



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

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

**Monday, 10 September 2018 at 2.00 pm**

**Committee Rooms 1 & 2, County Hall, New Road, Oxford**

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

Peter G. Clark  
Chief Executive

August 2018

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

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

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**Membership**

Chairman – Councillor Les Sibley  
Deputy Chairman - Councillor Jeannette Matelot

*Councillors*

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

Glynis Phillips  
G.A. Reynolds  
Judy Roberts  
Dan Sames

John Sanders  
Alan Thompson  
Richard Webber

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**Notes:**

- **Date of next meeting: 29 October 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](mailto:glenn.watson@oxfordshire.gov.uk) for a hard copy of the document.

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

# AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes (Pages 1 - 8)**

To approve the minutes of the meeting held on 2 July 2018 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Section 73 application to vary condition 2 of planning permission EHE/9294/1 to allow for import of a small amount of Intermediate Level Waste (ILW) from Winfrith to Harwell for encapsulation and interim storage at Harwell Campus, 462 Rutherford Avenue, Didcot - Application No. MW.0036/18 (Pages 9 - 22)**

Report by the Director for Planning & Place (PN6).

This application seeks to amend condition 2 (restricting importation of waste from elsewhere) of the existing planning permission for a Waste Encapsulation and Treatment Plant. The application is being reported to this Committee as objection has been received from East Hendred and Chilton Parish Councils. The report describes the planning proposal and outlines the consultation replies and objections to the application. Relevant planning policies are included along with the comments and recommendation of the Director for Planning and Place on the proposal.

***It is RECOMMENDED that application no. MW.0036/16 be approved subject to conditions to be determined by the Director of Planning & Place including the matters set out in Annex 2 to the report PN6.***

7. **Section 73 application for the variation of condition 26 and removal of conditions 27, 28 and 29 of planning permission 17/01172/CM (OCC reference MW.0031/7) to enable the transportation of large stone block by HGV at Castle Barn Quarry, Fairgreen Farm, Sarsden - Application No. MW.0027/18 (Pages 23 - 38)**

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

This application seeks to amend condition 26 (maximum of 44 HGV movements) and remove conditions 27 (movement of large stone blocks by tractor and trailer), 28 (tractor and trailer movements limited to 14 per day) and 29 (time restrictions on tractor and trailer movements through Sarsden) of the existing planning permission to allow for the transportation of large stone blocks by HGV and trailer. The application is being reported to this Committee as an objection has been received from West Oxfordshire District Council. The report describes the proposal and outlines the consultation replies and objections to the application. Relevant planning policies are included along with the comments and recommendation of the Director for Planning and Place on the proposal.

***It is RECOMMENDED that planning permission for Application MW.0027/18 be approved subject to conditions to be determined by the Director for Planning and Place but to include matters set out in Annex 3 to this report PN7.***

## **8. Relevant Development Plan and other Policies (Pages 39 - 46)**

Paper by the Director for Planning & Policy (PN9)

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

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 10 September 2018** at **12 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 2 July 2018 commencing at 2.00 pm and finishing at 2.55 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 Glynis Phillips  
Councillor G.A. Reynolds  
Councillor Judy Roberts  
Councillor Dan Sames  
Councillor John Sanders  
Councillor Alan Thompson  
Councillor Richard Webber  
Councillor Ian Hudspeth (In place of Councillor Mrs Anda Fitzgerald-O'Connor)

**Officers:**

Whole of meeting G. Warrington & D. Mytton (Law & Governance); C. Kenneford, D. Periam and K. Broughton (Planning & Place)

*The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.*

### **26/18 ELECTION OF CHAIRMAN**

(Agenda No. 1)

**RESOLVED:** that Councillor Les Sibley be appointed Chairman for the Council year.

**27/18 ELECTION OF DEPUTY CHAIRMAN**

(Agenda No. 2)

**RESOLVED:** that Councillor Jeanette Matelot be appointed Deputy Chairman for the Council year.

**28/18 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 3)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Anda Fitzgerald-O'Connor	Councillor Ian Hudspeth

**29/18 MINUTES**

(Agenda No. 5)

The minutes of the meeting held on 14 May 2018 were approved and signed.

*Minute 24/18 - Application MW.0015/18 withdrawn by the applicants*

**30/18 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 6)

<i>Speakers</i>	<i>Item</i>
Dr Anna Hoare Derek Allan	8 - Wicklesham Quarry - Application MW.0084/17

**31/18 SECTION 73 APPLICATION TO VARY CONDITIONS 1 AND 13 OF PLANNING PERMISSION P15/V2384/CM (MW.0134/15) TO ALLOW FOR BUNDS TO BE RETAINED ON THE SITE AND TO INCORPORATE THEM INTO A REVISED RESTORATION SCHEME AT WICKLESHAM QUARRY, SANDSHILL, FARINGDON, OXON, SN7 7PQ - APPLICATION NUMBER MW.0084/17.**

(Agenda No. 8)

The Committee considered PN8 a planning application to allow a change in the restoration of the quarry site in order to retain some earth mounds, alter the contours of the final landform and make some alterations to the final ponds on the site.

The report having outlined the relevant planning policies, identified the main issues with the application, which were the effect on the local amenity, biodiversity and landscape concluded that the proposed changes would allow for an acceptable restoration and therefore recommended approval subject to conditions.

Presenting the report Mr Broughton pointed out that the revised application was not significantly different to the original restoration proposal. The contours on the site needed to be resolved to aid restoration to agriculture as the site was very wet in winter. The site had been partially restored but a few changes were now required to finalise the scheme. There would be no further import of material.

He then responded to questions from:

Councillor Johnston – the revised ditch proposal did not run on to the other pond. He referred to photographs taken on a site visit in 2017 which confirmed that the site was sometimes wet although it was dry at the moment.

Councillor Matelot – the ponds would not be used for livestock and a fenced buffer zone would be erected to prevent access.

Councillor Roberts – he was unable to confirm the number of geological visits made to the site. In response to a second question he confirmed there were no proposals to import any more material onto the site other than what was already there.

Anna Hoare spoke against the application. She referred to a number of conclusions set out in the 2009 report by Enzygo which, despite the position and nature of bodies of water within the site varying considerably over time, had appeared to support the presence of a good/medium sized population of breeding great crested newts. The report also identified that the presence of this great crested newt population was a material consideration for decisions regarding the formation of plans to restore the existing void and that that restoration, because of the presence of great crested newts would need to be carried out under the auspices of a Conservation Regulations licence to be obtained from Natural England. She went on to explain that the Enzygo report further stated that the ponds were not temporary nor formed of standing water but were fed by groundwater and that in addition to the four ponds there were a number of more temporary areas of standing water all supported primarily by groundwater. Although some of the areas were transitory in nature any design needed to seek to preserve a proportion of open water throughout the year.

Irregular and uneven edges around the ponds, should be allowed to colonise with flora and fauna naturally to assist in creating and maximising ecotones. However, she explained that that had not happened and alleged damage had been caused between May and October 2016. It was during that period when enforcement action had been taken against Grundon Ltd to carry out restoration and a complaint made to the Wildlife Crime Officer at Thames Valley Police. Natural England claimed to have had no knowledge of the ponds before issuing a Mitigation Licence in 2017 when damage had already been caused. There was concern locally that the ponds had been deliberately filled in and trees and vegetation cut down. Representations made to governing authorities had been dismissed and a mitigation Licence had been issued too late to afford protection. One of the main planks of the Enzygo report had been to ensure and maintain flora and fauna and levels of biodiversity. Clearly that had not been done. Therefore, local people were requesting an up to date survey of the ponds by Enzygo Ltd to ascertain their condition, reverse any damage and restore the ponds according to the original planning conditions. There should be no alteration to those conditions or any certificate of completion of a restoration scheme issued until the ponds had been fully restored.

She then responded to questions from:

Councillor Johnston – she couldn't say why the ponds had been filled in intentionally but she was aware of commercial interests to develop the site.

Councillor Sames – she felt the recommendation before the Committee if implemented would be meaningless. This was an SSSI and biodiversity was important.

Councillor Phillips – soil had been imported which should have been for the restoration of the quarry.

Mr Broughton then confirmed that soil had been brought in for restoration work and the company had stated that what was there now would be sufficient to complete the work as proposed in the application.

