase in the amount of waste imported to the existing Recycled Aggregates Facility from 100,000 to 175,000 tonnes per calendar year through a variation of condition 6 of planning permission no. 16/04166/CM (MW.0140/16). No other changes to the existing conditions are proposed.

The application is being reported to the Planning & Regulation Committee because it is a resubmission of previous application no. MW.0073/17 for the same development which was refused planning permission and is the subject of an undetermined appeal.

Objections have been received from eleven local residents on highway capacity, safety and amenity impact grounds.

The report outlines the relevant planning policies along with the comments received and recommendation of the Director for Planning and Place.

Members are asked to consider with regard to Application No. MW.0073/17:

(a) whether the application overcomes their previous concerns and so reason for refusal; and EITHER

(i) if not, refuse for the following reason:

There would be an unacceptable adverse impact on the amenity of residents in Sutton village arising from the additional Heavy Goods Vehicle (HGV) movements proposed by the application, contrary to policy C5 of the adopted Minerals & Waste Core Strategy. The offer of £10,000 for highway improvements could not overcome that concern.

OR

(ii) if so, subject to the applicant first entering into a section 106 Agreement to secure the payment of £10,000 towards highway improvements along the B4449 through Sutton and the provision of an additional road sign advising HGV traffic turning onto the B4449 from Blackditch not to travel through Sutton during peak hours, Application MW.0015/18 be approved subject to the existing conditions and condition 6 reading as follows:

“No more than 175,000 tonnes of waste shall be imported to the site in any calendar year. Records of imports, sufficient to be monitored by the Waste Planning Authority shall be kept on site and made available to the Waste Planning Authority's officers on request.”

and

to an additional condition requiring that the operator's records of heavy goods vehicle movements to and from the site be provided to the Waste Planning Authority on a quarterly basis.

(b) that the Chairman of the Planning & Regulation Committee writes to the

Cabinet Member for Environment advising that there are ongoing concerns about the impact of traffic through Sutton and asking that the council seek as Highway Authority to investigate with the applicant and other local businesses ways in which it may work with them to help secure a Sutton Bypass.

8. Progress Report on Minerals and Waste Site Monitoring and Enforcement (Pages 49 - 78)

Report by Director for Planning & Place (PN8).

The report updates members on the regular monitoring of minerals and waste planning permissions for the financial year 1 April 2017 to 31 March 2018 and on the progress of enforcement cases.

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

9. Relevant Development Plan and other Policies (Pages 79 - 90)

Paper by the Director for Planning & Place (PN9).

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

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 14 May at 12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 26 March 2018 commencing at 2.00 pm and finishing at 3.20 pm

Present:

Voting Members: Councillor Les Sibley – in the Chair

Councillor Jeannette Matelot (Deputy Chairman)
Councillor Mike Fox-Davies
Councillor Stefan Gawrysiak
Councillor Bob Johnston
Councillor Mark Lygo
Councillor Glynis Phillips
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor Dan Sames
Councillor Alan Thompson
Councillor Richard Webber

Officers:

Whole of meeting: G. Warrington and J. Crouch (Law & Governance); C. Kenneford and K. Broughton (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.

16/18 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Anda Fitzgerald-O'Connor	No temporary appointment

17/18 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE
(Agenda No. 2)

<i>Councillor</i>	<i>Nature of Interest</i>
<p>Councillor George Reynolds</p> <p><i>Item 6. – New Secondary School (Alchester Academy) with associated hard and soft landscaping, car parking, playing fields and infrastructure on land in the Kingsmere Development in South west Bicester – Application No. R£.0003/18</i></p>	<p>He advised that as the provision of recreation at Alchester Academy could be the subject of further discussion at district level he would leave the meeting at the start of this item taking no part in the discussion or voting so as not to compromise his position as Lead Member for Recreation on Cherwell District Council.</p>
<p>Councillor Les Sibley</p> <p><i>Item 6. – New Secondary School (Alchester Academy) with associated hard and soft landscaping, car parking, playing fields and infrastructure on land in the Kingsmere Development in South west Bicester – Application No. R£.0003/18</i></p>	<p>County Councillor for Bicester West. Advising that he had not expressed a view on this application in his capacity as the local county councillor for this division he therefore intended to take part in the discussion and voting on that item.</p>
<p>Councillor Dan Sames</p> <p><i>Item 6. – New Secondary School (Alchester Academy) with associated hard and soft landscaping, car parking, playing fields and infrastructure on land in the Kingsmere Development in South west Bicester – Application No. R£.0003/18</i></p>	<p>District Councillor for Bicester South and Ambrosden. Advising that he had not expressed a view on this application in his capacity as the district councillor for this ward he therefore intended to take part in the discussion and voting on that item.</p>

18/18 MINUTES
(Agenda No. 3)

The minutes of the meeting held on 19 February 2018 were approved and signed.

19/18 NEW SECONDARY SCHOOL (ALCHESTER ACADEMY) WITH ASSOCIATED HARD AND SOFT LANDSCAPING, CAR PARKING, PLAYING FIELDS AND INFRASTRUCTURE ON LAND IN THE KINGSMERE DEVELOPMENT IN SOUTH WEST BICESTER - APPLICATION NO. R3.0003/18
(Agenda No. 6)

The Committee considered (PN6) a planning application to provide a new Secondary School on the Kingsmere development in South West Bicester. The application which provided for a three-storey building, MUGA, playing fields and car parking was within an area granted planning permission in outline by Cherwell District Council.

Presenting the report Mr Broughton also referred to an addenda sheet deleting Condition VII as set out in the printed report, advised of an amendment to the site plan on page 23 of the published report insofar as the proposed MUGA had been incorrectly marked, confirmed that outline planning permission for the Kingsmere development included as part of that master plan the proposed secondary school provision, which was the subject of this report and finally referred to a telephone conversation he had had that morning with Mr Charles Toh a local resident regarding issues of access, parking provision and air pollution.

He then responded to questions from:

Councillor Sames – he could only confirm that the application referred to a grass surface for the hockey pitch area.

Councillor Lygo – he confirmed that as lighting proposals were to be submitted the 10 pm switch off time was, at this stage, only a suggestion and members could if they so wished suggest a change. Regarding cycle markings that was a matter for the highway authority and outside the scope of this application. However, a request could be made to increase cycle parking provision.

Councillor Phillips – it would be reasonable to expect that visiting teams to the sports facilities would normally arrive by minibus or shared cars and so be expected to use the existing parking area but ultimately it would be up to the academy to agree levels of use,

Councillor Thompson – the development had outline consent granted by Cherwell District Council suggesting that the coach turning/drop off area was fit for purpose.

He advised members that DCLG had stipulated that permissions for school builds should be granted unless there were overriding reasons not to do so.

Councillor Sames – he confirmed that although noise levels from the A41 had not been specifically raised by Cherwell District Council’s environmental health officer in their response that might have been different if the school had been situated closer to that road.

Councillor Lygo – as there had been no loss of playing space Sport England had not been required to comment. However, having spoken to them about the application on the telephone, he understood they had no concerns.

Councillor Roberts – it was not currently an option to restrict the coach turning area with a clearway order as it hadn’t yet been adopted.

Responding to Councillor Webber Mr Broughton advised that a change could be made to the informative regarding the coach turning area advising the applicant that they approach the highway authority rather than suggesting that they might wish to but it would still remain an informative. He understood that the applicant had wanted to amend the plan to widen the turning area but doing so would have moved it closer to houses and it had been considered that to do that would have required a new application.

The Committee agreed unanimously to amend the informative as follows:

“Concerns have been raised by the County as Highway Authority as to the possible problems for coaches turning in the area provided for in the outline planning permission if residents park their vehicles in the turning area. The applicant is advised to approach the Highway Authority about parking restrictions once the road has been adopted.”

Councillor Sames opposed the application. He did not consider it to be a sustainable location and bearing in mind the scale of development in Bicester it seemed counter-productive to put a new school on one side of the town as pupils would not just be drawn from the Kingsmere development but from a variety of locations. The three storey building would be visually intrusive and have a large impact on the amenity of residents. He felt it contrary to Policy C31 of the CLP 1996 in that it was not compatible with the residential character of the area and would cause an unacceptable level of nuisance or visual intrusion. There had been no agreement with Cherwell District Council regarding community use and a travel plan needed to be in place immediately to cope with the influx of pupils from a wide area. Local roads had not been adopted and some indication of when that might happen was needed. He felt there were more than enough schools on that side of Bicester to cover pupil numbers from the Kingsmere development and that a more sustainable location was needed.

Mrs Crouch confirmed that should the secondary school not be built on this site then the site and any money to build the secondary school secured by the agreed S106 would need to be returned to the developer. The County Council would then have to acquire an alternative site to provide any additional secondary school places needed in Bicester.

Mr Broughton confirmed that the Committee could refuse the current application and suggest that the school be resited within the area with outline consent. However, those options were limited as it could not be moved further south as there was a covenant preventing development and moving it further to the A41 could draw an objection on environmental health grounds.

Councillor Gawrysiak was minded to support the application and moved that the officer recommendation be approved but with the following amendments:

Community use time amended to read as follows:

Between the following hours 07.00 – 23.00 Mondays to Saturdays and 07.00 – 18.00 on Sundays

No lighting of sports facilities shall take place beyond 21.00 Mondays to Saturdays, or beyond 18.00 on Sundays.

Cycle rack provision to be increased to 300.

Travel Plan introduced before the first occupancy.

The motion seconded by Councillor Johnston was put to the Committee and carried by 9 votes to 1 (with one abstention).

RESOLVED: that subject to a Unilateral Undertaking to pay £2,040 for travel plan monitoring that planning permission for application no. R3.0003/18 be approved subject to conditions to be determined by the Director of Planning and Place to include the following:

- I. Detailed compliance.
- II. Permission to be implemented within 3 years.
- III. Prior to the first occupation of the school buildings, a school travel plan shall be submitted to and approved by the County Planning Authority.
- IV. The approved travel plan to be implemented within three months of the school's opening.
- V. The community use of the school premises shall be only between the following hours:
07.00 – 23.00 Mondays to Saturdays and
07.00 – 18.00 on Sundays
- VI. No lighting of sports facilities shall take place beyond 21.00 Mondays to Saturdays, or beyond 18.00 on Sundays.
- VII. No external lighting shall be erected and used until a scheme of lighting has been submitted to and approved by the County Planning Authority
- VIII. Prior to the construction of the car park, a detailed layout shall be submitted to and approved by the County Planning Authority. The revised parking scheme to include 300 cycle parking spaces.
- IX. Prior to first occupation of the school, the location and design of the bin store shall be submitted and approved. The agreed scheme shall be implemented.
- X. No development shall take place within 10m of the existing public footpath, until details of how the footpath will be protected has been submitted to and approved by the County Planning Authority.

Informatives

European Protected Species

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

Compliance with National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service, which the applicant took advantage of in this case updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. The applicant has been advised of concerns raised by the Environment Agency, Cherwell District Council and local residents. This has given them the opportunity to provide additional information, particularly on concerns initially raised by the Environment Agency with regard to contaminated land which led to that objection being removed.

Coach Circulation Space

Concerns have been raised by the County as Highway Authority as to the possible problems for coaches turning in the area provided for in the outline planning permission if residents park their vehicles in the turning area. The applicant is advised to approach the Highway Authority about parking restrictions once the road has been adopted.

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..... in the Chair

Date of signing

For: PLANNING & REGULATION COMMITTEE – 14 MAY 2018

By: DIRECTOR OF PLANNING AND PLACE

Routeing Agreements Protocol

Division Affected: All

Contact Officer: David Periam **Tel:** 07824 545378

Recommendation

The report recommends that the Committee adopt the revised Routeing Agreements Protocol.

1. The Planning & Regulation Committee on 5 September 2016 resolved to endorse a Routeing Agreements Protocol (Annex 1). This applies only to the applications which the County Council itself determines as Mineral and Waste Planning Authority.
2. At the meeting of the County Council on 27 March 2018, Council unanimously approved the following motion moved by Councillor Fox-Davies:

“Many approvals for planning permission are granted, subject to routeing agreements, (normally for HGV traffic). These form a contract with the applicant. If these agreements are not followed, there is limited power of enforcement. Once granted the permission cannot be removed, the only enforcement process is for the applicant to be pursued through the civil court.

This is currently embedded in planning law. Whilst many applicants will abide by the legal agreements, there is no easy deterrent for applicants who flout them.

As a rural Council with many villages affected by HGV movements, we feel strongly that the law in this area needs to be amended. This Council requests that the Planning & Regulation Committee strengthen the existing OCC planning protocols to include measures to enable easy redress following persistent breaches such as the retention of a financial performance bond, with the necessary mechanism for any persistent breaches of the routeing agreements.

Additionally, this Council asks that the Leader of the Council Lobby every MP in Oxfordshire to support this change and raise a back-bench motion in Parliament, to strengthen the UK planning law to allow local authorities more redress when conditions or legal agreements entered by contractors are persistently breached.”

3. Further to that resolution, officers have prepared the draft revised Routeing Agreements Protocol attached at Annex 2 to this report for consideration by this Committee. In addition to the six options set out in the existing Protocol, this includes an additional option as follows:

“7) If an application is received:

- a) and there is a history of substantiated, persistent or flagrant breaches by an applicant of the terms of an existing routeing agreement, a security deposit will be required from the applicant at the outset when entering into the new routeing agreement.*
- b) for a site in a part of the county where there has been an ongoing concern with regard to existing vehicle movements but there has been no history of non-compliance on the part of the applicant, the routeing agreement will include a provision that if the Council reasonably determines later that there have been substantiated, persistent or flagrant breaches of that agreement then operations will cease until a security deposit has been paid to the County Council*

In either case, the security deposit would be used to fund the council’s costs incurred in monitoring the agreement, investigating suspected breaches of the agreement and securing compliance with the agreement, as necessary. The security deposit would not normally exceed an amount of £1,000 per year for the number of years the development is permitted.”