Derek Allan then spoke on behalf of Grundons. He confirmed he was a certified ecologist and as such was fully aware of all current guidelines and practices. The application before the Committee set out terms for correct restoration. The SSSI status had not been disturbed, the ponds continued to exist and he confirmed that Grundons had not carried out any infilling. The area was very dry now with no groundwater run off to the ponds because of the inadequate levels on site. All works had been carried out under the control of Enzygo and Natural England had accepted continuation of works by Grundons. He confirmed some vegetation had been removed by the landowner for scrub control and in his view that would have helped the colony of newts. There was some historic fencing there which was not part of the original licensing and currently no water there to survey because of the natural hydrology. The bunds had been retained due to badger setts and breeding sand martins.

He then responded to questions from:



Councillor Johnston – he confirmed ponds were fed by run-off water and the works proposed would assist and restore that.

Councillor Roberts – he thought there had been approximately 6 arranged educational/ecological visits to the site in the last 18 months. He also confirmed that the breach of the newt barrier could have improved access for them.

Councillor Sanders – no newts had been seen during supervision works.

Councillor Matelot – the company were fully committed to a September 2018 completion date.

Councillor Reynolds accepted that the ponds would be dry most of the time but was concerned that soil had not been replaced on the quarry floor in the way that it should have been. The soil in the bunds needed to be used to restore the floor of the quarry.

Councillor Johnston felt minded to agree the application subject to assurances that reprofiling would result in run-off and that in time the ponds would return.

Mr Broughton replied that reprofiling would be carried out to original approved plans so he assumed that that would happen but as he was not a hydrologist he was not qualified to give an assurance that would be the case. He stated that he could only point to the changes in the application from the approved permission.

Responding to Councillor Gawrysiak Mr Broughton confirmed there was no major difference in reprofiling but the current application would provide more contours which in turn would provide a gentler slope to help water run-off. The intention being to get as close to the original approved plan as possible.

To Councillor Thompson he confirmed access was by appointment only.

Responding to Councillor Fox-Davies regarding the pictures taken by the County Council's Monitoring Officer which had showed vegetation removed Mr Periam advised that failure to restore the quarry in accordance with approved plans had prompted a Breach of Condition notice. Furthermore, if this application was not approved then the existing plan would be in force and a decision would then need to be taken whether to prosecute or not. That would not help to get the site restored and he believed this current application offered the best opportunity to achieve a satisfactory outcome.

**RESOLVED:** (on a motion by the Chairman, seconded by Councillor Matelot and carried 9 votes to 1 with 3 abstentions recorded that planning permission for application no. MW.0084/17 be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

- 1) The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprised:

- Application form dated 30/08/2017
  - Letter dated 29/08/2017
  - Supplemental Letter dated 17/04/2017
  - Ecology Statement dated 29/08/2017
  - Enzygo Method Statement dated 16/04/2018
  - Site Restoration Plan - Drawing no. DG/QO/WIC/RES/01 Rev D
  - Cut and Fill balance to achieve restoration levels as per drawing no. DG/QO/WIC/RES/01 Rev D
  - Site Location Plan - Drawing No: DG/00/WIC/TEMP/02.
  - Aftercare Scheme set out in paragraph 3.0 onwards in the approved Restoration and Aftercare Scheme dated December 2012.
  - Conservation of geological interest features of SSSI Plan - Restoration and aftercare scheme dated December 2012 subject to revised restoration plan - DG/QO/WIC/RES/01 Rev D.
- 2) The works relating to the restoration and aftercare of the site should be carried out only between the following times: 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays; no operations should take place at any time on Sundays or recognised public holidays.
- 3) The site should be completely restored by 30 September 2018 in accordance with the approved restoration scheme DG/QO/WIC/RES/01 Rev D.
- 4) No reversing beepers, other than those emitting white noise, should be fixed to, or used on, any mobile plant.

#### Informative

“All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended). If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England. It is recommended that the native trees and seeds to be used in the restoration scheme are of UK (or ideally more local) provenance. For example, the Flora Locale website gives contact details for suppliers of UK provenance seed and plants: <http://www.floralocale.org/HomePage> A Habitat Regulations licence from Natural England for great crested newts may be required to make this permission lawful.”

..... in the Chair

Date of signing .....

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**For: PLANNING &REGULATION COMMITTEE – 10 SEPTEMBER 2018**

**By: Director for Planning & Place**

**Development Proposed: Section 73 application to vary condition 2 of planning permission EHE/9294/1 to allow for import of a small amount of Intermediate Level Waste (ILW) from Winfrith to Harwell for encapsulation and interim storage.**

**Division Affected:** Hendreds and Harwell

**Contact Officer:** Kevin Broughton                      **Tel:** 07979 704458

**Location:** 462 Complex, Rutherford Avenue, Harwell, Oxford OX11 0DF

**Application No:** MW.0036/18                      **District Ref:** P18/V1310/CM

**Applicant:** Magnox Ltd

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

**Date application:** 11 May 2018  
**Received**

**Consultation Period:** 31 May – 21 June 2018.

## **Contents**

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

## Part 1 – Facts and Background

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

1. The Waste Encapsulation and Treatment Plant (hereafter referred to as the 'WEP') and Vaults store lie within the 462 Complex within the Harwell Campus in southern Oxfordshire. The nearest villages are Chilton (1.75km to the south east), Harwell (2.5km to the north east and East Hendred (2km to the north west) of the application site. The town of Didcot located 6km (3.75 miles) to the north east of the site. The 462 Complex covers an area of approximately 3.7 hectares.
2. The site forms part of a licenced nuclear site.
3. The application site is within an existing complex of buildings used for the management of solid waste materials and is located outside the floodplain.
4. Directly to the north west of the site boundary is an area of grassland and planting, beyond which is the Campus' perimeter planting. Public Bridleway no. 199/26/10 and Restricted Byway no. 19/6/40 run along the Campus' perimeter. Beyond the estate and to the north west the land is primarily in agricultural use.
5. To the south-eastern side of the 462 Complex is an internal access road known as Rutherford Avenue.
6. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
7. The nearest residential property outside of the Harwell campus is located approximately 700 metres to the south west of the site (within East Hendred village).
8. Access to the application site is via the A4185 Rowstock to Chilton Road (Newbury Road) which has access to the wider network via the A417 and A34. The Harwell campus is a private estate and is served by a network of private roads

### **History**

9. The Harwell site was originally an RAF station and was subsequently established as Britain's first Atomic Energy Research Establishment in 1946. Most of the nuclear reactors and research facilities were built between 1946 and 1960. Decommissioning of the facilities began during the 1990s.
10. Magnox Ltd manages and operates the former United Kingdom Atomic Energy Authority (UKAEA) sites at Harwell in Oxfordshire and Winfrith in Dorset on behalf of the Nuclear Decommissioning Authority (NDA). It is the site licence company responsible for the closure programme at both of these sites. Decommissioning results in the generation of radioactive wastes including Low

Level Wastes (LLW) as well as wastes with higher levels of radioactivity called Intermediate Level Wastes (ILW). ILW will ultimately be disposed of in a national Geological Disposal Facility (GDF) but this facility will not be available until after 2040. In the meantime, the decommissioning of nuclear facilities will require storage facilities to store ILW.

11. A number of planning permissions have been granted within the Harwell campus by the County Council. The permissions amongst other matters cover existing facilities for the storage of intermediate and low level radioactive waste which have been produced at Harwell since its establishment in 1946. The current planning permission for the WEP facility to which the current application is a variation was granted in 2003. The Vaults Store was constructed during the operational phase of the site's life when a Special Development Order (SDO) was in place and is not subject to any planning condition restrictions but is referenced for completeness. Therefore, at the time, the facility did not require planning permission. Separate planning permissions have been granted for the ILW box store building but this is not affected by the current application.

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

12. Condition 2 of outline planning permission reference EHE/9294/1 states:

Save for any waste from outside sources held on site at the date of this permission, no waste sources from outside Harwell shall be processed in the plant hereby approved.

Reason: To minimise lorry traffic generation and the duration of disturbance from the workings."

13. The application seeks to vary Condition 2 of planning permission EHE/9294/1, for the development of the WEP. A variation to Condition 2 is required to allow a very small amount of Intermediate Level Waste (ILW) to be imported from Winfrith to the Harwell site for processing in the WEP and interim storage in the Vaults Store pending eventual final disposal off site. This is required since Condition 2 would otherwise preclude wastes from outside Harwell being processed in the WEP. No physical or other changes are proposed to the WEP or the Vaults Store. Both facilities have spare capacity available to accommodate the very small amount of additional waste. The development would generate a total of 16 vehicle movements all together over a three to four year period.

14. The original suggested revised wording of condition 2 is as follows:

Save for any waste from outside sources held on site at the date of this permission or any waste originating at Magnox's Winfrith Site, no waste sources from outside Harwell shall be processed in the plant hereby approved.

Reason: To minimise lorry traffic generation and the duration of disturbance from the workings."

However following receipt of the comments received from local parish councils, the suggested revised wording of condition 2 has been amended as follows:

Other than up to 17m<sup>3</sup> of waste from the Winfrith site as set out in section 3 of the planning statement dated April 2018, no waste from sources outside the Harwell nuclear licensed site shall be imported to, or processed in the plant hereby approved.

15. The applicant states that the proposals would result in a scenario whereby the WEP, Vaults Store and ILW Box Store building at Harwell are able to accommodate all of Winfrith's ILW that is anticipated to require interim storage. Therefore, although the simple method of revising the condition suggested above does not restrict the volume of waste that can be imported or the timing of the transport, this is not considered to prejudice the reason for imposing the condition in the first place. The amount of waste proposed for import is so low and it is not anticipated that any other ILW from Winfrith would need to be stored at Harwell, other than that identified in this application and in the planning permission for the ILW store.
16. A breakdown of the current wastes anticipated to be transported are as follows:
  - Approximately 8 modular flasks from the Dragon Reactor and Steam Generating Heavy Water Reactor – 4.16m<sup>3</sup>
  - Approximately 18 x 500 litre drums of Thorium – 9m<sup>3</sup>
  - Potential for small volumes of currently unidentified wastes as the decommissioning of Winfrith progresses – less than 1m<sup>3</sup>
  - Potential for two sea disposal drums – 2m<sup>3</sup>
17. The applicant considers that the development is consistent with development plan policies and the Nuclear Decommissioning Strategy III which is a material consideration. It is considered that the approval of this planning application would result in planning permission being in place for the storage of all of Winfrith's ILW (that requires interim storage) at Harwell, effectively and sustainably sharing assets in line with national policy for radioactive waste management.

## **Part 2 – Other Viewpoints**

### **Third Party Representations**

18. No third party representations have been received.

### **Consultation Responses**

19. The Office for Nuclear Regulation comments to come.
20. Natural England has no comments to make on the application.
21. The Environment Agency has no objection to the application.



22. The Vale of White Horse District Council has no comments to make on the application either as District planning or Environmental Health Authority.
23. Transport Development Control for the County as Highway Authority has no objection to the application.
24. The County Council as Fire Service has no concerns from a fire safety perspective.
25. Chilton Parish Council has no objection to this specific request to vary Condition 2 of Planning Permission EHE/9294/1, that is, to allow receipt, processing and interim storage of an additional 16 cubic metres of intermediate level radioactive waste from Winfrith. However, the Council would object to a rewording of condition 2 (*NB as originally proposed*) that would allow further additional receipts of intermediate waste from Winfrith without agreement of further variations to condition 2 as defined at the time of granting planning permission. Therefore, the Council would **not** support the proposed rewording given in the Planning Statement. The sensitivity of importing intermediate waste to Harwell from outside of Oxfordshire was recognised prior to granting planning permission for the Intermediate level waste box store in 2013, and condition 5 of the planning permission was imposed to restrict further imports of intermediate level waste until a large amount (70%) of existing intermediate level waste had been despatched from the Harwell site. The reason for Condition 5 was "To protect the amenity of local residents". The same principle would apply to variation of Condition 2 of Planning Permission EHE/9294/1 and it would therefore be inappropriate to amend condition 2 without first limiting and defining the amount of waste proposed to be imported and processed from outside of the Harwell complex.
26. East Hendred Parish Council objected to the original planning application for the ILW store on the basis that it objected to ILW waste being imported from outside Oxfordshire, in particular from Winfrith. Although the approval allowed waste from Winfrith to be imported and stored in the new ILW store a condition was placed on this in requiring that no waste should be imported until at least 70% of the Harwell based nuclear waste planned to be sent to Sellafield had been achieved. Our understanding is that this target has not yet been reached. Although the application claims that the planned waste to be imported is a small quantity (16 m<sup>3</sup>) the Council still considers that this increases risk levels on the Harwell site within our parish, particularly as the waste will be unencapsulated when it arrives. We therefore object to this application. In particular the proposal is to amend one of the conditions to add the Winfrith Site into the condition as an acceptable source of waste, by adding text as "or any waste originating at Magnox's Winfrith Site". We object to this amendment as this would place Winfrith waste in the same category as locally produced waste which was the basis of the Council's original objection.
27. Harwell Parish Council has no objection to the application subject to the waste being imported from the A34 via the Chilton slip roads rather than Milton.

### Part 3 – Relevant Planning Documents

#### Relevant planning policies

28. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
29. The Development Plan for this area comprises:
- The policies of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy (OMWCS)
  - The saved policies of the Oxfordshire Minerals and Waste Local Plan (OMWLP)
  - The saved policies of the Vale of White Horse Local Plan 2011 (VLP 2011)
  - The policies of the Vale of White Horse Local plan 2031 (VLP 2031).
30. The relevant Development Plan policies are:  
Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy (OMWCS)
- W9 – Management and disposal of radioactive waste
  - C1 – Sustainable development
  - C5 – General environmental and amenity protection
  - C8 – Landscape
  - C10 - Transport
- Vale of White Horse Local Plan 2011 (VLP 2011)
- DC9 (Amenities of neighbouring properties & the wider environment)
  - NE6 (North Wessex Downs AONB)
  - E7 (Harwell Science and Innovation Campus)
- Adopted Vale of White Horse Local Plan 2031 (VLP 2031)
- Core Policy 1 (Presumption in favour of sustainable development)
  - Core Policy 44 – (Landscape)

31. Other material considerations are:

- i) The Vale of White Horse Local Plan 2031 Part 2 (VLP 2031 2) publication version has been published and the publicity period closed on 22 November 2017. Therefore, although it is not yet adopted, this document is at an advanced stage and can be given appropriate weight.
- ii) The Government's National Planning Policy Framework (NPPF), the National Policy for Waste (NPPW) and the Nuclear Decommissioning Authority Strategy III (NDAS III) April 2016 and the Higher Activity Waste Strategy 2016 (published May 2016) (HAWS) are material considerations in taking planning decisions.

32. The relevant policies of the VLP 2031 2 are:

- Core Policy 15b: Harwell Campus Comprehensive Development Framework
- Development Policy 22 (Amenity).

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

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

33. The application is solely for a relaxation of the existing restriction on the importation of material from elsewhere for processing in the WEP. The application was advertised as a departure from OMWCS policy W9. I consider that the key planning issues are whether the application is in fact a departure and, if so, whether an exception to this policy should be made and whether the importation of waste from elsewhere would have any significant additional adverse effects on the local environment & amenity.

#### OMWCS Policy W9 Management and disposal of radioactive waste

34. OMWCS policy W9 states that permission will be granted for proposals for management of intermediate level radioactive waste produced in Oxfordshire at the Harwell nuclear licensed site. Permission will be granted for proposals relating to low level radioactive waste or intermediate level radioactive waste that provide for the needs of a wider area where it is demonstrated that they would meet a need for waste management that is not adequately provided for elsewhere and are consistent with national strategy for radioactive waste management.
35. The ILW proposed to be imported would come from Winfrith in Dorset. For this to accord with OMWCS policy W9, it would therefore need to be demonstrated that it would meet a waste management need not adequately provided for elsewhere consistent with the national strategy for radioactive waste. The applicant has advised that the Winfrith site does not contain a facility for the interim storage of its ILW, pending its final disposal. The site cannot therefore currently meet its own needs for encapsulation and interim storage. Facilities for the encapsulation and interim storage of ILW are not commonplace and only a few exist in the country. While other facilities were considered, none have spare capacity and none are closer to Winfrith in terms of the journey time of a HGV. In terms of the other 'options' available to manage and store the ILW, these would include:
- i). The construction of an encapsulation and interim storage facility at Winfrith; and
  - ii). The transport of the ILW for encapsulation and interim storage at another Magnox/NDA site.