4. The consideration of whether this additional measure or any of the others already specified in the Protocol may be appropriate will be a matter for detailed consideration in relation to each particular planning application. If it was considered by officers or the Committee that this or any other specific measures in this Protocol were necessary to make the development acceptable, but which the applicant was not prepared to agree to, then the application could be refused planning permission.
5. A refusal of planning permission may lead to an appeal to the Secretary of State being lodged against it and also to an application for an award of costs against the council if it was found to have acted unreasonably. For any reason for refusal given on the basis that an applicant had not been prepared to enter into a routeing agreement containing a specific obligation to be sustained and an appeal dismissed, it would need to be demonstrated that the requirement for the security deposit was reasonable in the context of substantial concerns in the area about lorry movements or a history of non-compliance with routeing agreements by the applicant.
6. Should an applicant be prepared to enter into a routeing agreement with such a clause as that proposed here in it, the requirement to cease

operations until the security deposit had been paid could only temporarily halt the development, the planning permission itself would not be revoked.

RECOMMENDATION

- 7. It is RECOMMENDED that the revised Routeing Agreements Protocol set out in Annex 2 be adopted.**

SUSAN HALLIWELL
Director for Planning and Place

May 2018

**PLANNING & REGULATION COMMITTEE –
5th SEPTEMBER 2016**

Routeing Agreements Protocol

Agenda Summary

This is a report with regard to the adoption of a revised Routeing Agreements Protocol further to the adopted motion of the meeting of the County Council on 27th March 2018.

Routing Agreements Protocol:

When determining planning applications for mineral and waste developments, the impacts of associated traffic are material planning considerations. These impacts can be both technical in terms of highway safety and capacity but also in terms of the impact on the amenity of other road users, residents and the environment.

Development which may be considered to have adverse highway impacts which would otherwise warrant planning permission being refused may be made acceptable through the applicant and the County Council as Mineral and Waste Planning Authority (MPA) entering into a vehicle routing agreement to require that vehicles be routed so as to avoid certain roads, possibly at all times or possibly at certain times of day e.g. to avoid conflict with peak hour traffic and/or arrivals and departures at school opening and closing times. Such routing agreements must be freely entered into by the applicant.

Where such a routing agreement is entered into, it would be expected that the applicant would police compliance with it and take appropriate action against any drivers who failed to comply with its terms. For example, a common approach would be to give one warning for the first proven breach and then to dismiss the driver or ban them from visiting the site following a second proven breach. Nonetheless, the MPA may still require to undertake its own monitoring for compliance, particularly following ongoing complaints of breaches such that it can then raise these with the site operator for the appropriate action to be taken. Such monitoring by its nature can be both time-consuming and costly. It is therefore considered that it is reasonable for the site operator to bear some of the cost of such monitoring.

When entering into routing agreements, the applicant will be asked to commit either within the routing agreement or through an associated planning obligation or legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 as amended, to one or more of the following as the MPA may consider appropriate depending on the specific site circumstances:

- 1) To hand a leaflet or notice to all drivers visiting the site for the first time, both those in the applicant's or other site operators' employment and third parties, informing them of the requirements of the routing agreement and instructing them that failure to comply will result in an initial warning for the first breach and then a ban from the site following a second breach.
- 2) To provide all vehicles in the control of the applicant or other site operator with a Global Positioning System tracking device, and to require that the vehicles of any contractors are similarly provided, and to make the records of all vehicles so equipped available to the MPA upon request;

- 3) To install closed circuit television cameras at the site entrance or entrances to record the directions from which vehicles enter and leave the site and to provide recorded footage to the MPA upon request;
- 4) To provide an index-linked sum to cover the cost to the County Council of traffic surveys to be undertaken on behalf of the MPA;
- 5) To commit to the full funding of any additional surveys which the MPA may consider necessary following the receipt of substantiated complaints with regard to breaches of the routing agreement ;
- 6) To recover the full reasonable costs of the MPA monitoring compliance with the routing agreement following substantiated complaints, including officers' time.

Routing Agreements Protocol:

When determining planning applications for mineral and waste developments, the impacts of associated traffic are material planning considerations. These impacts can be both technical in terms of highway safety and capacity but also in terms of the impact on the amenity of other road users, residents and the environment. Development which may be considered to have adverse highway impacts which would otherwise warrant planning permission being refused may be made acceptable through the applicant and the County Council as Mineral and Waste Planning Authority (MPA) entering into a vehicle routing agreement to require that vehicles be routed so as to avoid certain roads, possibly at all times or possibly at certain times of day e.g. to avoid conflict with peak hour traffic and/or arrivals and departures at school opening and closing times. Such routing agreements must be freely entered into by the applicant.

Where such a routing agreement is entered into, it would be expected that the applicant would police compliance with it and take appropriate action against any drivers who failed to comply with its terms. For example, a common approach would be to give one warning for the first proven breach and then to dismiss the driver or ban them from visiting the site following a second proven breach. Nonetheless, the MPA may still require to undertake its own monitoring for compliance, particularly following ongoing complaints of breaches such that it can then raise these with the site operator for the appropriate action to be taken. Such monitoring by its nature can be both time-consuming and costly. It is therefore considered that it is reasonable for the site operator to bear some of the cost of such monitoring.

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- 1) To hand a leaflet or notice to all drivers visiting the site for the first time, both those in the applicant's or other site operators' employment and third parties, informing them of the requirements of the routing agreement and instructing them that failure to comply will result in an initial warning for the first breach and then a ban from the site following a second breach.
- 2) To provide all vehicles in the control of the applicant or other site operator with a Global Positioning System tracking device, and to require that the vehicles of any contractors are similarly provided, and to make the records of all vehicles so equipped available to the MPA upon request;

- 3) To install closed circuit television cameras at the site entrance or entrances to record the directions from which vehicles enter and leave the site and to provide recorded footage to the MPA upon request;
- 4) To provide an index-linked sum to cover the cost to the County Council of traffic surveys to be undertaken on behalf of the MPA;
- 5) To commit to the full funding of any additional surveys which the MPA may consider necessary following the receipt of substantiated complaints with regard to breaches of the routing agreement;
- 6) To recover the full reasonable costs of the MPA monitoring compliance with the routing agreement following substantiated complaints, including officers' time;
- 7) If an application is received:
 - a) and there is a history of substantiated, persistent or flagrant breaches by an applicant of the terms of an existing routing agreement, a security deposit will be required from the applicant at the outset when entering into the new routing agreement.
 - b) for a site in a part of the county where there has been an ongoing concern with regard to existing vehicle movements but there has been no history of non-compliance on the part of the applicant, the routing agreement will include a provision that if the Council reasonably determines later that there have been substantiated, persistent or flagrant breaches of that agreement then operations will cease until a security deposit has been paid to the County Council

In either case, the security deposit would be used to fund the council's costs incurred in monitoring the agreement, investigating suspected breaches of the agreement and securing compliance with the agreement, as necessary. The security deposit would not normally exceed an amount of £1,000 per year for the number of years the development is permitted.

For: PLANNING AND REGULATION COMMITTEE – 14 MAY 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum

Division Affected: Eynsham

Contact Officer: David Periam **Tel:** 07824 545378

Location: Sheehan Recycled Aggregates Plant site Dix Pit,
Stanton Harcourt, Witney OX29 5BB

Application No: MW.0015/18 **District Ref:** 18/00723/CM

Applicant: Sheehan's Haulage and Plant Hire Ltd

District Council Area: West Oxfordshire DC

Date Received: 26 February 2018

Consultation Period: 8 March – 29 March 2018

Contents:

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

Recommendation Summary:

Approval.

• **Part 1 – Facts and Background**

1. A planning application for the same development as is proposed in this current application [Ref: MW.0073/17] was originally considered at the meeting of the Planning and Regulation Committee on 27 November 2017. Members deferred consideration of the application. It was subsequently reported back to the meeting of the Planning & Regulation Committee on 8 January 2018 and refused planning permission for the following reason:

There would be an unacceptable adverse impact on the amenity of residents in Sutton village arising from the additional Heavy Goods Vehicle (HGV) movements proposed by the application, contrary to policy C5 of the adopted Minerals & Waste Core Strategy. The offer of £5,000 for highway improvements could not overcome that concern.

An appeal against this refusal of planning permission has been lodged with the Secretary of State although no start date for the appeal has yet been provided by the Planning Inspectorate. The lodged appeal is accompanied by an application for costs against the County Council. The two committee reports for that application and the relevant minutes are appended at Annex 1.

Details of the Development

2. The current application is for the same development as previously proposed in application no. MW.0073/17. The differences are that should planning permission be granted the applicant would make a contribution of £10,000 (previously £5,000) to enable improvements of the B4449 by either drainage or footpath widening in Sutton. The applicant would also pay for a road sign to be erected advising traffic from the Dix Pit area not to travel through Sutton during peak hours. These matters would need to be provided for through a Section 106 legal agreement.
3. With regard to the suggestion made when the previous application was considered to 'stage' an increase, the applicant advises that it is unable to accept a planning restriction limiting their operations to 135,000 tonnes per annum. The cost of expanding the business makes a small increase unviable. However, using their new technology the applicant will monitor all vehicles leaving Dix Pit and record which way they travel on reaching the B4449 and the route taken by all of their incoming lorries so that every one of their vehicles using the lorry route will be recorded. The results will be provided to the council's officers on a quarterly basis if required and the applicant will be open to dialogue with your officers to review the results.
4. The applicant considers that the proposed variation of condition is in compliance with both development plan policies, including M1, W1 and C10 and national planning policy including section 4 of the National Planning Policy Framework which supports sustainable development.

5. The applicant considers that when the previous application, which was refused planning permission, was considered by the Planning and Regulation Committee on 8 January, undue weight was given in the Committee's determination of the application to allegations of breaches of the routing agreement which were made at the meeting and the unenforceability of the routing agreement. The applicant also notes that there are many other businesses including HGV operators based at the wider Dix Pit waste management complex which are not restricted from passing through Sutton at any time.
6. It is stated that should planning permission be given to this application, the appeal lodged against the refusal of planning permission to the previous application and the application for an award of costs would be withdrawn.

Part 2 – Other Viewpoints

Representations

7. Eleven objections have been received to the application citing the following grounds:
 - i) The B4449 is of insufficient width, is bendy, has no cycle lane and is not designed to accommodate HGVs. The existing traffic causes considerable, ongoing damage to the road necessitating regular repairs and consequent expense to the OCC budget.
 - ii) There would be an increased danger to other road users including cyclists.
 - iii) The pavements in Sutton village are extremely narrow and residents, pedestrians and school children alighting at the bus stop, and crossing the road, are regularly terrorised by HGVs speeding through the village well in excess of the 30 MPH limit inches from where they're walking.
 - iv) The current 100 tonnes limitation should be scrapped altogether; permitting a 75% increase in tonnage would be a scandal and demonstrate beyond doubt the council favours the interest of commercial enterprises over the health and safety of the constituents it is elected to serve.
 - v) Environmental damage to properties along the B4449.
 - vi) Noise, vibration and other pollution to residents of properties along the B4449.
 - vii) All traffic should be diverted via the A40 and the A415.
 - viii) No additional lorry movements should be permitted until the Sutton Bypass has been provided.

Consultations

8. Transport Development Control: Oxfordshire County Council, as the Local Highway Authority, do not object to the application.
9. West Oxfordshire District Council has no objection to the application.
10. No other consultation responses have been received on the application.

Part 3 – Relevant Planning Documents

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

11. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
12. The relevant development plan documents are:
 - Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
 - West Oxfordshire Local Plan 2011 (saved policies) (WOLP)
13. The OMWCS was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies. It is anticipated that Part 2 of the Plan will include Site Allocations and any further development management policies that may be necessary in relation to the allocated sites.
14. The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP were ‘saved’ until the adoption of the OMWCS and 16 of these policies continue to be saved until the Part 2 Site Specific document is adopted. The saved policies are non-strategic site-related policies.
15. Other material considerations are:
 - i) 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. Stage 3 of the examination hearings took place in July 2017. A further consultation on proposed Further Main Modifications to the plan was carried out between 22 February and 9 April 2018. The plan is therefore at

an advanced stage and it is appropriate to consider draft policies which are relevant to this development.

- ii) The National Planning Policy Framework (NPPF) and National Planning Policy for Waste are also material considerations.

Relevant Policies

16. The relevant policies are:

OMWCS

- M1 - Recycled and secondary aggregate
- W1 – Oxfordshire Waste to be managed
- W2 – Oxfordshire Waste Management targets
- W3 – Provision for waste management capacity and facilities required
- W4 – Locations for facilities to manage the principal waste streams
- W5 - Siting of waste management facilities
- C1 - Sustainable Development
- C2 – Climate Change
- C5 – Local environment, amenity & economy
- C10 – Transport

OMWLP 1996

- SH2 – Transport impact in Sutton
- SH3 – Routeing agreements

WOLP 2011

- BE2 – General Development Standards
- BE3 – Movement and parking
- BE18 - Pollution
- T1 – Traffic generation

EWOLP

- OS1 – Presumption in Favour of Sustainable Development
- EH6 – Environmental Protection

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

17. As the previous application no. MW.0073/17 was refused contrary to officer advice, an appeal has been lodged against that refusal and the current application is essentially for the same proposed development, it is considered that the determination of this application should proceed on the basis of members' consideration as to whether the reason for refusal has now been addressed. The officer's previous advice is set out in the reports attached at Annex 1.

RECOMMENDATION

18. Members are asked to consider with regard to Application No. MW.0073/17:

(a) whether the application overcomes their previous concerns and so reason for refusal; and EITHER

(i) if not, refuse for the following reason:

There would be an unacceptable adverse impact on the amenity of residents in Sutton village arising from the additional Heavy Goods Vehicle (HGV) movements proposed by the application, contrary to policy C5 of the adopted Minerals & Waste Core Strategy. The offer of £10,000 for highway improvements could not overcome that concern.

OR

(ii) if so, subject to the applicant first entering into a section 106 Agreement to secure the payment of £10,000 towards highway improvements along the B4449 through Sutton and the provision of an additional road sign advising HGV traffic turning onto the B4449 from Blackditch not to travel through Sutton during peak hours, Application MW.0015/18 be approved subject to the existing conditions and condition 6 reading as follows:

“No more than 175,000 tonnes of waste shall be imported to the site in any calendar year. Records of imports, sufficient to be monitored by the Waste Planning Authority shall be kept on site and made available to the Waste Planning Authority's officers on request.”

and

to an additional condition requiring that the operator's records of heavy goods vehicle movements to and from the site be provided to the Waste Planning Authority on a quarterly basis.

(b) that the Chairman of the Planning & Regulation Committee writes to the Cabinet Member for Environment advising that there are ongoing concerns about the impact of traffic through Sutton and asking that the council seek as Highway Authority to investigate with the applicant and other local businesses ways in which it may work with them to help secure a Sutton Bypass.

SUE HALLIWELL
Director for Planning and Place

May 2018

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For: PLANNING AND REGULATION COMMITTEE – 27 NOVEMBER 2017

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum

Division Affected: Eynsham
Contact Officer: David Periam **Tel:** 07824 545378
Location: Sheehan Recycled Aggregates Plant site Dix Pit,
Stanton Harcourt, Witney OX29 5BB
Application No: MW.0073/17 **District Ref:** 17
Applicant: Sheehan Haulage and Plant Hire Ltd
District Council Area: West Oxfordshire DC
Date Received: 15th September 2017
Consultation Period: 28th September – 19th October 2017

Contents:

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

Recommendation Summary:

Approval.

Part 1 – Facts and Background

Location (see Site plan 1)

1. The village of Stanton Harcourt lies about 200 metres to the north east of the application site and the towns of Witney and Eynsham are located about 5 kilometres (3 miles) to the north west and north east respectively. Oxford is about 10 kilometres (6 miles) to the east. The West Oxfordshire District Local Plan landscape character assessment places the application site within the Lower Windrush Valley and Eastern Thames Fringes Landscape Character Areas. The Oxfordshire Wildlife and Landscape Study identifies the site as falling within the landscape areas of Lowland Village Farmlands and River Meadowlands and the particular local landscape character of Stanton Harcourt.
2. The application site is the existing recycling aggregates facility which covers an area of 5.1 hectares. The existing site comprises a processing plant for making recycled aggregate from construction and demolition waste (a ‘wet’ recycling plant or ‘wash plant’ involving washing the waste with water and separating it into different sized recycled aggregate via a series of conveyors). It adjoins to the east the Controlled Reclamation Landfill site (Con Rec).
3. In addition, there is a landfill site to the east, while further to the south there is a former block making works (Conbloc), a waste transfer station, a household waste recycling centre and various workshops and small scale industrial units. All these units are served by a purpose-built, tarmacked haul road running up to Blackditch near the junction with the B4449. Blackditch also provides access to the Lakeside (Oasis) Industrial Estate on the edge of Stanton Harcourt about 700 metres to the north-east of the application site. A fishing lake run by the Vauxhall Angling Club lies to the west. Agricultural land lies to the north-west and north-east.
4. Beard Mill, which is a grade II listed building, lies approximately 446 metres (320 metres to the property boundary) to the north-west of the existing Recycled Aggregates Plant site. It is separated from the application sites by the B4449 and a lake. There are other properties on the northern side of the B4449.
5. Stanton Harcourt Public Bridleway 12 has recently been permanently diverted from its previous route which was immediately to the north of and partly within the application site so that it now passes to the west of the recycling plant along the River Windrush.

History

6. The original application for the recycled aggregates plant [Ref: MW.0091/09, DC Ref: 09/0330/P/CM] was refused on 28 September 2009 but granted on appeal on 23 March 2011. A revised application for the facility [Ref: MW.0184/12, DC Ref: 12/1638/P/CM] was granted planning permission on 21 March 2013. This is accompanied by a routeing agreement which requires lorries associated with

the facility to not travel through Sutton during the morning and afternoon peak hours. A section 73 application addressing changes to the site's lighting was approved in 2015 (Ref: MW.0069/13, DC Ref: 13/0837/P/CM). A further full planning application to planning permission for an extension to the recycled aggregates plant area [Ref: MW.0003/14, DC Ref: 14/0142/P/CM] along with commensurate variations of conditions attached to permission no. MW.0184/12 was refused planning permission but granted planning permission on appeal in early 2016. The most recent planning permission for variations to conditions and a small extension to the north to incorporate a wheel bath [Ref: MW.0140/16, DC Ref: 16/04166/CM] was granted in 2017 and is the planning permission to which variation of condition 6 is now applied for. This permission is also subject to the routing requirements set out above. A non-material amendment application [Ref: MW.0089/17] to the current planning permission in order to re-locate the fencing and gates to enclose the wheel bath area is currently under consideration.

Details of the Development

7. The applicant proposes to vary condition 6 of the planning permission which currently restricts the facility to the importation of a maximum of 100,000 tonnes of waste material in any calendar year. It is proposed that the wording of the condition be varied to allow a maximum of 175,000 tonnes of waste material to be imported in any calendar year. No other changes to the planning permission are proposed. The applicant states that if planning permission is granted then a further 12 people would be directly employed.
8. In support of the application it is stated that since commissioning the plant the applicant has found it necessary to keep developing or altering the site to improve its efficiency and achieve the optimum outcomes in recycled aggregate production. To maximise efficiency it is now necessary to increase production and this can be done with no discernible additional impact on the environment. No more land or storage space and no further fixed plant would be required. It is advised that the Environmental Permit issued by the Environment Agency permits up to 250,000 tonnes of waste to be managed at the site. The applicant therefore considers that the Environment Agency believes that the Site can be effectively controlled and can operate safely and the environment within which it operates can be protected from harm even if it were proposed to operate at a much higher output than that proposed in this application. Because the proposal can be accommodated within the site's existing boundaries and by the plant's existing capacity the development may also overcome the need to establish other recycling plants perhaps on greenfield sites in less favourable locations.
9. The applicant considers that the only potential impact which the proposal could have arises from an increase in vehicle numbers going to and from the site. The proposal itself will not generate additional use of materials or more vehicles on Oxfordshire's roads because the need for construction materials at construction sites and the need to remove superfluous waste materials from those sites is determined, not by the availability of a waste site, but by the economy. This proposal would reduce the construction industry's reliance on virgin sands and gravels and reduce the numbers of vehicles travelling further afield to dispose of

construction wastes. It should reduce vehicle mileage overall on Oxfordshire's roads. The application is supported by a Transport Assessment which concludes that this would have no significant impacts on the highway. The additional lorries which will carry the extra waste materials entering the Site or processed materials leaving will be a maximum of 54 two-way movements per day (5 to 6 per hour) subject to daily variation, based on the assumption that the loaded lorry bringing raw materials leaves empty. This equates to an overall increase in traffic flow on the B4449 at any time of a maximum of around 3% at hours of lowest existing flows in late morning. In highway operational terms the B4449 currently operates well within capacity and could accommodate the small increase in HGV numbers.

10. Any permission granted to the application would be subject to the terms of the existing routeing agreement which restricts vehicles visiting the site from passing through Sutton at peak hours between 7.30 am and 9.00 am and 4.30 pm and 6.00 pm other than for local deliveries within Sutton or if directed, for example by the police due to an accident. There would therefore continue to be no movements through Sutton at peak hours as no movements are in any instance permitted in either direction. It is stated the applicant takes the routeing agreement very seriously and has recently purchased new software to combine with its existing vehicle tracking equipment so that any breaches of the routeing agreement can be readily identified and addressed. It is admitted that some breaches have been identified and the applicant is determined to prevent these from happening in future.
11. The applicant considers that the proposed variation of condition is in compliance with both development plan policies, including M1, W1 and C10 and national planning policy including section 4 of the National Planning Policy Framework which supports sustainable development.

Part 2 – Other Viewpoints

Representations

12. Three objections have been received to the application citing the following grounds:
 - i) The B4449 is of insufficient width, is bendy, has no cycle lane and is not designed to accommodate HGVs. The existing traffic causes considerable, ongoing damage to the road necessitating regular repairs and consequent expense to the OCC budget.
 - ii) There would be an increased danger to other road users including cyclists.
 - iii) The pavements in Sutton village are extremely narrow and pedestrians and school children alighting at the bus stop, and crossing the road, are regularly terrorised by HGVs speeding through the village well in excess of the 30 MPH limit inches from where they're walking.

- iv) The current 100 tonnes limitation should be scrapped altogether; permitting a 75% increase in tonnage would be a scandal and demonstrate beyond doubt the council favours the interest of commercial enterprises over the health and safety of the constituents it is elected to serve.
- v) Environmental damage to properties along the B4449;
- vi) Noise, vibration and other pollution to residents of properties along the B4449;

Consultations

- 13. Transport Development Control: Oxfordshire County Council, as the Local Highways Authority, do not object to the application. The applicant has included a thorough Transport Assessment which includes a detailed turning count at the junction of Blackditch and the B4449. There were 67 HGV movements associated with Dix Pit HGVs, so a 75% increase would result in an additional 50 movements. A worst-case of 54 movements has been calculated assuming an even spread through the year, so it can be assumed that the count is representative. The count demonstrates that three-quarters of the Dix Pit HGVs travel to/from the east, through the village of Sutton. Therefore, this will equate to approximately 38 extra HGV movements over a 12-hour period. As these trips are banned during the peak hours by a routeing agreement, it will average out at around two additional movements per hour in each direction outside of peak hours. This represents an increase of roughly 14% in the total number of HGVs passing through Sutton in a 12-hour period (eastbound has the highest flows, up from 127 to 145). When compared to the overall traffic flow eastbound through Sutton, the additional HGV trips would result in a 1% increase in vehicles. Therefore, although the extra HGV movements may be noticeable, it is not considered to be reason for objection.
- 14. County Council's Ecology Officer – No objection.
- 15. West Oxfordshire District Council: Having considered the amendment, WODC has no objection. However, the District Council has concerns with the significant increase of waste being delivered to the site in any calendar year, specifically the impact of the increase in traffic, vehicular movements and noise on the amenity of those in the neighbouring villages.
- 16. No other consultation responses have been received on the application.

Part 3 – Relevant Planning Documents

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

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

18. The relevant development plan documents are:
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
 - West Oxfordshire Local Plan 2011 (saved policies) (WOLP)
19. The OMWCS was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies. It is anticipated that Part 2 of the Plan will include Site Allocations and any further development management policies that may be necessary in relation to the allocated sites.
20. The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP were 'saved' until the adoption of the OMWCS and 16 of these policies continue to be saved until the Part 2 Site Specific document is adopted. The saved policies are non-strategic site-related policies.
21. Other material considerations are:
- i) 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. Stage 3 of the examination hearings took place in July 2017. The District Council is now undertaking further work. The plan is therefore at an advanced stage and it is appropriate to consider draft policies which are relevant to this development.
 - ii) The National Planning Policy Framework (NPPF) and National Planning Policy for Waste are also material considerations.

Relevant Policies

22. The relevant policies are:

OMWCS

- M1 - Recycled and secondary aggregate
- W1 – Oxfordshire Waste to be managed
- W2 – Oxfordshire Waste Management targets
- W3 – Provision for waste management capacity and facilities required
- W4 – Locations for facilities to manage the principal waste streams
- W5 - Siting of waste management facilities
- C1 - Sustainable Development
- C2 – Climate Change
- C5 – Local environment, amenity & economy

C10 – Transport

OMWLP 1996

SH2 – Transport impact in Sutton
SH3 – Routeing agreements

WOLP 2011

BE2 – General Development Standards
BE3 – Movement and parking
BE18 - Pollution
T1 – Traffic generation

EWOLP

OS1 – Presumption in Favour of Sustainable Development
EH6 – Environmental Protection

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

23. The reason given for the existing condition 6 which limits the importation to 100,000 tonnes per calendar year is: “To control the amount of HGV traffic on the local road network and in the interests of road safety.” I consider that the key issues to be considered are:
- i) whether the development is in general compliance with OMWCS policies with regard to waste management including increasing waste recycling and the production of secondary aggregate material;
 - ii) whether the additional impact of a further 75,000 tonnes per annum, which is a considerable increase on the existing limitation, would have an unacceptable impact in terms of highway safety and the capacity of the local road network; and
 - iii) whether there would be a significant and unacceptable additional impact on the amenity of local residents and other road users.