The level of resources required to construct a new facility at Winfrith to account for such a small volume of waste would be less sustainable than that

proposed in the application, and would have greater environmental consequences. This is one of the key reasons a much larger volume of ILW has been allowed to be stored at the ILW Box Store at Harwell. Furthermore, the development of such a facility at Winfrith would conflict with the planned end state for the site.

36. I do not have any information to gainsay the applicant's comments. Clearly facilities for the storage and/or treatment of radioactive waste are limited nationally. Therefore, it is concluded that the application would meet a need for waste management that is not adequately provided for elsewhere.
37. The national strategy for radioactive waste management is set out in the NDAS III. This states that strategic decisions about waste management are informed by the following key principles:
- risk reduction is a priority;
  - waste should be minimised;
  - seeking opportunities to share treatment and interim storage assets;
  - waste management should support other NDA strategic initiatives such as decommissioning programmes; and
  - the waste hierarchy should be used as a framework for waste management decision making and enables an effective balance of priorities including value for money, affordability, technical maturity and the protection of health, safety, security and the environment.

The strategy makes a commitment to sharing waste management infrastructure where appropriate. With regard to Higher Activity Waste (HAW), which includes ILW, the ultimate strategy is to implement deep geological disposal in England and Wales and long-term management in near surface facilities in Scotland. This requires that the HAW inventory is converted into a form that can be safely and securely stored for many decades ("interim storage"). At the appropriate time the stored waste in England and Wales will then be transported to and disposed of in the national disposal facility. The strategy for HAW is reinforced in the NDA Higher Activity Waste Strategy 2016 (published May 2016).

38. I consider that the application is consistent with the above which is the relevant national radioactive waste management strategy. Therefore, I am now of the opinion that it has been demonstrated that the application is in fact consistent with OMWCS policy W9. "

Impact on the North Wessex Downs AONB

39. Policy NE6 of the VLP 2011 states that development in the North Wessex Downs AONB will only be permitted if the natural beauty will be conserved or enhanced and that visually prominent development will not be permitted. It goes on to say that major development will not be permitted in the AONB unless it is proven to be in the national interest and no alternative site can be found and all steps are taken to reduce its impact. Core Policy 44 of the VLP 2031 states that high priority will be given to conservation and enhancement of the natural beauty of the North Wessex Downs AONB. Policy C8 of the

OMWCS requires that developments in the AONBs should normally only be small-scale and sensitively located and designed.

40. The application is not for new development but for a variation of a condition on an existing one. I do not therefore consider that it would have any detrimental impact on the AONB and is consistent with the above policies.

#### Amenity

41. Planning policy requires that proposals including for minerals and waste development should not have unacceptable adverse impacts on residential amenity and other sensitive receptors including from light pollution and that appropriate buffer zones should be provided (Policies DC9 of the VLP 2011 and 22 of the VLP 2031 2). Policy C5 of the OMWCS reflects this and also requires consideration of the amenity impacts from traffic. VLP 2011 policy E7 makes specific provision for developments at the Harwell Campus including that proposals for buildings and structures will not unacceptably harm the character and appearance of the surrounding area, taking into account their location, scale, bulk and height. This is reflected in Core Policy 15b of the VLP 2031 2. OMWCS policy C10 seeks to see waste traffic routed via the county's advisory lorry routes.
42. There would be no new built development proposed as part of the application. The existing facility is set within the existing Harwell campus buildings and there are no immediate neighbours who would be affected by the development. The only amenity impact that could be identified would be from the proposed vehicle movements but at 16 over a period of three to four years these would be negligible and they would arrive via the A34 which is a designated advisory lorry route and via the Chilton slip roads not Milton as requested by Harwell Parish Council. Concern has been raised by East Hendred Parish Council about how the waste would be transported but this would be controlled by the Radioactive Materials Transport Team (RMTT) within the Office for Nuclear Regulation (ONR) and is not a matter to also seek to control through planning conditions.
43. I therefore consider that any impacts of the proposed variation of conditions on the local environment and amenity would be negligible and that there is no conflict with the above policies.

#### Sustainable Development

44. The NPPF contains a presumption in favour of sustainable development which has environmental, economic and social roles, which is reflected in OMWCS policy C1 and Core Policy 1 of the VLP 2031.
45. This development would contribute towards the environmental, economic and social aspects of sustainable development by facilitating the safe treatment and storage prior to disposal of intermediate level radioactive waste.

#### **Conclusions**

46. I consider that the application accords with development plan and national policy and would be sustainable development in environmental, economic and social terms in accordance with the NPPF and should be approved.

**RECOMMENDATION**

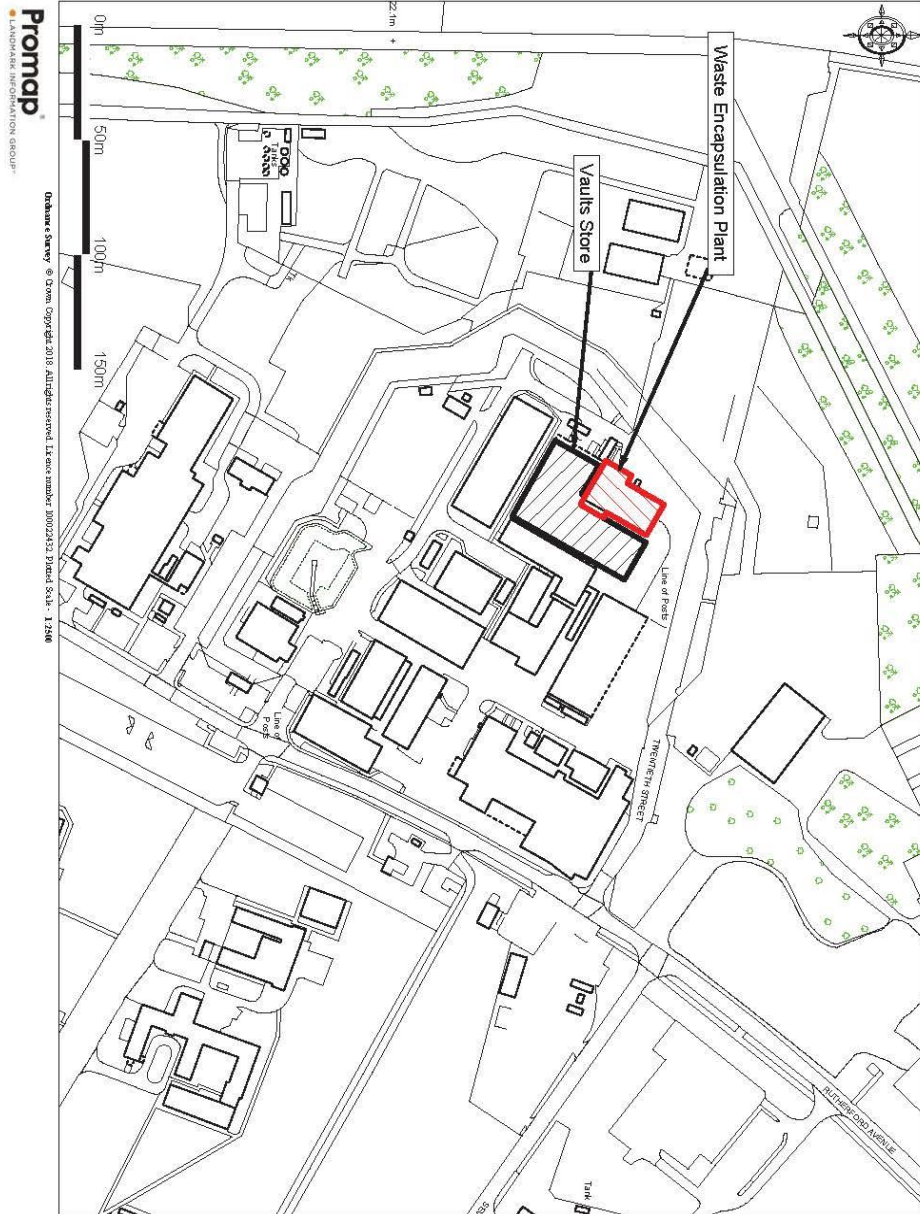
**47. It is RECOMMENDED that application no. MW.0036/16 be approved subject to conditions to be determined by the Director of Planning & Place including the matters set out in Annex 2 to this report.**