Waste management

24. The existing planning permission provides for the recycling of up to 100,000 tonnes of waste material per annum with the production of secondary aggregate material. The proposed development is to increase this to 175,000 tonnes per annum. It therefore accords with the aims of OMWCS policy M1 which states that so far as is practicable, aggregate mineral supply to meet the demand in Oxfordshire should be from recycled and secondary aggregate minerals in preference to primary aggregates, that provision will be made for facilities for the production and supply of 0.926 million tonnes per annum and that the production and supply of recycled and secondary aggregates will be encouraged so as to enable the maximum delivery of recycled and secondary aggregate within Oxfordshire. It also accords with the aims of OMWCS policy W1 which states that provision will be made for waste management facilities

that allow Oxfordshire to be net self-sufficient in the management of its municipal waste, commercial and industrial waste, and construction, demolition and excavation waste over the period to 2031. Further it accords with the aims of OMWCS policy W2 which states that provision will be made for capacity to manage Oxfordshire's principal waste streams to provide for the maximum diversion of waste from landfill. The target given for the period to 2030 is 70% for construction, demolition and excavation waste. It also follows that it is in compliance with the aim of policies.

25. OMWCS policy W3 sets out the need for at least 326,800tpa of additional waste management capacity up to 2031 and states that specific sites to meet this requirement will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. This application would help the County meet its targets for the recycling of construction, demolition and excavation waste.
26. OMWCS policy W4 states that strategic waste management facilities, which are those managing 50,000 tonnes per annum of waste or more, should normally be located in or close to the county's major urban areas which includes Oxford. The site chiefly serves waste generated in Oxford and the surrounding area. OMWCS policy W5 supports the location of waste management sites at sites already in that use. As a variation to a planning permission for an existing facility, the application complies with that policy.
27. OMWCS policy W5 states that priority will be given to siting waste management facilities on land which is at an active mineral working or landfill site. This policy supports the location of an inert waste disposal facility at an active mineral working.

Highway capacity and safety

28. NPPF paragraph 32 states that all development that generates a significant amount of movements should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.
29. Policy C10 of the OMWCS states that waste development will be expected to make provision for safe and suitable access to the advisory lorry routes shown on the Oxfordshire Lorry Routes Maps. Policy C10 goes on to state that 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. It also requires that proposals for 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 and that 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. It also states that 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.

30. WOLP policy T1 states that proposals which would generate significant levels of traffic will not be permitted in locations where travel by means other than private car is not realistic. Saved OMWLP policy SH2 states that planning permission will not be granted for development which would significantly increase traffic in Sutton, or prolong significant traffic intrusion, unless the Sutton Bypass has been constructed and brought into use. Saved OMWLP policy SH3 states that the County Council will seek routeing agreements to limit the use of the A415 through Standlake and southwards over Newbridge.
31. The application is supported by a Transport Assessment and, as set out above, the Highways Authority considers that the proposed development would be acceptable and has no objection to the application. The B4449 through Sutton is one of the advisory lorry routes identified on the Oxfordshire Lorry Routes map. The existing waste management facility serves an area in the south of the county but includes Oxford.
32. Whilst I note the concerns raised by local residents with regard to the danger caused by HGVs passing through Sutton to pedestrians and cyclists I do not therefore consider that an objection to the application in terms of highway safety or capacity could be sustained. With regard to the provisions of policies SH2 and SH3, whilst these are saved policies and still part of the development plan, the more recent OMWCS policy C10 identifies the B4449 as an advisory lorry route and the site does benefit from a safe and suitable access to it via the Blackditch. Regarding sustainable transport modes, it is considered that there are no practical opportunities for more sustainable transport modes at this site which is not close to any railway or waterway.
33. It is therefore considered that the proposed development is generally in accordance with the NPPF and the above development plan policies with regard to highway capacity and safety.

Amenity

34. Policy C5 of the OMWCS states that proposals for waste development shall demonstrate that it will not have an adverse effect on the local environment; human health and safety; residential amenity; and the local economy from impacts including noise, dust, visual intrusion, light pollution, traffic and air quality. Policy BE2 of the WOLP states that new development should clearly respect and, where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment. Policy BE3 of the WOLP states that development should make provision for the safe movement of people and vehicles whilst minimising

impact upon the environment. Policy BE18 of the WOLP seeks to prevent development which would generate unacceptable levels of pollution and policy BE19 of the WOLP seeks to prevent development causing significant noise disturbance. EWOLP policy EH6 makes similar provision. Paragraph 7 of the NPPW states that in determining waste planning applications consideration should be given to the impact on amenity.

35. Objection has been raised with regard to the amenity impacts of the application through traffic passing through Sutton in terms of noise, vibration and other pollution both to local residents and other road users but also to properties and through the proximity of traffic to pedestrians on narrow pavements.
36. Members will recall that at the meeting of this committee on 16th October 2017, an oral report was presented at the request of the local member with regard to alleged breaches of the existing routeing agreement. Since that time, your officers have carried out five periods of monitoring during peak hours when the routeing agreement restricts vehicles leaving or visiting the site passing along the B4449 through Sutton. On one of these, on 23rd October, officers recorded five breaches well within the 7.30 am to 9.00 am restricted period and three which were on the cusp of 9.00 am and which the applicant's tracking records record as having been just after 9.00 am. No breaches were recorded on any of the other four monitoring periods, three of which were subsequent to 23rd October. As set out above, the applicant has maintained their commitment to seeking to ensure compliance with the routeing agreement and following the breaches identified issued a note to all contractors as follows:

"It has been noted that contractor lorries went through Sutton on 23rd October between 07:30 – 09:00.

This is strictly prohibited as stated on site signage when entering and exiting Dix Pit.

The routing restriction states that under no circumstance can any HGV vehicle visiting Sheehan's Dix Pit site travel through Sutton between 7.30am – 9.00am and 4.30pm – 6pm.

This includes during the school holidays.

Failure to comply with this restriction will result in an official warning, and subsequent financial penalties and ultimate site ban.

I appreciate this is a firm stance, however this is an obligation made by the company to the local planning authority which must be adhered to.

We appreciate your co-operation."

37. The applicant has not requested that the routeing agreement be removed and so it will continue to apply should planning permission be granted to this application by virtue of a clause which states it will continue to apply to any planning permissions varying the terms of the permission. I am therefore

satisfied that the applicant is now using its best endeavours to secure compliance with the agreement. Clearly if no vehicles to or from the site pass through Sutton at peak times then they are not during those times causing any impact on amenity.

38. Clearly there would be additional HGV traffic associated with the site outside peak hours should planning permission be granted to this application and to it then being implemented. The application states that the maximum additional HGV traffic projected would be 54 movements per day, 27 in, 27 out, which equates to 5 to 6 additional vehicle movements per operational hour. The traffic associated with the current limitation of 100,000 tonnes per calendar year, which was originally attached to the first permission granted on appeal and which has been carried forward on each subsequent planning permission for the site, has clearly been judged to be acceptable previously although this is not to say that the concerns raised in objection by local residents are not reflective of the impact of traffic passing through Sutton. As officers have observed during their site monitoring, the B4449 is clearly a well-used road during peak hours and HGVs unconnected with the application site were observed passing through Sutton in both directions, some considerably larger than the tipper lorries which would generally be associated with the application site.
39. To suggest that there is no noticeable impact on the amenity of local residents from the existing traffic, particularly where the B4449 passes through Sutton is therefore unrealistic, but the vehicle movements associated with the application site are a relatively small proportion of these and even with the proposed increase, this would continue to be the case. For planning permission to be refused on amenity grounds it would therefore be necessary to demonstrate that the additional vehicle movements proposed, which would be outside peak hours, would have a significant and detrimental impact over and above the existing situation which has been considered previously to be acceptable. Whilst I have considerable sympathy with the concerns of local residents and which have been often expressed by the local member, I do not consider that a refusal of planning permission on this ground could be sustained on appeal.
40. Some consideration must also be given as to whether there would be any significant additional impact on amenity arising from the additional level of waste handling and processing works on site which would occur should the application be approved and implemented. The applicant has stated that there would be no requirement for additional fixed plant or additional storage areas. An extension to the site was granted on appeal following a public inquiry in January 2016 and this has been implemented and is in use. Other than the variation of condition proposed, all other conditions including those which require compliance with the approved drawings, hours of operation and noise levels would continue to apply. I do not therefore consider there would be any additional significant impact on amenity arising from the works on site as a consequence of this application.

Sustainability

41. The NPPF sets out a presumption in favour of sustainable development, which is supported in policy OS1 of the EWOLP and policy C1 of the OMWCS. OMWCS policy C2 requires waste development to take account of climate change for the lifetime of the development from construction through operation and decommissioning. The proposed variation would clearly increase the use of fossil fuels through the generation of the additional vehicle movements proposed and to this extent it would make an additional albeit limited contribution to increased CO₂ emissions. In the balance however, it would facilitate up to a 75% increase in the amount of waste material imported and recycled as secondary aggregate materials, some of which could then be used to displace the need for primary aggregate materials to be extracted and used albeit in a limited way when the overall demand for mineral is taken into consideration. It is considered that the application would have limited impacts in Climate Change terms but overall it continues to be a sustainable development in economic, social and environmental terms which should be supported.

Conclusions

42. The development proposed in application no. MW.0073/17 is acceptable. Therefore planning permission should be granted subject to the requested revised wording of condition 6 but with all other conditions continuing to apply other than as may be amended should Non-material amendment application no. MW.00889/17 be granted.

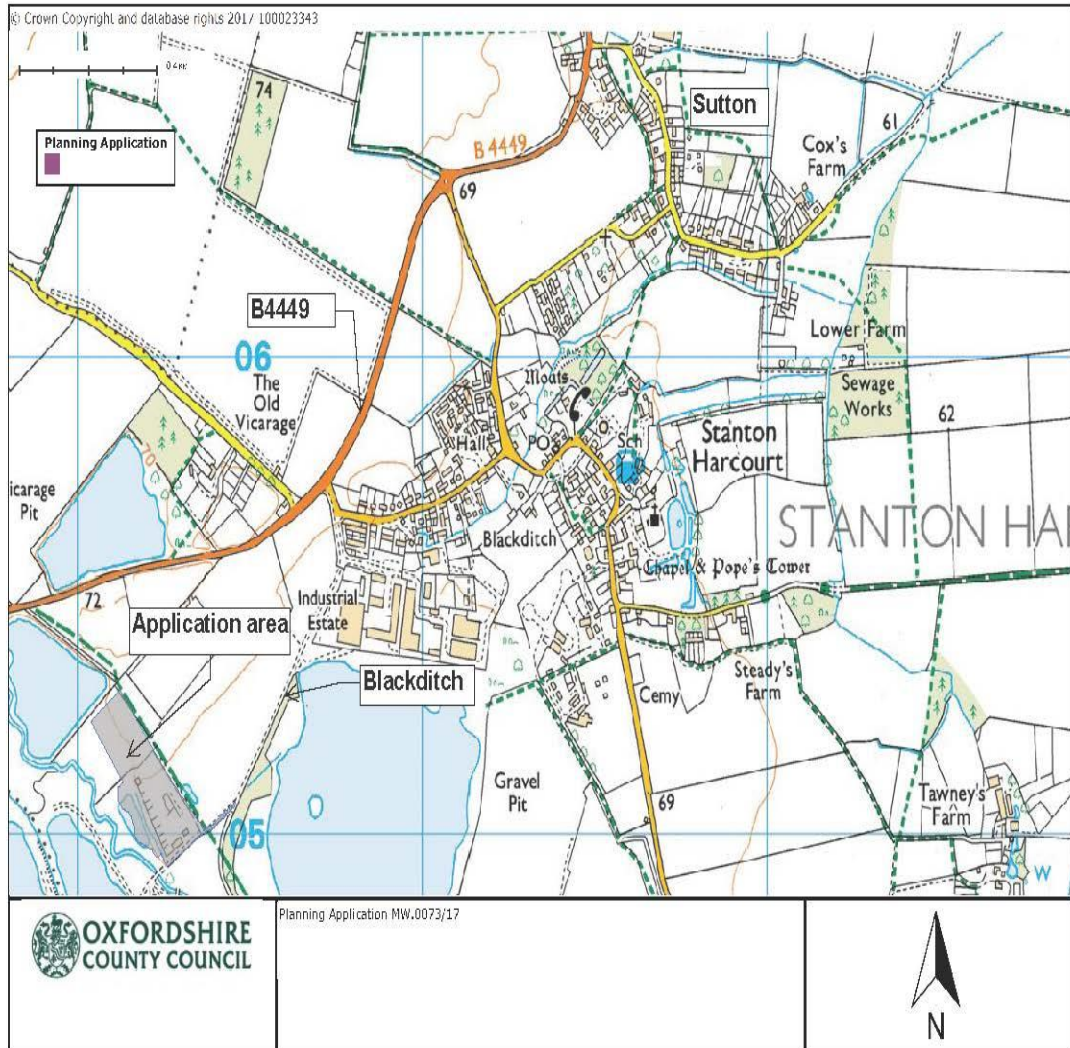
Recommendation

- 43 The Committee is RECOMMENDED to approve Application MW.0073/13 subject to the existing conditions other than as may be amended should non-material amendment application no. MW.00889/17 be granted and to condition 6 reading as follows:**

No more than 175,000 tonnes of waste shall be imported to the site in any calendar year. Records of imports, sufficient to be monitored by the Waste Planning Authority shall be kept on site and made available to the Waste Planning Authority's officers on request. Separate records shall be kept on site of any topsoil or other soil materials imported solely for use in the restoration of the Controlled Reclamation Site permitted subject to planning permission no. MW.0141/16 (16/04159/CM).

SUE HALLIWELL
Director for Planning and Place

November 2017



Annex 2 - European Protected Species

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

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

Our records indicate that European Protected Species are unlikely to be present. Therefore no further consideration of the Conservation of Species & Habitats Regulations is necessary.

48/17 SECTION 73 APPLICATION TO CONTINUE THE OPERATION OF DIX PIT RECYCLED AGGREGATE FACILITY PERMITTED BY PLANNING PERMISSION NO. 16/04166/CM (MW.0140/16) WITHOUT COMPLYING WITH CONDITION 6 THEREBY ALLOWING AN INCREASE IN THE MAXIMUM TONNAGE OF WASTE MATERIAL IMPORTED TO SITE TO 175,000 TONNES PER ANNUM AT SHEEHAN RECYCLED AGGREGATES PLANT, DIX PIT, STANTON HARCOURT, WITNEY, OX29 5BB - APPLICATION NO. MW.0073/17

(Agenda No. 8)

The Committee considered (PN8) a Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by a previous permission without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum.

Having presented the report David Periam, responding to a question from Councillor Reynolds indicated that there would be an additional 5-6 additional vehicle movements/hour during the off-peak period.

John Salmon, agent for the applicant, commended the report that he felt explained how the application met the Council's policies. It would result in a re-use of materials avoiding landfill and would provide a supply of local building materials. He outlined the efforts taken to monitor and control vehicle movements. Mr salmon responded to questions from:

Councillor Glynis Phillips – The plant was designed for a much higher capacity and the additional tonnage would use the plant efficiently with the only impact being on the numbers of vehicles on the roads.

Councillor John Howson – Mr Salmon explained that there were a wide range of third party contractors using the site. These could be single person operations and he explained the difficulty in controlling their vehicle movements. It was not possible to put trackers on third party vehicles but they used fines and bans as methods of control.

Councillor Charles Mathew, Chairman of Stanton Harcourt Parish Council and local councillor for Eynsham expressed concern over the impact on the B4449. The extra lorries were totally unacceptable with 1 extra hgv every 10 minutes, on a road that narrows at points to only 5.5m wide. He referred to breaches to the routeing agreement that had been notified. The planning conditions were aimed at mitigation but needed enforcement action. Councillor Mathew asked the Committee (if they were minded to agree the application) to consider a staged increase to see the effects on hgv movements. Councillor Mathew also asked for a quarterly email on vehicle movements and on breaches that had been notified. Councillor Mathew responded to questions from:

Councillor Jeannette Matelot – The Sutton bypass once constructed would ease the problems in Staton Harcourt but funding was not available.

Councillor Judy Roberts – He agreed that it would be better for lorries to turn left from the site to get to the A40 but the operators did not agree.

During discussion Members suggested that there was merit in considering a staged increase and Councillor Reynolds proposed, it was seconded and it was:

RESOLVED: (by 10 votes for to 1 against) to defer a decision to allow further negotiation with the applicant.

For: PLANNING & REGULATION COMMITTEE – 8 JANUARY 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Section 73 application to continue the operation of Dix Pit Recycled Aggregate Facility permitted by planning permission no. 16/04166/CM (MW.0140/16) without complying with condition 6 thereby allowing an increase in the maximum tonnage of waste material imported to site to 175,000 tonnes per annum

Division Affected: Eynsham
Contact Officer: David Periam **Tel:** 07824 545378
Location: Sheehan Recycled Aggregates Plant site Dix Pit, Stanton Harcourt, Witney OX29 5BB
Application No: MW.0073/17 **District Ref:** 17
Applicant: Sheehan Haulage and Plant Hire Ltd
District Council Area: West Oxfordshire DC
Date Received: 15 September 2017
Consultation Period: 28 September – 19 October 2017

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints
- Part 3 – Analysis and Conclusions

Recommendation Summary:

Approval.

Part 1 – Facts and Background

1. The application was originally reported to the meeting of the Planning & Regulation Committee on 27 November 2017 when consideration of the application was deferred to allow further negotiation with the applicant. This followed comments made by Councillor Charles Mathew who suggested that consideration be given to a staged increase such that permission would be granted for an initial increase of 137,500 tonnes per annum with a further increase dependent on some suitable mechanism to assess the impact of additional HGV movements using the B4449 through Sutton. A further consideration was whether the site operator's HGV movements records could

be required to be provided to the County Council on a regular basis by planning condition.

2. Following further correspondence, the applicant has advised that they are not prepared to consider a staged approach to the proposed tonnage increase. Whilst they accept that the road through the village is narrow, they point out that it must be recognised that it is designated as an advisory local lorry route by the County Council and has been assessed, in a thorough, independent and impartial traffic report, to have more than sufficient capacity to accommodate the additional traffic. Furthermore the small increase in traffic numbers which the proposal would generate was objectively assessed to have an almost negligible impact on residents. It is stated that the existing routeing agreement not to pass through the Sutton during peak hours is taken extremely seriously and is operated in full compliance.
3. The applicant advises that since the 27 November, they have discussed the application further with Councillor Mathew and, whilst his concerns are understood, there is an urgent need to increase recycling rates and to reduce the number of vehicles taking waste much further afield for disposal, as required by your Council's own planning policies, and to create more jobs. Consequently the applicant is unable to agree to reduce the level of increase for a temporary period to assess the impact when it is already known that the proposed volume of increased traffic, representing a maximum 3% of the total volume of traffic, would have a negligible impact. The applicant would, however, accept a condition requiring the full tracking details for its own vehicles to be submitted to the Council on a three monthly basis or as often as is required.
4. The applicant would also support a new initiative to construct the Sutton bypass funded by house-building, industry and government and would be happy to join with all operators in the Witney and Stanton Harcourt mineral and waste industries in lending their support to such an initiative.
5. In response to this, Councillor Mathew has advised that he regrets that the applicant is unwilling to move from their determination to seek an input into the site of 175,000 tonnes per annum up from 100,000 and although he is not of the opinion that this is locally desirable, he had suggested a staggered approach by introducing 137,500 tonnes for a period in order to be able to monitor the traffic effect on the B4449. He advises that he will pursue the Sutton Bypass project and set up progress as soon as he is able. He is grateful for the applicant's support in this matter and believes that his and others' contributions will smooth the funding considerably. He is unable to support the traffic report as showing the full increase as negligible, insignificant and imperceptible - the result would ensure an HGV through Sutton every average four and a half minutes. He advises that the Parish Council will continue strenuously to oppose the increase requested and that due consideration to local amenities and safety has not been given.

Part 2 – Analysis and Conclusions

Comments of the Director for Planning and Place

7. The further exchange of comments between the applicant's agent and the officers and with Councillor Mathew is summarised above. As set out in the original application report, there is no objection from the Highway Authority to the application on highway safety grounds and for planning permission to be refused on amenity grounds it would be necessary to demonstrate that the additional vehicle movements proposed, which would be outside peak hours, would have a significant and detrimental impact over and above the existing situation which has been considered previously to be acceptable. Whilst I have considerable sympathy with the concerns of local residents and which have been expressed by Councillor Mathew, I remain of the view that a refusal of planning permission on this ground could not be sustained on appeal. I would however accept the suggestion that should planning permission be granted, an additional condition be attached requiring that records of all HGV movements generated by the site including daily traffic numbers and full tracking details for those vehicles in the control of the applicant, be provided to the Waste Planning Authority on a quarterly basis.
8. With regard to the Sutton Bypass, whilst the applicant's willingness to lend its support to this is welcomed, the County Council as Highway Authority has advised that the Council's current position is that this scheme is not being progressed: It is not in LTP4, nor the capital programme; the scheme is unfunded and there is no apparent source to fully fund; and it would require third party land. As there is no project planned by the Council it would not be reasonable to receive monies from the applicant towards the provision of a bypass under section 106 of the 1990 Act.
9. It is not therefore considered that provision of the Sutton Bypass can be pursued further directly in relation to consideration of this application. However, I would recommend that the Chairman write to the Cabinet Member for Environment advising that it has been raised by Councillor Mathew in commenting on this application and advising of the applicant's expression of interest in working with other parties to help secure it.
10. The applicant has already expressed willingness to fund improved road signage at the junction of the Blackditch with the B4449 such that an additional advisory sign would be provided advising of the need for HGVs entering and leaving the application site not to pass through Sutton at peak hours and this is being pursued with the Highway Authority. I have also asked the applicant's agent to approach his client regarding whether there may be a willingness to contribute towards pedestrian safety measures such as additional pavements alongside the B4449 through Sutton if these could be safely accommodated. I will update the committee orally on this at the committee meeting.

Conclusions

11. The development proposed in application no. MW.0073/17 is acceptable. Therefore planning permission should be granted subject to the requested revised wording of condition 6 an additional condition requiring the submission of HGV movement records quarterly and with all other conditions continuing to apply other than as may be amended by Non-material amendment application no. MW.00889/17.

Recommendation

12. The Planning & Regulation Committee is **RECOMMENDED** that:

- (a) Application MW.0073/13 be approved subject to:

- (i) the existing conditions including the amendment made under Non-material amendment application no. MW.00889/1 to condition 6 reading as follows:

No more than 175,000 tonnes of waste shall be imported to the site in any calendar year. Records of imports, sufficient to be monitored by the Waste Planning Authority shall be kept on site and made available to the Waste Planning Authority's officers on request. Separate records shall be kept on site of any topsoil or other soil materials imported solely for use in the restoration of the Controlled Reclamation Site permitted subject to planning permission no. MW.0141/16 (16/04159/CM); and

- (ii) an additional condition requiring that the operator's records of heavy goods vehicle movements to and from the site including daily traffic numbers and tracking details for those vehicles controlled by the operator be provided to the Waste Planning Authority on a quarterly basis.

- (b) that the Chairman of the Planning & Regulation Committee write to the Cabinet Member for Environment advising that provision of the Sutton Bypass has been raised by Councillor Mathew in commenting on this application and advising of the applicant's expression of interest in working with other parties to help secure it.

SUE HALLIWELL
Director for Planning and Place

December 2017

5/18 SECTION 73 APPLICATION TO CONTINUE THE OPERATION OF DIX PIT RECYCLED AGGREGATE FACILITY PERMITTED BY PLANNING PERMISSION NO. 16/04166/CM (MW.0140/16) WITHOUT COMPLYING WITH CONDITION 6 THEREBY ALLOWING AN INCREASE IN THE MAXIMUM TONNAGE OF WASTE MATERIAL IMPORTED TO SITE TO 175,000 TONNES PER ANNUM AT SHEEHAN RECYCLED AGGREGATES PLANT, DIX PIT, STANTON HARCOURT, WITNEY, OX29 5BB - APPLICATION NO. MW.0073/17

(Agenda No. 7)

The Committee considered PN7 an application to increase the amount of waste imported to the existing Dix Pit Recycled Aggregates Facility from 100,000 to 175,000 tonnes per calendar year through a variation of condition 6 of planning permission no. 16/04166/CM (MW.0140/16). No other changes to the existing conditions had been proposed. This matter had been deferred at the 27 November 2017 meeting to allow further negotiation with the applicant.

Mr Periam presented the report together with the addenda sheet tabled at the meeting.

The Committee also noted a late submission from the residents of Deans Farmhouse, Evergreen Cottage, Tudor Cottage and The Green all objecting to any increase in the already high volume of HGVs on a road which they considered not fit for that type of traffic.

Responding to Councillor Johnston Mr Periam confirmed that the applicants had not been prepared to consider a staged approach to the proposed increase in vehicle movements to the site for the reasons set out in paragraph 2 of the officer report.

Mr Salmon for the applicants advised that the application supported Council policy on recycling, production of secondary aggregates and maximum diversion of waste from landfill. The route to the site followed a designated lorry route and a recent traffic consultancy report had shown that impact on Sutton village from this increase would not be as severe as had been suggested. Although there were currently over 3,000 daily movements on the road the predicted number of additional vehicles to or from Dix Pit as a result of this application would equate to one every ¼ hour with none of the extra vehicles in any event travelling through Sutton. Similarly, as the number of vehicle movements resulting from the application were considered insignificant the applicant felt any need to agree a staged increase was impractical. Sheehans were happy to comply with conditions requiring information and notification of any breaches of the routeing agreement every 3 months and had also agreed a contribution of £5,000 towards a feasibility study to determine the most effective way to improve highway safety. Contrary to what had been suggested Sheehans took its role regarding local amenity and safety seriously. They were accredited under the Fleet Operator Recognition Scheme and trained their drivers to a high standard. They had an exemplary safety record and adhered to the routeing agreement to avoid Sutton during peak hours despite the alternative route requiring a 20 mile diversion, which was both time consuming and environmentally costly and not required by other operators who used the site. Sutton village was not a typical village centre but had 24 residences spaced out on both sides of the road, over a distance of 600 meters, and

set well back from the road itself. It had a 30 mph speed limit with adequate signing and 2 HGVs were able to pass each other. The County Council's own highways department considered the road acceptable as a local lorry route. Therefore, bearing in mind that the application supported Council policies, used a designated lorry route, avoided Sutton at peak hours in accordance with the routeing agreement and had been supported by county planning and highway officers he urged the Committee to approve the application bearing in mind that the report also recognised that a refusal of permission could not be sustained on appeal.

Responding to Councillor Reynolds he confirmed an additional 40 vehicles per day over and above the current 54.