**SUE HALLIWELL**

Director for Planning & place

August 2018

Application no MW.0036/18 Harwell Waste Encapsulation Plant



**Annex 2 - Conditions**

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
2. Other than up to 17m<sup>3</sup> of waste from the Winfrith site as set out in section 3 of the planning statement dated April 2018, no waste from sources outside the Harwell nuclear licensed site shall be imported to, or processed in the plant hereby approved.
3. Any storage tanks to be sited within appropriate containment bunds
4. No discharges to the surface water drainage system.
5. All waste tipping, sorting and handling to be carried out on appropriate impervious concrete base surrounded by a liquid tight bund.
6. No soakaways to penetrate the water table or be more than two metres in depth.
7. No soakaways into contaminated land.
8. Noise levels to not exceed existing set level during operational hours.
9. Maintenance of the existing surface and foul water drainage systems.



### **Annex 3 - Compliance with National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible.

We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance we kept the agent abreast of all consultations response received, and additional information was submitted seeking to address concerns raised.

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**For: PLANNING & REGULATION COMMITTEE – 10 SEPTEMBER 2018**

**By: DIRECTOR FOR PLANNING & PLACE**

**Development proposed:**

**Section 73 application for the variation of condition 26 and removal of conditions 27, 28 and 29 of planning permission 17/01172/CM (OCC reference: MW.0031/17) to enable the transportation of large stone block by HGV.**

**Divisions Affected:** Charlbury and Wychwood

**Contact Officer:** Naomi Woodcock **Tel:** 07554 103464

**Location:** Castle Barn Quarry, Fairgreen Farm, Sarsden

**Application No:** MW.0027/18 **District Ref:** 18/02008/CM

**Applicant:** Johnston Quarry Group

**District Council Area:** West Oxfordshire DC

**Date Received:** 29 March 2018

**Consultation Period:** 7 May 2018 - 25 May 2018

**Recommendation:**

The report recommends that the application be approved

**Contents**

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

## **Part 1 –Facts and Background**

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

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

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

2. Access to the site is via a narrow road which runs a short distance west from the A361, then south to a private road. The private road which runs south-west towards Fairgreen Farm, passes both the restored and active quarry on either side.
3. The quarry site is surrounded by open agricultural land and the nearest residential dwelling is approximately 380 metres to the south-west of the site. The driveway to Fairgreen Farm runs along the west side of the active quarry.
4. A public right of way passes in an east to west direction approximately 50 metres to the south of the quarry site.
5. The existing permission has a routeing agreement attached to the permission which only allows HGV traffic to use the minor road off the A361 to the north-east of the development and drivers to only turn left out of the access road and not right south-east down a minor road to the A361. The prohibited minor road is too narrow for HGV access. The routeing agreement also prohibits HGV traffic through any of the villages surrounding the quarry. The permission was also subject to a legal agreement requiring a 20-year long term management plan and public access to a geological exposure. Both agreements would continue to apply to any subsequent Section 73 application granting varied planning permission to the existing permission.

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

6. Castle Barn Quarry is seasonal and usually operates between March or April to mid-November. Mineral working at the quarry is due to be completed by 31 December 2020.
7. This planning application seeks to amend condition 26 (maximum of 44 HGV movements (22 in 22 out) per day) and remove:
  - condition 27 (movement of large stone blocks by tractor and trailers only);
  - condition 28 (tractor and trailer movements limited to 14 movements (7 in 7 out) per day); and
  - condition 29 (time restrictions on tractor and trailer movements through the village of Sarsden)
 to allow transportation of large stone blocks by HGV.

8. The applicant explains that under the previous mineral operator all block stone was transported to the Lower Buildings in Sarsden for processing.
9. Transportation of the block stone was limited to tractor and trailer to reduce the impact on the agreed route through the village.
10. When the applicant took over operations in 2015/2016 it was decided that block stone should also be transported to Great Tew Quarry (which is also operated by the applicant) as well as the Lower Buildings in Sarsden. In addition, large stones are also delivered on an ad hoc (and infrequent) basis to alternative sites for processing, as per customer requirements.
11. The applicant has therefore identified a need to transport the large stone blocks by HGV as the current restriction (that permits movement by tractor and trailer only) is not practical or flexible to meet the varied demand.
12. The applicant explains that the large stone blocks would continue to be transported on a 44t Gross 2/3 Axle Trailer. The only difference would be that the trailer would be pulled by an HGV rather than a tractor.
13. The transportation of large stone blocks would be implemented in accordance with the approved routeing agreement, dated 11 November 2015, which incorporates a clockwise route from the site and away from Sarsden village. The route includes the A361 and an unnamed two-lane single carriageway (classified unnumbered) road through Lyneham.
14. No increase to vehicular movements are proposed as part of this application.
15. It is proposed that the wording of condition 26 be amended to the following:

*“HGV movements relating to crushed stone activities and the transportation of large stone blocks to and from the site shall not exceed a maximum of 58 per day, split as 44 movements relating to Supporting Statement Castle Barn Quarry March 2018 Page 7 of 12 David Jarvis Associates Limited DJA Reference: 2307-4-4-1-SS-T1-S5-P2 Supporting Statement 270318 crushed stone and 14 relating to large stone block. All movements shall be made only in accordance with the Plan A of the Routeing Agreement, dated 11 November 2015.”*
16. It is proposed that conditions 27, 28 & 29 which relate to the sole use of tractor and trailer for the transportation of large stone blocks would then be removed as they would become superfluous.
17. Annex 2 details the existing and proposed wording for conditions 26 – 29.

## **Part 2 – Other Viewpoints**

### **Third Party Representations**

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

## Consultation Responses

19. West Oxfordshire District Council – Object to the application. “There are serious concerns regarding the change in transportation and the impact this would have on the character of the area in terms of the intensification of the use of the site and therefore the resultant additional large goods vehicle movements on the local road network, which would be to the detriment of the amenity of the local area and residents”.
20. Churchill and Sarsden Parish Council - “The general view of the councillors is that they are not in favour of HGVs replacing tractor and trailers, but do feel that more information about the impact of either type of transport would be desirable when decision making. The impact of the vehicle which transport the stone on the roads is considerable – eroding the road edges to create deep gullies, damage to stone setts at the junction with the A361. Any increase in HGVs in this area is not considered good for the community”.
21. Chadlington Parish Council – No comments received.
22. Lyneham Parish Meeting – No comments received.
23. Cotswold AONB Conservation Board – No comments received.
24. Oxford Geology Trust – No comments received.
25. Ministry of Defence – No comments received.
26. Transport Development Control – Initially commented that the proposals would result in the large stone blocks being transported to the “Lower Buildings” for processing by HGV rather than tractor and trailer, via a clockwise route from the site as opposed to the anti-clockwise route through Sarsden. The new route incorporates the A361 and the unnamed two-lane single carriageway (classified unnumbered) road through Lyneham. This road appears to be adequate to cater for the limited number of HGVs, and the maximum permitted number of movements (14 per day) cannot be viewed as causing severe harm. There will be no change to the total number of movements. The application documents do not include a plan of the new route. There needs to be a new route plan to supersede Plan No. 1 as approved by applications 04/0361/P/CM and 17/01172/CM (MW.0031/17).

Upon further contemplation of the routeing agreement, Transport Development Control added the application proposals are acceptable from a highway safety and traffic movement point of view. I think that linking this application to the existing routeing agreement is adequate.

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

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

27. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
28. The Development Plan for this area comprises:
- i. Oxfordshire Minerals and Waste Core Strategy (OMWCS) 2017.
  - ii. The West Oxfordshire Local Plan (WOLP 2011) (saved policies)
29. There are a number of saved policies from the Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) that still form part of the Development Plan. However, none of these are relevant to the determination of this application as they all relate to specific areas and none of them relate to this area.
30. Other documents that need to be considered in determining this development include:
- i. National Planning Policy Framework (NPPF) was revised in July 2018. This is a material consideration in taking planning decisions.
  - ii. The West Oxfordshire Draft Local Plan 2031 (WODLP) is also a material consideration to which limited weight should be given as it is at an advanced stage but not yet adopted.