Councillor Mathew expressed regret that the applicants had been unwilling to consider a compromise staggered approach and continued to pursue their aim for an immediate increase to 175,000 tonnes. That increase equated to a vehicle through Sutton village every 4½ minutes and could not be perceived in any way as insignificant. He advised that breaches of the routeing agreement continued to occur and only that morning 5 lorries had passed him on the B4449 outside the permitted hours. He questioned the integrity of specialist reports and in his opinion all such reports should be conducted by independent specialists appointed by the county council and paid for by applicants. The carriageway was not wide enough for 2 HGVs to pass comfortably and any moves to improve the pavements would merely result in a further narrowing of the carriageway. The situation was completely unacceptable to local residents when there was a perfectly adequate alternative route via Hardwick through to Ducklington. The parish council had not been approached on proposals to improve the footpath and he had only learned of the £5,000 offer from the applicants 5 minutes before the meeting. He asked the Committee to refuse the application.

He then responded to questions from:

Councillor Johnston – the offer of £5,000 was unusual and in his view inadequate in that it wouldn't deliver a great deal. He would prefer to see any available money spent on drainage works to the south side between the 30 mph sign and Dean Farmhouse.

Councillor Fitzgerald-O'Connor – he advised that costings on drainage works had been done by OCC 6 months previously.

Mr Plater advised that footpath improvement works would involve cutting back vegetation on the existing pathway and not widening into the carriageway.

Councillor Gawrysiak – there had been regular breaches of the am hours agreement regularly since 2012 and he agreed that by implication and in his experience more lorries would inevitably mean more contraventions.

Responding to Councillor Webber Mr Periam explained that unlike planning conditions routeing agreements were legal agreements containing various clauses which an operator needed to comply with. The County Council could request details of movements from company records or could sit and observe movements and if

breaches occurred they could then be followed up. That had been done in this particular case after the November meeting but bearing in mind available staffing resources and the number of mineral and waste sites in the county which are monitored, there was a limit to how much officer time could be devoted to this at any one site. If there were persistent breaches then action would have to be taken through the civil court process.

Councillor Webber then asked whether it was right under the current system for developers to be able to appoint their own experts to undertake reviews or would it be better to have a list of approved consultants/contractors from which appointments could be made.

Mr Mytton confirmed that it would not be permissible to prevent applicants from appointing their own experts although officers could, if they wished, obtain a second opinion but at the county council's expense.

Responding to Councillor Fox-Davies who considered that there should be a break clause in any permission where an operator persistently breached the terms of an agreement Mr Periam advised that where a permission had been granted subject to an agreement the county council would seek to ensure that operators complied with the terms of that agreement. However, Mr Mytton advised that permission could not be revoked because of breaches of a routeing agreement. There would be substantial costs involved in the revocation of permission.

Councillor Sames suggested a S106 type agreement for permissions to ensure an annual contribution from operators to repair damage to roads. Mr Periam advised that that would be difficult to achieve not least of all because of the difficulties in proving what vehicle had caused damage.

Councillor Walker considered the £5,000 derisory. The carriageway was clearly not wide enough and to have a further 40 plus vehicles was a concern. He felt the applicants should have considered a staged approach and could not support the application as it stood.

Councillor Gawrysiak agreed that the contribution offered was too low and the number of vehicles proposed significant. It seemed the routeing agreement was not being enforced now and he could only see that situation worsening if this application was agreed.

Councillor Johnston understood the concerns expressed but did not think a refusal could be successfully defended on appeal.

Mr Periam advised that it was open to the applicant to appeal if the application were refused. The highway authority had not objected as a statutory consultee and so any refusal would need to be based on amenity grounds due to increased traffic movements with a demonstration of severe harm to residents.

The Chairman then moved the revised recommendation as set out in the addenda sheet as follows:

“Subject to the applicant entering into a Section 106 Legal Agreement to secure the payment of £5,000 towards highway improvement works along the B4449 through Sutton, application MW.0073/13 be approved subject to the existing conditions including the amendment made under Non-material amendment application no. MW.00889/17 to condition 6 reading as follows:

No more than 175,000 tonnes of waste shall be imported to the site in any calendar year. Records of imports, sufficient to be monitored by the Waste Planning Authority shall be kept on site and made available to the Waste Planning Authority's officers on request. Separate records shall be kept on site of any topsoil or other soil materials imported solely for use in the restoration of the Controlled Reclamation Site permitted subject to planning permission no. MW.0141/16(16/04159/CM).

and

An additional condition requiring that the operator's records of heavy goods vehicle movements to and from the site be provided to the Waste Planning Authority on a quarterly basis.”

The motion seconded by Councillor Johnston was put to the Committee and lost by 6 votes to 5 with 2 abstentions.

Recognising that the Committee seemed minded to refuse the application there was a short adjournment to consider reasons for refusal. On resumption it was **RESOLVED** (on a motion by Councillor Walker seconded by Councillor Gawrysiak and carried by 7 votes to 0 with 6 abstentions) that Application MW.0073/17 be refused as there would be an unacceptable adverse impact on the amenity of residents in Sutton village arising from the additional HGV movements proposed by the application, contrary to policy C5 of the adopted Minerals & Waste Core Strategy and that the offer of £5,000 for highway improvements could not overcome that concern.

Annex 2 - European Protected Species

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

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

Our records indicate that European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

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For: PLANNING AND REGULATION COMMITTEE – 14 May 2018

By: Director for Planning and Place

PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT
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Division Affected: All

Contact Officer: Chris Hodgkinson **Tel:** 07899 065518

Recommendation

The report recommends that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 be noted.

Introduction

1. This report updates members on the regular monitoring of minerals and waste planning permissions for the financial year 1 April 2017 to 31 March 2018 and on the progress of enforcement cases.

Compliance Monitoring Visits

2. County Council officers endeavour to pursue and foster good working relationships with operators following the grant of planning permission. The effective monitoring of sites can avoid problems developing and by acting in a proactive manner we can be a positive educator of good practice. This approach can avoid the necessity to act in a reactive way after problems emerge and can avoid the need for enforcement action. Through our efforts we seek to:
 - I. identify potential problems early and avoid them developing;
 - II. minimise the need to resort to enforcement or other action;
 - III. encourage good practice in the first instance thus reducing the need to apply sanctions against bad practice;
 - IV. review planning decisions and agreements made with the County Council;
 - V. facilitate regular liaison and dialogue between operators, the public/local community representatives and the council officers.
3. All sites with an active planning permission are regularly visited on a formal basis. A written report is produced following a site visit and shared with the site

occupant. Where elements of non-compliance with a consent are identified this can result in subsequent compliance with matters that are outstanding or in a planning application being made to regularise unauthorised activities on site.

4. Annex 1 provides a schedule of all the sites we monitor. It includes two columns, one which sets out the target visits for the period. The second column sets out the number of compliance monitoring visits that were carried out.
5. In order to try and achieve good environmental standards countywide, officers have committed to monitoring planning permissions across all of the mineral and waste related sites in Oxfordshire. However, you will see that some sites have a zero target, these are low risk, small scale or dormant sites (such as sewage treatment works) which we record but will only visit every other year.
6. Of all the 117 sites, 51 are within the remit of Government Regulations that allow the council to charge a fee for conditions monitoring, in that they relate directly to the winning and working of mineral permissions or directly to land filling permissions. These 'Chargeable Sites' are shaded grey in Annex 1.
7. The remaining non-chargeable sites include scrap yards, recycling operations, waste transfer stations, sewage works and composting operations.
8. The current charges are £331 for an active site and £110 for a dormant site where activity is not taking place.
9. Officers determine the target number of visits for each site on a "risk assessment" basis for each site drawing on the following points:
 - I. sensitivity of location
 - II. size and type of development
 - III. number and complexity of planning conditions
 - IV. number of issues requiring monitoring input
 - V. the stage and pace of development
 - VI. whether the operator carries ISO 14001 (recognised best practice)
 - VII. breaches of planning control that are or have been observed
 - VIII. complaints received for the site.
10. There is an opportunity for operators to enter into discussions on how the Council has reached its decision for the number of visits scheduled per year. Having set a target for the number of visits per annum, officers keep the frequency of actual visits under review and adjust the frequency particularly taking account of IV, VII and VIII above.

Enforcement

11. Annex 2 to this report sets out alleged breaches of planning control and the progress toward remedying those breaches of substance.
12. All operators are made aware of an allegation of a breach in planning control that has been made against them.
13. Annex 2 includes all cases which are currently being investigated. When a case is closed it will appear on the progress report as 'Case Closed' with a summary of the outcome.
14. A glossary of terms used in Annex 3 is attached. The Senior Planning Enforcement Officer can be contacted for further information in respect of any of these cases if necessary.

Monitoring and Enforcement Service

15. The routine monitoring programme continues to pay dividends by increasing compliance with planning conditions, and in identifying and rectifying matters where conditions are not being complied with on all mineral and waste planning permissions.
16. The service is generally well received by householders, liaison committees, parish and town councils with access to compliance reports providing a basis for discussions with operators on the progress on sites in their locality. It seeks to provide a timely response to local people's concerns and serves to pre-empt issues which are likely to affect the amenities of an area.
17. Officers in the team also provide key support in ensuring that details pursuant to permissions are submitted where these are required by planning conditions before a development starts. They often co-ordinate action between Development Management planners, Highways, Ecology and other County services and the operator. The aim is to ensure pre-commencement works are completed in a timely manner and before the main development is started.

RECOMMENDATION

18. **It is RECOMMENDED that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 to this report be noted.**

SUE HALLIWELL
Director for Planning & Place

May 2018

Minerals & Waste Compliance Monitoring Sites in Cherwell District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Alkerton CA & Landfill, Alkerton, Nr. Banbury, Oxon.	Alkerton Landfill	W	Dormant	Full	1	2
	Alkerton CA	W	Active	Nil		
Barford Road Farm, Barford Road, South Newington, Banbury OX15 4JJ		W	Active	Nil	2	2
Bicester Golf Club & Spa, Chesterton, Bicester OX26 1TE	Driving Range Bund	W	Dormant	Nil	1	2
Blackstone Farm, Bicester Road, Blackthorn, Bicester OX25 1HX		W	Active	Nil	1	1
Hornton Grounds, Stratford Road, Hornton, Banbury, OX15 6AH.	Alkerton Quarry	M	Active	Full	1	1
	Hornton Grounds Quarry.	M	Active & Aftercare	Full		
	Wroxton	M	Active	Full		
Ardley Quarry, Ardley, Bicester, Oxon, OX27 7PH.	Ardley Landfill	W	Active & Aftercare (in part)	Full	3	2
	Ardley EfW	W	Active	Nil		
	Ardley Quarry	M	Active	Full		

Minerals & Waste Compliance Monitoring Sites in Cherwell District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Ardley Composting Site, Ashgrove Farm, Upper Heyford Road, Ardley, OX27 7PJ.	In-vessel Composting	W	Active	Nil	1	1
Belle Isle Farm, Sibford Road, Hook Norton		W	Active	Nil	1	1
Dewar's Farm, Ardley Road, Middleton Stoney.			Active	Full	3	3
Horsehay Quarry, Middle Barton Road, Duns Tew.			Active	Full	3	3
Ferris Hill Farm, Sibford Road, Hook Norton, Banbury, OX15 5JY.		W	Active	Nil	3	3
Finmere Quarry, Banbury Road, Finmere, Oxfordshire, MK18 4AJ.	Finmere (Landfill)	M & W	Active	Full	3	2
	Widmore	W	Aftercare	Nil		
	MRF	W	Implemented in part	Full		
	Sand & Gravel	M&W	Not Implemented	Full		
Greenhill Farm Quarry, Bletchingdon.		W	Aftercare	Full	1	1

Minerals & Waste Compliance Monitoring Sites in Cherwell District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Heneff Way - Batching, Heneff Way, Banbury.		M	Active	Nil	1	1
Heneff Way - Tarmac, Heneff Way, Banbury.		M	Active	Nil	1	1
L.C. Hughes Scrap Yard, London Road, Bicester.		W	Active	Nil	1	0
Manor Farm - Biomass Gen, Twyford, Banbury.		W	Active	Nil	1	0
Old Brickworks Farm, Bletchingdon, Oxon.		W	Active	Full	1	1
Overthorpe WTS, Thorpe Road, Overthorpe Industrial Estate, Banbury		W	Active	Nil	3	2
Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire.		W	Active	Full	4	7
Smiths of Bloxham - WTS. Milton Road, Bloxham, Banbury.		W	Active	Nil	2	1
Stratton Audley, Elm Farm Quarry, Stratton Audley.	Landfill	W	Dormant	Low	1	2

Minerals & Waste Compliance Monitoring Sites in Cherwell District.

**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.
Tel: 07899 065518**

Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Ambrose Quarry, Ewelme, Oxon.		M	Dormant	Low	1	1
Battle Farm, Crowmarsh, Oxon, OX10 6SL.		W	Active	Nil	2	2
Berinsfield Car Breakers		W	Active	Nil	1	2
Caversham, Sonning Eye, Reading.	Caversham Main	M	In restoration	Full	5	4
	Caversham Triangle	M	In restoration	Full		
	Caversham Extension	M	Active	Full		
Chinnor Quarry.		M	Active	Full	1	3
Culham UKAEA	J30 JET	W	Active	Nil	0	0
Ewelme	Ewelme I (Buildings)	W	Active	Nil	3	3
	Ewelme I WTS	W	Active	Nil		
	Ewelme II MRF	W	Active	Nil		
	Ewelme II Landfill	W	Active	Full		
Eyres Lane Waste Transfer Site, Ewelme.		W	Active	Nil	1	1

Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Greenwoods of Garsington, Scrap Yard, Pettiwell, Garsington, Oxford.		W	Active	Nil	2	2
Main Motors		W	Active	Nil	1	1
Hundridge Farm, Waste Transfer, Hundridge Farm, Ipsden, Oxon		W	Active	Nil	1	0
Menlo Industrial Park - Scrap Yard, Roycote Lane, Thame, Oxfordshire, OX9 2JB.		W	Active	Nil	1	0
Moorend Lane, Thame		M & W	Active	Full	3	3
Oakley Wood, Old Icknield Way, Crowmarsh		W	Aftercare	Nil	1	1
Playhatch Quarry - WTS, Dunsden Green Lane, Playhatch, Caversham, Reading.		W	Active	Nil	2	1
Woodeaton Quarry, Woodeaton, OXON.		M	Active	Low	3	3

Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Aasvogel, Waste Transfer Station, Grove Business Park, Grove.		W	Active	Nil	1	1
Bowling Green Farm, Stanford Road, Faringdon, Oxon, SN7 8EZ.		M	Active	Full	3	3
Childrey Quarry, Childrey, Wantage, Oxon.		W	Active	Full	2	1
Prospect Farm, Chilton, Didcot, Oxfordshire, OX11 0ST.		W	Active	Full	2	2
Drayton CA Site, Drayton, Oxon.		W	Active	Nil	1	1
Composting Facility, Church Lane, Coleshill, Swindon, SN6 7PR.		W	Active	Nil	1	0
Faringdon Quarry, Fernham Road, Little Coxwell, Oxfordshire.		M	Active	Full	2	3

Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Glebe Farm Composting, Glebe Farm, Hinton Waldrist, Oxfordshire.		W	Active	Nil	1	1
Haynes of Challow, East Challow, Wantage, Oxon, OX12 9TB.		W	Active	Nil	1	0
Hatford Quarry, Sandy Lane, Hatford, Oxon, SN7 8JH.		M	Active	Full	3	3
Hill Farm - Woodchipping, Nr Didcot, Oxfordshire.		W	Active	Nil	2	2
Quelchs Orchard, Scrap Yard, Charlton, Wantage.		W	Active	Nil	1	0
Redbridge CA, Old Abingdon Road, Oxford.		W	Active	Nil	1	1
Radley Sand and Gravel Plant, Thrupp Lane, Radley.	Curtis Yard & Tuckwell's Plant	M & W	Dormant	Nil	1	0

Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Harwell, UKAE, Harwell, Didcot, OX11 ORA.	Business Park		Active	Nil	0	1
	Catapult Pit		Active	Nil		
	Southern Storage		Active	Nil		
	Waste Management Complex (B462)	W	Active	Nil		
	Western Storage		Active	Nil		
Radley Ash Disposal Scheme	Lake E	W	Not Implemented	Nil	1	1
	Phase I	W	Aftercare	Full		
	Phase II	W	Aftercare	Full		
	ROMP area	M	ROMP	Full		
Sandhill Quarry, Sands Hill, Faringdon, Oxon, SN7 7PQ.		M	Dormant	Low	1	0
Shellingford Quarry, Shellingford Crossroads, Stanford In The Vale, Faringdon, Oxon, SN7 8HE.		W	Active	Full	3	3

Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Stanford in the Vale Waste Disposal and Civic Amenity Site		W	Active	Nil	1	1
Sutton Courtenay (Hanson), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW.	Batching Plant	W	Active	Nil	4	3
	Bridge Farm	W	Active	Full		
	Rail Head	W	Active	Nil		
	Tarmac plant	W	Active	Nil		
Sutton Courtenay (FCC), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW.	Composting	W	Active	Nil	4	4
	Landfill	W	Active	Full		
Sutton Wick Landfill, Bassett Lane, Oday Hill, Abingdon.		W	In Restoration	Full	1	1
Sutton Wick Sand and Gravel, Peep-O-Day Lane, Abingdon, Oxon.	Sutton Wick Gravel	M	In Reclamation	Full	4	3
	Sutton Wick Plant	M	Active	Nil		
	Lake J	M	Aftercare	Full		

Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Swannybrook Farm, Kingston Bagpuize		W	Active	Nil	1	1
Tubney Woods Sand Quarry and Landfill Site, Besselsleigh, Oxfordshire.		M	Restoration	Full	1	1
Upwood Park Sand Quarry and Landfill Site, Besselsleigh, Oxfordshire.		M	Active	Full	3	2
Whitecross Metals, Whitecross, Abingdon, Oxon.		W	Active	Nil	1	1
Wicklesham Quarry, Faringdon, Oxfordshire.		M	Active	Full	2	5

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Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
B & E Skips, 115 Brize Norton Road, Minster Lovell, Oxon, OX29 0SQ.	Minster Lovell	W	Active	Nil	2	3
Burford Quarry, Burford Road, Brize Norton, Oxfordshire.	Quarrying	M	Active	Full	3	3
	Manufacturing					
Castle Barn Quarry, Sarsden		M	Active	Full	2	3
City Farm, Eynsham.	City Farm I	W	Aftercare	Full	2	1
	New Wintle Farm	W	Active	Nil		
	City Farm II	W	Aftercare	Nil		
Controlled Reclamation, Dix Pit, Stanton Harcourt, Oxon.		W	Active	Full	3	2
Sheehan Recycled Aggregates, Dix Pit, Stanton Harcourt, Oxon.	Wash Plant	W	Active	Nil	2	2
Cornbury Park, (Quarrying) Charlbury, Oxon.		M	Active	Full	1	0

Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.

Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.
Tel: 07899 065518

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Crawley Scrap Yard		W	Active	Nil	1	1
Deans Pit CA Site, Chadlington.		W	Closed	Nil	1	1
Dix Pit, Stanton Harcourt, Oxon.	Conblock	W	Dormant	Nil	3	3
	Dix Pit CA	W	Active	Nil		
	Dix Pit Landfill Site	W	Active	Full		
	North Shore	M	Complete	Full		
	Premix - Hanson	M		Nil		
Duns Tew Quarry		M	Active	Full	3	3
Enstone Airfield Waste Transfer. Unit 1, Enstone Airfield, Enstone, Oxon.	Waste Transfer (Unit 1)	W	Active	Nil	2	2
	Sound Attenuation Bunds	W	Active	Full		
Ethos Waste Transfer Lakeside Industrial Estate, Standlake, Oxon		W	Dormant	Nil	1	1

Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Fraser Evans & Sons, Worsham Quarry, Minster Lovell, Oxon.	Tyre Recycling	W	Active	Nil	1	1
	Landfill	W	Aftercare	Full		
Gill Mill, Tar Farm, Gill Mill Complex, Ducklington, Oxfordshire.	Rushey Common	M	Aftercare	Full	4	3
	Gill Mill Quarry	M	Active	Full		
Great Tew Quarry, Butchers Hill, Great Tew, Oxon.		M	Active	Full	4	3
Hardwick Batching Plant, Adj. B4449, Hardwick, Oxon.	CEMEX	M	Active	Nil	1	1
Hardwick Recycling, Adj. B4449, Hardwick, Oxon.	Fergal Yard	W	Active	Nil	1	1
Hickman Bros Landscapes, Burford		W	Active	Nil	1	2
Alder & Allen, Lakeside Industrial Estate, Standlake		W	Active	Nil	1	0

Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Manor Farm - Waste Transfer, Kelmscott, GL7 3HJ.		W	Active	Nil	1	1
May Gurney, Downs Road WTS, Witney, Oxon.		W	Active	Nil	2	1
Mick's Skips (Hackett's Yard), Lakeside Industrial Estate, Standlake, Oxon.		W	Active	Nil	1	0
Sandfields Farm, Over Norton, Oxfordshire.		W	Active	Nil	1	1
Rollright Quarry, Chipping Norton.	Phase 1	M	Active	Full	2	2
	Phase 2	M	Active	Full		
Showell Farm, Chipping Norton, Oxon OX7 5TH.		W	Active	Nil	1	1
Slope Hill Quarry, Glympton.		W	Active	Nil	2	2
Old Railway Halt, Grt Rollright		W	Active	Nil	1	1
Old Quarry, Hatching Lane, Leafield		W	Active	Nil	0	0

Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District.**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Tel: 07899 065518**

Address	Sites	Type - Mineral or Waste.	Status	Charge	Target Visits for year 01/04/17 to 31/03/18.	Visits completed for the period 01/04/17 to 31/03/18.
Hardwick IDO		M	ROMP	Low	0	0
Steve Claridge Motor Salvage, Carterton		W	Active	Nil	1	1
Sturt Farm, Units 2A, 4 Sturt Farm Ind, Burford.		W	Active	Nil	1	1
Watkins Farm, Linch Hill, Stanton Harcourt, OXON. OX29 5BJ.	ROMP area	M	Aftercare	Full	2	2
	Stonehenge Farm	M	Dormant – Small Scale Start	Full		
	Ireland Land	M	Dormant	Full		
Whitehill Quarry, Adj. A40, Burford, OXON.		M	Active	Low	1	1
Whitehill Quarry, Tackley, OXON.		M	Dormant	Low	1	0
Worton Rectory Farm, Cassington, OXON. OX29 4SU.	Cassington Quarry	M	Active	Full	4	4
	Worton Composting	W	Active	Nil		
	M&M WTS	W	Active	Nil		

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Progress of Enforcement Cases

**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.
Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
South Oxfordshire District Council		
Grundons Ewelme #1	Unauthorised development of Welfare Facilities in HGV car-parking area.	Routine compliance monitoring established that a 'porta-cabin' type welfare building was being developed adjacent to the Hazardous Waste Transfer Station outside of the consented area and without planning permission. The operator has submitted a retrospective planning application ref: MW.0026/18 which is subject to public consultation at the time of writing. Continue with watching brief.
Land adj. Sewage Works, Clifton Hampton	Unauthorised deposit of waste	Large amount of waste soils; construction and demolition waste and wood deposited on hardstanding adjacent to the Culham Science Park. Planning Contravention Notice (PCN) has been served. Enforcement proceedings continuing.
Former Chinnor Cement Works, Hill Road, Chinnor, Oxfordshire,	Breach of Planning Conditions - Failure to restore the site to plan.	Condition 5 of planning permission no. P14/S3925/CM required the site to be restored in an orderly manner to a condition capable of beneficial afteruse and in the interests of the amenity of local residents by 31st March 2016. Works had not been completed to a satisfactory standard and there were no proposals to complete restoration. A Breach of Condition Notice (BCN) was served in November 2016 requiring the land to be restored by 31 st May 2017. The site was restored to plans on 13 February 2018 and has now entered into a 5 year period of aftercare. Case Closed.
Lower Icknield Way, Chinnor.	Unauthorised deposit of waste	An amount of waste soils arising from the implementation of a housing development are being stored in an adjacent paddock under the control of the owner/developer. The soils were to be used in the completion of permitted landscaping works and the owner requested a period of time to allow for the housing development to be completed. PCN has been served. Enforcement proceedings continuing.
Former MOD Warehouse, Pyrton Lane, Watlington	Unauthorised deposit of waste	An amount of waste wood and carpet has been brought to the site, stored and processed (chipped) without planning permission. A PCN has been served and activity subsequently ceased. Enforcement Notice (EN) required to clear the land of residual wastes. Enforcement proceedings continuing.

Progress of Enforcement Cases

**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.
Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
Vale of White Horse District Council		
Sutton Courtenay Quarry	Unauthorised deposit of recycled asphalt in the aggregate storage/processing area.	Compliance monitoring has identified a continuing breach of planning control. A retrospective planning application (MW.0005/16) was approved on 28 February 2018. The operation is now regularly inspected as part of the compliance monitoring regime. Case Closed
Hatford Quarry, Sandy Lane, Nr Faringdon, Oxon.	Breach of Planning Conditions – Discharge of surface water.	The surface water runoff from a carparking area was discharging directly into the Frogmoor brook contrary to planning conditions. The site was visited and operator has taken steps to contain surface water runoff. No further action required. Case Closed.
Wicklesham Quarry, Sandshill, Faringdon, Oxon, SN7 7PQ	Breach of Planning Conditions - Failure to restore the site to plan.	Condition 3 of planning permission no. P15/V2384/CM (MW.0134/15) required that the site shall be completely restored by 30 September 2016 in accordance with the approved restoration scheme. A BCN was served in December 2016 which required the proper restoration of the quarry by 30 June 2017. Soils have been imported and a majority of works complete, however, some matters were not completed to plan and a retrospective planning application (MW.0084/17) has been submitted to remedy the continuing breach. Further enforcement action is held in abeyance pending the outcome of planning application process.
Land adj to A417, opposite Goosey Lane, Challow	Unauthorised deposit of waste	Construction and demolition wastes deposited in field and incorporated to create a yard area as per permitted development rights. However, approx. 30 cubic meters remains piled adjacent to the highway hedge and represent a breach of planning control. Negotiations have stalled and waste remains in situ. A PCN has been served prior to considering more formal enforcement proceedings.

Progress of Enforcement Cases

**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.
Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
West Oxfordshire District Council		
Fergal's Yard, Hardwick Gravel, Stanton Harcourt.	Unauthorised extension of operations	Site visited; waste recycling had extended beyond the boundary of the established site without planning permission. Negotiated solution as the operator moved activities within defined boundaries. No further breach. Case Closed.
Manor Farm, High Street, Great Rollright.	Unauthorised deposit of inert waste	Farm quarry has been substantively filled with inert waste without planning permission or environmental permit. Preliminary investigations continuing.
Land adj. to Grove Lane, Dean, Chipping Norton.	Unauthorised deposit of inert waste	Waste imported to farm to create hardstanding. However, unclear on the volumes and extent of development. Preliminary investigations continuing.