#### **Relevant Policies**

31. The relevant policies are:

##### Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

- C5 (Local Environment, amenity and economy)
- C8 (Landscape)
- C10 (Transport)

##### West Oxfordshire Local Plan 2011 (WOLP)

- NE1 (Safeguarding the Countryside)
- NE4 (Cotswolds Area of Outstanding Natural Beauty)

##### West Oxfordshire Draft Local Plan 2031 (WODLP)

- EH1a (Cotswolds Area of Outstanding Natural Beauty)
- EH1 (Landscape Character)

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

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

32. The key policy issues to consider in determining this application are:
- i. Impact on the Natural Environment
  - ii. Impact on the Built Environment.

Impact on the Natural Environment

*Cotswolds Area of Outstanding Natural Beauty (AONB)*

33. Policies C8 of the OMWCS, NE4 of the WOLP, EH1a of WODLP and paragraph 172 of the NPPF taken together seek to conserve and enhance the natural beauty of the AONB and give regard to the economic wellbeing of the area.
34. NPPF paragraph 172, WOLP policy NE3, WODLP policy EH1a and OMWCS policy C8 state that major development should not be permitted in the AONB other than in exceptional circumstances. This proposal is not considered to be major development in that context as it is a change to a permitted development. It would introduce 14 additional HGV movements to the AONB. However, the numbers are not considered significant and there is no increase in overall vehicle movements.
35. Policy C8 of the OMWCS also supports small scale development in the AONB which meets local needs.
36. In my view the proposed development would conserve the natural beauty of the AONB as no changes are proposed to the visual quality, topography, flora and fauna, historical or cultural aspects of the AONB.
37. Transportation of large stone block by HGVs is a small scale practical and flexible alternative solution which would enable Castle Barn Quarry to continue to contribute to the economic wellbeing of the area by meeting local demand at the Lower Buildings in Sarsden, Great Tew Quarry, and as per customer requirements.
38. I am therefore of the view that the planning proposal accords with policies C8 of the OMWCS, NE4 of the WOLP, EH1a of the WODLP and paragraph 172 of the NPPF.

*Countryside*

39. Policy NE1 of the WOLP ensures that development proposals maintain or enhance the value of the countryside for its own sake.
40. Policy EH1 of the WODLP conserves the quality, character and distinctiveness of West Oxfordshire's countryside.
41. West Oxfordshire District Council comment that the development proposal would change the character of the area in terms of the intensification of the use of the site.
42. I do not agree that the proposal would lead to the intensification of the site as the application merely seeks to hook the trailer which transports the large stone blocks to a HGV rather than to a tractor, as currently permitted. There would be no increase in overall vehicle movements or increase in the tonnage exported.



43. Given that no additional physical development is proposed in the countryside, I consider that the proposal would maintain and conserve the quality, character, distinctiveness and value of the countryside, especially its beauty, natural resources, ecology, agricultural culture and outdoor recreation.
44. I am therefore of the view that the application accords with policies NE1 of the WOLP and EH1 of the WODLP.

#### Impact on the Built Environment

##### *Residential Amenity*

45. Policy C5 of the OMWCS seeks to ensure that mineral developments do not have an unacceptable adverse impact on residential amenity.
46. West Oxfordshire District Council comment that the application would be detrimental to the amenity of residents. However, they do not specify in what way.
47. In my view the transportation of stone block by HGV rather than by tractor should not give rise to any unacceptable adverse impacts in terms of visual intrusion, light pollution or any additional noise, traffic, mud on road or air quality as:
- vehicles would be directed away from Sarsden village;
  - 14 HGV movements per day through the main road in Lyneham is not considered to be significant, particularly given that the quarry is seasonal and operations are due to cease in 2020; and
  - the wheel wash condition which is attached to the existing planning permission would also be imposed on any subsequent S.73 permission.
48. In addition, there have been no objections from local residents.
49. Condition 29 of the existing permission prohibits the transportation of large stone block through the village of Sarsden during school peak periods. However, as there are no primary schools in the village of Lyneham I see no reason for a similar condition to be attached should planning permission be granted to this application.
50. I therefore consider that, subject to the routeing agreement, the proposed change to conditions would not have an unacceptable adverse impact on residential amenity, and that the application accords with policy C5 of the OMWCS.

##### *Local Road Network*

51. Policy C10 of the OMWCS seeks to ensure that minerals which are transported by road use roads which are suitable for lorries.

52. West Oxfordshire District Council raise concerns about the resultant additional large goods vehicle movements on the road network.
53. Churchill and Sarsden Parish Council raise concerns about the impact that the HGVs may have on the road, in particular eroding the road edges and damaging stone setts.
54. Transport Development Control are of the view that the roads which would be used can suitably facilitate 14 additional lorry movements per day.
55. I agree with West Oxfordshire District Council that the proposal would lead to an increase in HGV movements on the road network. However, I do not consider this to be significant, particularly given that there would be commensurately 14 less tractor and trailer movements on the road network per day through Sarsden.
56. Given that the transportation of large stone blocks would be carried out in accordance with the approved routeing agreement and that Transport Development Control consider that the roads used would be suitable for the proposed number of HGV movements, I am of the view that the planning application accords with policy C10 of the OMWCS.

### **Conclusions**

57. This application seeks to transport large stone blocks by HGV rather than by tractor. The proposal would conserve the natural beauty of the Cotswolds AONB, and maintain and conserve the quality, character, distinctiveness and value of the countryside. There would be no unacceptable adverse impact on residential amenity, and the roads used by the HGVs are considered suitable for lorries.
58. As such the proposed development accords with the Development Plan policies, emerging policies and national government policy and guidance and is considered acceptable on its planning merits.

### **RECOMMENDATION**

- 59 It is RECOMMENDED that planning permission for Application MW.0027/18 be approved subject to conditions to be determined by the Director for Planning and Place but to include matters set out in Annex 3 to this report.**

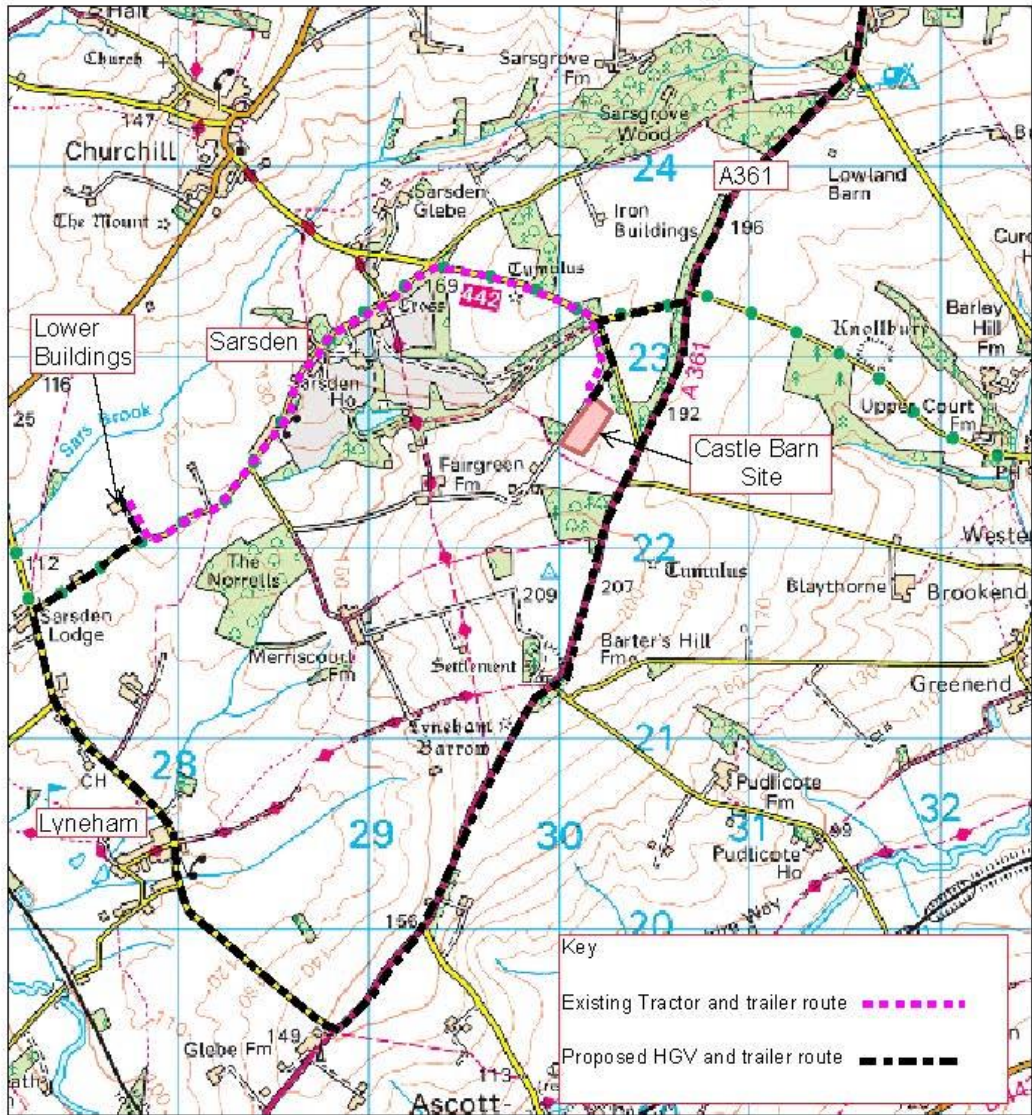
**SUE HALLIWELL**  
**Director for Planning & Place**