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Progress of Enforcement Cases**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.****Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
Cherwell District Council		
Ferris Hill Farm Sibford Road Hook Norton Oxfordshire OX15 5JY	Unauthorised picking station plant fixed to the land.	Site monitoring visit in July 2016 established that a waste transfer picking station has been erected on the land but not in accordance with the most recent planning permission - 15/01829/CM (MW.0132/15). The operator has advised that this is a temporary arrangement whilst the ground works to implement the approved planning permission are completed. Maintain a watching brief.
Barford Road Farm, Barford Road, South Newington, Oxfordshire, OX15 4JJ	Breach of Planning Conditions – Condition 9 requires that Highway Works are to be completed.	Conditional planning permission was granted in July 2016 for the change of use of agricultural barns to allow the import of waste topsoil to include storage and screening for a topsoil business. Condition 9 required that certain highway works be completed. A BCN was served on 27 July 2017 formally requiring the s.278 agreement to be finalised and the access works to be completed by 31 December 2017. Works completed. No further breach. Case Closed.
Stratton Audley Quarry.	Unauthorised deposit of waste and on-going breach of planning conditions – failure to restore.	The site was required to be restored by 31st December 2008. OCC has ten years from that date in which to bring enforcement proceedings for the on-going breach of planning control as reported to Planning & Regulation Cttee on 19 February 2018. A detailed ecology report is required and a commitment has been given to return to Planning & Regulation Cttee before instigating formal enforcement proceedings in the Autumn. The land has recently been acquired by a new landowner who has met with officers and declared themselves keen to work with the County Council to address the breach.
Belle Isle Farm, Sibford Road, Hook Norton	Unauthorised deposit of waste	The owner of the land had soil stripped and commenced work on surcharging an old Banbury Rural District Council refuse tip by importing waste soils from a neighbouring farm (and waste operator) without planning permission. A PCN was served and following negotiation a conditional planning permission (MW.0066/17) was granted on 28

PN8

		November 2017. The operation is now regularly inspected as part of the compliance monitoring regime. Case Closed
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Progress of Enforcement Cases

**Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.
Mobile Tel: 07899 065518**

Location	Alleged Breach of Planning Control	Progress
Cherwell District Council (Continued)		
Deddington Highways Maintenance Depot, Banbury Road, Deddington, Banbury, 15 OTS Page 76	Breach of Planning Conditions	Planning permission reference R3.0069/17 was granted on 1st February 2018 for the new salt barn adjacent to the existing Highways Depot near Deddington. The planning permission had several pre-commencement conditions which had not been discharged when works to fell mature trees and clear vegetation from the land were carried out. The county council is in breach of planning control. All other works have now ceased and the council's agents are working with planning officers to secure the discharge of all outstanding conditions before any further works are carried out. Continue with watching brief.

Planning Enforcement - Glossary of Terms

Awaiting DP	-	Details pursuant to a planning condition must be approved by OCC prior to commencement of development.
BCN	-	Breach of Condition Notice – A summary procedure for the enforcement of planning conditions. Where there has been a failure to comply with a condition attached to a current planning permission the Local Planning Authority may serve such a notice.
CDC	-	Cherwell District Council
CLEUD	-	Certificate of lawful use / development. A procedure to allow a person to ascertain whether; (a) the existing use of land or buildings is lawful; (b) any operations carried out in, on, over or under land are lawful; or (c) any other matter constituting a failure to comply with a condition of a planning permission is lawful.
COU	-	Change of Use
EA	-	Environment Agency
EN	-	Enforcement Notice
Expediency	-	A judgment of the merits of an activity against planning policy.
LBA	-	Letter before action - a formal letter which sets out the alleged breach in planning control and suggested remedy.
OCC	-	Oxfordshire County Council
PCN	-	Planning Contravention Notice – A formal notice requiring a recipient to provide information about development on land so far as they are able.
Pd	-	permitted development
Pp	-	planning permission
SODC	-	South Oxfordshire District Council
VoWH	-	Vale of White Horse District Council
WODC	-	West Oxfordshire District Council

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PLANNING & REGULATION COMMITTEE – 14 MAY 2018

Policy Annex (Relevant Development Plan and other Policies)

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

POLICY SH2: TRAFFIC IMPACT IN SUTTON

Planning permission will not be granted for mineral extraction or waste disposal, including development which would intensify existing workings, where the development would lead to a significant increase in traffic in Sutton or prolongation of significant traffic intrusion, unless the Sutton bypass has been constructed and brought into use. If necessary, weight restrictions will be placed within the village following construction of the bypass.

POLICY SH3: ROUTEING AGREEMENTS

The County Council will seek routeing agreements with operators in order to limit the use of the A415 through Standlake and southwards over Newbridge. The preferred routes will be the A415 north of Standlake to the Ducklington bypass, or the B4449 via the Blackditch, Sutton and Eynsham bypasses.

Oxfordshire Minerals and Waste Core Strategy

POLICY M1: RECYCLED AND SECONDARY AGGREGATE

So far as is practicable, aggregate mineral supply to meet demand in Oxfordshire should be from recycled and secondary aggregate materials in preference to primary aggregates, in order to minimise the need to work primary aggregates.

The production and supply of recycled and secondary aggregate, including that which improves waste separation and the range or quality of end products, will be encouraged so as to enable the maximum delivery of recycled and secondary aggregate within Oxfordshire. Where practicable, the transport of recycled and secondary aggregate materials (both feedstock and processed materials) from locations remote from Oxfordshire should be by rail.

Provision will be made for facilities to enable the production and/or supply of a minimum of 0.926 million tonnes of recycled and secondary aggregates per annum.

Sites which are suitable for facilities for the production and/or supply of recycled and secondary aggregates at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Permission will be granted for such facilities at these allocated sites provided that the requirements of policies C1 – C12 are met.

Permission will normally be granted for recycled and secondary aggregate facilities at other sites, including for temporary recycled aggregate facilities at aggregate quarries and landfill sites, that are located in accordance with policies W4 and W5

and that meet the requirements of policies C1 – C12, taking into account the benefits of providing additional recycled and secondary aggregate capacity and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.

Sites for the production and/or supply of recycled and secondary aggregate will be safeguarded under Policy M9 and/or W11 and safeguarded sites will be defined in the Site Allocations Document.

POLICY W1: OXFORDSHIRE WASTE TO BE MANAGED

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

The amounts of waste for which waste management capacity needs to be provided is as follows:

Forecasts of waste for which waste management capacity needs to be provided 2016 – 2031 (million tonnes per annum)

Waste Type	2016	2021	2026	2031
Municipal Solid Waste	0.32	0.34	0.36	0.38
Commercial and Industrial Waste	0.54	0.56	0.57	0.58

These forecasts will be kept under review and updated as necessary in the Oxfordshire Minerals and Waste Annual Monitoring Reports.

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

POLICY W2: OXFORDSHIRE WASTE MANAGEMENT TARGETS

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

Oxfordshire waste management targets 2016 – 2031

		Year			
		2016	2021	2026	2031
MUNICIPAL WASTE	Composting & food waste treatment	29%	32%	35%	35%
	Non-hazardous waste recycling	33%	33%	35%	35%
	Non-hazardous residual waste treatment	30%	30%	25%	25%
	Landfill (these percentages are not targets but are included for completeness)	8%	5%	5%	5%
	Total	100%	100%	100%	100%
COMMERCIAL & INDUSTRIAL WASTE	Composting & food waste treatment	5%	5%	5%	5%
	Non-hazardous waste recycling	55%	60%	65%	65%
	Non-hazardous residual waste treatment	15%	25%	25%	25%
	Landfill (these percentages are not targets but are included for completeness)	25%	10%	5%	5%
	Total	100%	100%	100%	100%

CONSTRUCTION, DEMOLITION & EXCAVATION WASTE	<i>Proportion of Projected Arisings taken to be Inert*</i>	80%	80%	80%	80%
	Inert waste recycling (as proportion of inert arisings)	55%	60%	65%	70%
	Permanent deposit of inert waste other than for disposal to landfill** (as proportion of inert arisings)	25%	25%	25%	25%
	Landfill (as proportion of inert arisings) (these percentages are not targets but are included for completeness)	20%	15%	10%	5%
	Total (inert arisings)	100%	100%	100%	100%
	<i>Proportion of Projected Arisings taken to be Non-Inert*</i>	20%	20%	20%	20%
	Composting (as proportion of non-inert arisings)	5%	5%	5%	5%
	Non-hazardous waste recycling (as proportion of non-inert arisings)	55%	60%	65%	65%
	Non-hazardous residual waste treatment (as proportion of non-inert arisings)	15%	25%	25%	25%
	Landfill (as proportion of non-inert arisings) (these percentages are not targets but are included for	25%	10%	5%	5%

	completeness)				
	Total (non-inert arisings)	100%	100%	100%	100%

* It is assumed that 20% of the CDE waste stream comprises non-inert materials (from breakdown in report by BPP Consulting on Construction, Demolition and Excavation Waste in Oxfordshire, February 2014, page 7). The subsequent targets are proportions of the inert or non-inert elements of the CDE waste stream.

** This includes the use of inert waste in backfilling of mineral workings & operational development such as noise bund construction and flood defence works.

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

POLICY W3: PROVISION FOR WASTE MANAGEMENT CAPACITY AND FACILITIES REQUIRED

Provision will be made for the following additional waste management capacity to manage the non-hazardous element of the principal waste streams:

Non-hazardous waste recycling:

- by 2021: at least 145,400 tpa
- by 2026: at least 203,000 tpa
- by 2031: at least 326,800 tpa

Specific sites for strategic and non-strategic waste management facilities (other than landfill) to meet the requirements set out in in this policy, or in any update of these requirements in the Oxfordshire Minerals and Waste Annual Monitoring Reports, at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Other sites which are suitable for strategic and non-strategic waste management facilities and which provide additional capacity for preparation for re-use, recycling or composting of waste or treatment of food waste (including waste transfer facilities that help such provision) at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will also be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document.

Permission will be granted at allocated sites for the relevant types and sizes of waste management facilities for which they are allocated provided that the requirements of policies C1 – C12 are met.

Permission will normally be granted for proposals for waste management facilities that provide capacity for preparation for re-use, recycling or composting of waste or treatment of food waste (including waste transfer facilities that help such provision) at other sites that are located in accordance with policies W4 and W5 and that meet the requirements of policies C1 – C12, taking into account the benefits of providing additional capacity for the management of waste at these levels of the waste

hierarchy, and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.

Proposals for non-hazardous residual waste treatment will only be permitted if it can be demonstrated that the development would not impede the movement of waste up the hierarchy and that it would enable waste to be recovered at one of the nearest appropriate installations, and provided that the proposal is located in accordance with policies W4 and W5 and meets the requirements of policies C1-C12. Account will be taken of any requirements for additional non-hazardous residual waste management capacity that may be identified in the Oxfordshire Minerals and Waste Annual Monitoring Reports in the consideration of proposals for additional non-hazardous residual waste management capacity for the principal waste streams.

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

POLICY W4: LOCATIONS FOR FACILITIES TO MANAGE THE PRINCIPAL WASTE STREAMS

Facilities (other than landfill) to manage the principal waste streams should be located as follows:

- a) Strategic waste management facilities should normally be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, as indicated on the Waste Key Diagram. Locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network in accordance with Policy C10.
- b) Non-strategic waste management facilities should normally be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, the other large towns (Witney and Wantage & Grove) and the small towns (Carterton, Chipping Norton, Faringdon, Henley-on-Thames, Thame and Wallingford), as indicated on the Waste Key Diagram. Locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network in accordance with Policy C10.
- c) Elsewhere in Oxfordshire, and particularly in more remote rural areas, facilities should only be small scale, in keeping with their surroundings.

The locations for strategic and/or non-strategic waste management facilities around Oxford, Abingdon, Didcot and Wantage and Grove exclude the Oxford Meadows, Cothill Fen, Little Wittenham and Hackpen Hill Special Areas of Conservation and a 200 metre dust impact buffer zone adjacent to these SACs.

As indicated on the Waste Key Diagram, strategic and non-strategic waste management facilities (that comprise major development) should not be located within Areas of Outstanding Natural Beauty except where it can be demonstrated that the 'major developments test' in the NPPF (paragraph 116), and as reflected in policy C8, is met.

POLICY W5: SITING OF WASTE MANAGEMENT FACILITIES

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

- is already in waste management or industrial use; or
- is previously developed, derelict or underused; or
- is at an active mineral working or landfill site; or
- involves existing agricultural buildings and their curtilages; or
- is at a waste water treatment works.

Waste management facilities may be sited on other land in greenfield locations where this can be shown to be the most suitable and sustainable option.

POLICY C1: SUSTAINABLE DEVELOPMENT

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

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

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

POLICY C2: CLIMATE CHANGE

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

POLICY 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 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

West Oxfordshire Local Plan 2011

POLICY BE2: GENERAL DEVELOPMENT STANDARDS

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

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

A landscape scheme accompanying detailed proposals for development should show, as appropriate, hard and soft landscaping, existing and proposed underground services, a phasing programme for implementation and subsequent maintenance arrangements.

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

Quality of Development and Impact upon the Area:

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

Crime:

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

Energy and Resources:

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

POLICY BE3: PROVISION FOR MOVEMENT AND PARKING

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

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

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

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

POLICY BE18: POLLUTION

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

POLICY T1: TRAFFIC GENERATION

Proposals which would generate significant levels of traffic will not be permitted in locations where travel by means other than the private car is not a realistic alternative.

The Emerging West Oxfordshire Local Plan 2011-2031

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.

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.

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.