August 2018



Annex 1 - Location Plan

Application Number MW.0027/18



Scale 1:29,919

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## **Annex 2 – Proposed changes to conditions**

Condition 26 current wording:

HGV movements related to crushed stone activities to and from the site shall not exceed a maximum of 44 per day (22 in, 22 out).

Condition 26 proposed wording:

HGV movements relating to crushed stone activities and the transportation of large stone blocks to and from the site shall not exceed a maximum of 58 per day, split as 44 movements relating to Supporting Statement Castle Barn Quarry March 2018 Page 7 of 12 David Jarvis Associates Limited DJA Reference: 2307-4-4-1-SS-T1-S5-P2 Supporting Statement 270318 crushed stone and 14 relating to large stone block. All movements shall be made only in accordance with the Plan A of the Routeing Agreement, dated 11 November 2015.

**It is recommended that condition 26 is amended as proposed, with any necessary minor changes to the wording to ensure it is precise and enforceable.**

Condition 27 current wording:

Large stone blocks shall not be moved except by tractors and trailers. Tractors and trailers transporting large stone blocks to the Lower Buildings shall not enter or leave the site except along the roadways marked in red on approved Plan No. 1 (Tractor and Trailer Route Plan).

Condition 28 current wording:

Other than with the prior approval in writing of the Mineral Planning Authority tractor and trailer movements shall be limited to no more than 14 movements (7 in, 7 out) in any one day.

Condition 29 current wording:

Notwithstanding the operating hours specified in condition 7, tractor and trailer movements shall not take place through the village of Sarsden between the following times:

- a) 8.15 am and 8.45 am Mondays to Fridays during school term time
- b) 3.15 pm and 3.45 pm – Monday to Friday during school term time.

**It is recommended that existing conditions 27, 28 and 29 are removed as proposed.**

**Annex 3 – Conditions**

1. Winning and working of minerals to cease on or before the 31st December 2020 and restoration of the site to be no later than 30th June 2021.
2. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
3. The site shall be used only for the winning and working of minerals suitable for use as walling stone or building blocks for carving and for crushed stone as aggregate.
4. Noise from the operations shall not exceed 55dB (A) LAeq 1 hour.
5. No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without planning permission from the Mineral Planning Authority.
6. No extraction shall take place below 171.5 metres above Ordnance datum.
7. Site operations, other than water pumping or environmental monitoring, limited to:-
  - a) 0700 and 1800 hours Mondays to Fridays;
  - b) 0700 hours to 1300 hours on Saturdays
  - c) No such operations shall take place on Sundays or recognised public holidays or Saturdays immediately following public holidays.
8. No aggregates or waste shall be imported to the site.
9. Wheel cleaning of lorries.
10. Implementation of the approved wheel washing scheme.
11. Location of site access and maintenance of the surfacing of the site access.
12. Discharge of contaminated water.
13. Storage and maintenance of tanks containing oil or fuel.
14. No floodlighting without the prior approval of the Mineral Planning Authority.

15. No reversing beepers or other means of audible warning of reversing vehicles to be used on vehicles operating on the site, other than those which use white noise.
16. No works to be carried out within 2 metres of the existing hedgerows shown on approved plan 2307/S73/2 Rev. 2 (S73 Restoration Proposals).
17. Retention and maintenance of the hedgerow on the western boundary.
18. The sequence of working to be in accordance with the approved Working Scheme (Drawing No. 2307/S73/8).
19. No stockpiling of minerals shall take place unless and until the topsoil and subsoil have been stripped from the area to be used for stockpiles.
20. Removal and storage of topsoil, subsoil and overburden, stripped from the areas to be excavated, for use in site restoration. Replacement, grading and covering up of overburden to be in accordance with the approved 'S73 Restoration Proposals Plan' (2307/S73/2 Rev. B).
21. Stockpiles of materials to be in accordance with the approved Working Scheme. Stockpiles to be in position for longer than 12 months shall be seeded with grass.
22. Soil handling shall not take place other than between the months of June to August inclusive, and only when the soil is generally dry.
23. Implementation and maintenance of the approved scheme of landscaping/restoration.
24. Implementation of the approved Aftercare Scheme.
25. Crushing (including stocking and loading to be in accordance with approved 'S73 Site Working Plan).
26. HGV movements relating to crushed stone activities and the transportation of large stone blocks to and from the site shall not exceed a maximum of 58 per day, split as 44 movements relating to Supporting Statement Castle Barn Quarry March 2018 Page 7 of 12 David Jarvis Associates Limited DJA Reference: 2307-4-4-1-SS-T1-S5-P2 Supporting Statement 270318 crushed stone and 14 relating to large stone block. All movements shall be made only in accordance with the Plan A of the Routeing Agreement, dated 11 November 2015.
27. No activities to be carried out in the old quarry area to the south west of the working area. No trees shall be felled or lopped or soil disturbed in the vicinity of those trees.
28. No loaded lorries shall leave the site unsheeted except those only carrying stone in excess of 500mm in diameter.

29. Development to be carried out in accordance with the approved Dust Management Plan (dated March 2015).
30. No activities, except the temporary stockpiling of stone, shall take place in the area outlined in green on approved Working Scheme.
31. No blasting shall be carried out except between the following times
  - a) 0900-1600 hours Mondays to Fridays;
  - b) 0900-1200 on Saturdays.
32. No blasting shall take place on Sundays or recognised public holidays or on Saturdays immediately following public holidays.
33. For temporary operations such as soil stripping, bund formation, other mitigation measures and restoration the LAeq level at any noise sensitive properties shall not exceed 70 dB(A), expressed in the same manner as above. Temporary operations which exceed the normal day to day criterion shall be limited to a total eight weeks in any twelve month period to any individual noise sensitive property.
34. Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at the 95% confidence level, or near, the foundations of any vibration sensitive building or residential premises as shown on FIG 01. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
35. Maintenance and availability of monthly production records.
36. Maintenance and availability of daily HGV movement records.

## **Annex 4 – European Protected Species**

### **European Protected Species (to include in Committee/Delegated reports as an Annex, not on Decision Notices)**

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

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

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

#### **The recommendation.**

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



## **Annex 5 – Compliance with National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible.

We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance we kept the agent abreast of all consultation responses received, and advised that the application would be determined by the Planning & Regulation Committee rather than under delegated powers due to the objection raised by West Oxfordshire District Council.

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## PLANNING & REGULATION COMMITTEE – 10 SEPTEMBER 2018

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

#### Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

##### POLICY W9: MANAGEMENT AND DISPOSAL OF RADIOACTIVE WASTE

Permission will be granted for proposals for the management or disposal of low level radioactive waste where it is demonstrated that a significant contribution could be made to the management or disposal of waste produced in Oxfordshire. Permission will be granted for proposals for management of intermediate level radioactive waste produced in Oxfordshire at the Harwell nuclear licensed site. Permission will be granted for proposals relating to low level radioactive waste or intermediate level radioactive waste that provide for the needs of a wider area where it is demonstrated that they would meet a need for waste management that is not adequately provided for elsewhere and are consistent with national strategy for radioactive waste management.

The Minerals and Waste Local Plan: Part 2 – Site Allocations Document will allocate sites to make specific provision for:

- the treatment and storage of Oxfordshire's intermediate level legacy radioactive waste at Harwell Oxford Campus and Culham Science Centre pending its disposal at a national disposal facility;
- the treatment and storage of low level legacy radioactive waste at Harwell Oxford Campus and Culham Science Centre pending its eventual disposal; and
- the disposal of low level radioactive waste at bespoke facilities at Harwell Oxford Campus or at Culham Science Centre if this is demonstrated to be the most sustainable option for disposal of this waste.

All proposals shall meet the requirements of policies C1 – C12.

##### POLICY C1: SUSTAINABLE DEVELOPMENT

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

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

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the National Planning Policy Framework; or

specific policies in the National Planning Policy Framework indicate that the development should be restricted.

#### POLICY C5: LOCAL ENVIRONMENT, AMENITY 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 C8: LANDSCAPE

Proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. Where significant adverse impacts cannot be avoided or adequately mitigated, compensatory environmental enhancements shall be made to offset the residual landscape and visual impacts.

Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and high priority will be given to the enhancement of their natural beauty. Proposals for minerals and waste development within an AONB or that would significantly affect an AONB shall demonstrate that

they take this into account and that they have regard to the relevant AONB Management Plan. Major developments within AONBs will not be permitted except in exceptional circumstances and where it can be demonstrated they are in the public interest, in accordance with the 'major developments test' in the NPPF (paragraph 116). Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

#### **POLICY C10: TRANSPORT**

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

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

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

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

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

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

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

#### **Vale of White Horse Local Plan 2011 (VLP 2011)**

#### **POLICY DC9: IMPACT OF DEVELOPMENT ON NEIGHBOURING USES**

Development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of:

- i) loss of privacy, daylight or sunlight;
- ii) dominance or visual intrusion;

- iii) noise or vibration;
- iv) smell, dust, heat, gases or other emissions;
- v) pollution, contamination or the use of or storage of hazardous substances;  
and
- vi) external lighting.

#### POLICY NE6: THE NORTH WESSEX DOWNS AREA OF OUTSTANDING NATURAL BEAUTY

Development in the North Wessex Downs Area of Outstanding Natural Beauty will only be permitted if the natural beauty of the landscape will be conserved or enhanced. Development which would be visually prominent, would detract from views from public vantage points or would spoil the appreciation of the landscape quality of the North Wessex Downs Area of Outstanding Natural Beauty will not be permitted.

Major industrial or commercial development will not be permitted in the Area of Outstanding Natural Beauty unless:

- i) it is proven to be in the national interest and no alternative site can be found;  
and
- ii) all steps are taken to reduce the impact of the development on the beauty of the area.

#### POLICY E7: HARWELL SCIENCE AND INNOVATION CAMPUS

Development proposals will be considered in the context of a comprehensive approach to the whole Harwell Science and Innovation Campus. New business development or redevelopment for business purposes will be permitted at the Harwell Science and Innovation Campus as shown on the proposals map for B1 and B2 purposes subject to the following criteria:

- i) The development is in accordance with and meets the requirements of the Travel Plan for the whole Campus to make the necessary contributions in order to implement sustainable transport initiatives including minimising car usage and increasing the use of public transport, walking and cycling;
- ii) Appropriate contributions funded by the landowner or developer being made to improving/upgrading access to the Campus from the A34 trunk road, the A4185 to the east, and the A417 to the north;
- iii) The development is in accordance with and makes the necessary contributions to a comprehensive landscape plan for the whole Campus. No development will be permitted within structural areas of open space and perimeter landscaping. In considering proposals for new development and redevelopment, a high quality of landscaping will be required, existing important wildlife habitats will be retained in accordance with Policy NE4 and opportunities for the creation of new wildlife habitats will be taken, where possible;
- iv) That proposals for buildings and structures (including their extensions) will not unacceptably harm the character and appearance of the surrounding area, taking into account their location, scale, bulk and height;

- v) Any external lighting scheme must have a minimal impact in terms of light pollution; and
- vi) Development involving ancillary facilities will be permitted subject to Policy E13.

**Adopted Vale of White Horse Local Plan 2031 (VLP 2031)**

**CORE POLICY 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

Planning applications that accord with this Local Plan 2031 (and where relevant, with any subsequent Development Plan Documents or Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant planning permission unless material considerations indicate otherwise, and unless:

- i. Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole, or
- ii. Specific policies in the Framework indicate that development should be restricted.

**CORE POLICY 44: LANDSCAPE**

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

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

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

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

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

**Vale of White Horse Local Plan 2031 Part 2 (VLP 2031 2)**

**CORE POLICY 15b: HARWELL CAMPUS COMPREHENSIVE DEVELOPMENT FRAMEWORK**

All new development at Harwell Campus will be guided by a comprehensive development framework.

The new housing allocated at Harwell Campus will be provided to an exemplar standard and the in the form of an Innovation Village to unlock the unique potential for economic growth offered by the Campus. The new Innovation Village will be fully and successfully integrated with the Campus, incorporating on-site services and facilities and reflect a tailored mix of dwellings to help meet the needs of the organisations located at the Campus. This development will come forward in accordance with Core Policies 15a and 15b and the Site Development Template set out in Appendix A.

Sufficient land is also made available at Harwell Campus for research, innovation and economic development to accommodate at least 5,400 net additional jobs in the plan period up to 2031 within the designated Enterprise Zone.

Proposals for development within the Campus must demonstrate how they contribute towards a comprehensive approach to development.

The Council will continue to work with Harwell Campus, the LEP, the AONB Management Board and other relevant stakeholders to prepare a comprehensive development framework for the Campus and the Innovation Village. Development proposals will be considered in the context of a comprehensive approach to the whole Campus, in accordance with the criteria set out below. Additional guidance will be provided by a comprehensive development framework that will be published as a Supplementary Planning Document and include:

- i. development is in accordance with and meets the requirements of a travel plan for the whole Campus to make the necessary contributions in order to implement sustainable transport initiatives, including minimising car usage and increasing the use of public transport, walking and cycling
- ii. development is in accordance with and makes the necessary contributions to a comprehensive landscape plan for the whole Campus. No development will be permitted within structural areas of open space and perimeter landscaping. In considering proposals for new development and redevelopment, a high quality of landscaping will be required, existing important wildlife habitats will be retained and opportunities for the creation of new wildlife will be taken, where possible



- iii. proposals for buildings and structures (including their extensions) will not unacceptably harm the character and appearance of the surrounding area, taking into account their location, scale, bulk and height, and
- iv. any external lighting scheme must have a minimal impact in terms of light pollution.

#### DEVELOPMENT POLICY 23: IMPACT OF DEVELOPMENT ON AMENITY

Development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses when considering both individual and cumulative impacts in relation to the following factors:

- i. loss of privacy, daylight or sunlight
- ii. dominance or visual intrusion
- iii. noise or vibration
- iv. dust, heat, odour, gases or other emissions
- v. pollution, contamination or the use of/or storage of hazardous substances; and
- vi. external lighting.

#### **West Oxfordshire Local Plan 2011 (WOLP)**

##### POLICY NE1: SAFEGUARDING THE COUNTRYSIDE

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

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

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

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

Major development will not be permitted in the AONB unless:

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

#### **West Oxfordshire Draft Local Plan 2031 (WODLP)**

##### POLICY EH1a: COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY

In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB. The Cotswolds Conservation Board's Management Plan and guidance documents are material considerations in decision making relevant to the AONB.

Major development will not be permitted within the AONB other than in exceptional circumstances, as required by national policy and guidance.

Proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes and small scale renewable energy development, will be supported, provided they are consistent with the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area.

#### POLICY EH1: LANDSCAPE CHARACTER

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

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

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

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

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