



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

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

Monday, 10 December 2018 at 2.00 pm

County Hall, New Road, Oxford

A handwritten signature in cursive script, appearing to read 'Yvonne Rees'.

Yvonne Rees
Chief Executive

November 2018

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

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

Membership

Chairman – Councillor Les Sibley
Deputy Chairman - Councillor Jeannette Matelot

Councillors

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

Glynis Phillips
G.A. Reynolds
Judy Roberts
Dan Sames

John Sanders
Alan Thompson
Richard Webber

Notes:

- **Site visits are required for Items 6 (Shipton-on-Cherwell) and 7 (Ewelme)**
- **Date of next meeting: 21 January 2019**

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

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

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 6)

To approve the minutes of the meeting held on 29 October 2018 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Proposed extraction of mineral and restoration by infilling with imported inert materials to agriculture on land to the south east of Shipton on Cherwell Quarry - Application No. MW.0046/18** (Pages 7 - 38)

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

This is a planning application to allow extraction of limestone as an extension to the existing Quarry at Shipton on Cherwell. The site would be restored to agriculture and biodiversity use.

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

The main issues with the application are need for the mineral extraction, the case for Very Special Circumstances for inappropriate development in the Green Belt, the effect on local amenity, and the effect on the local landscape.

It is RECOMMENDED that planning permission for application no. MW.00046/18 be refused on the grounds that:-

- 1 ***The site is situated neither within the principal locations for aggregates minerals extraction nor the mineral safeguarding areas. The development is therefore contrary to policies M3 and M5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy;***
- 2 ***The development would constitute inappropriate development in the Green Belt for which Very Special Circumstances have not been demonstrated. It is therefore contrary to policy C12 of the Oxfordshire Minerals and Waste***

Local Plan Part 1: Core Strategy and policy ESD14 of the Cherwell Local Plan 2031; and

- 3 The development would cause harm to the local amenity of residents on Jerome Way through noise, dust and visual intrusion contrary to policy C5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy.**

- 7. Open storage area for empty containers, bins and packaging equipment, including the retention of the old Lab Smalls building for the storage of equipment - Application No. MW.0025/18 (Pages 39 - 52)**

Report by the Director for Planning & Place (PN7)

This application is retrospective and seeks the permanent retention of the former Hazardous Waste Transfer Station for use as an open storage area for empty containers, bins and packaging equipment. It also seeks the retention of the old lab smalls building for the storage of equipment.

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

The main issues for the site are: landscape, local amenity, biodiversity, rights of way, economic development and design.

It is RECOMMENDED that planning permission for application no. MW.0025/18 be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

- 1) The development shall 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 comprise:***
 - Application form dated 16/03/2018***
 - Planning application supporting statement dated March 2018.***
 - Drawing no 3A 9740 – Lab Smalls Building plan and elevations.***
 - Drawing no DG/Est/EWE1/HWTS/Ext/01 – Location Plan***
 - Drawing DG/Est/EWE1/HWTS/Ext/02 – Application and Ownership Plan***
 - Drawing no DG/Est/EWE1/HWTS/Ext/03 – Site Plan.***
- 2) The site shall be used only for storage related to the adjoining hazardous waste transfer station.***
- 3) Operations authorised by this permission, including vehicles entering or leaving the site, shall only take place:***

07: 00 to 18.00 Mondays to Fridays

07:00 to 13:00 Saturdays.

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

- 4) No mud or dust shall be deposited on the public highway.*
- 5) No external lighting shall be erected on the site unless first approved in writing by the Waste Planning Authority. The lighting shall be implemented in accordance with the approved scheme.*
- 6) All vehicles, plant and machinery operated within the site shall be fitted with and use effective silencers.*
- 7) The noise levels arising from the development shall not exceed 55 dB (LAeq) (1 hour), freefield at The Cottage and Goulds Grove Farm.*
- 8) No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicle owned or leased by the operator of the site, other than those which use white noise.*

8. Sutton Wick Quarry (Pages 53 - 116)

Application MW.0098/18: Planning Application under Section 73 of the Town and Country Planning Act 1990 (as amended) to continue the development permitted by permission no P16/V3191/CM (MW.0139/16) (for the progressive extraction of sand and gravel, importation of inert waste material with restoration to nature conservation and an agricultural reservoir) varying conditions 1, 20 & 23 and removing condition 21 to allow the development to be accessed via a temporary haul road in place of the existing required vehicle access route

Application MW.0099/18: Planning Application under Section 73 of the Town and Country Planning Act 1990 (as amended) to continue the development permitted by permission no P13/V2763/CM (MW.0124/13) (to retain and operate the processing plant and ancillary operations) without complying with by varying conditions 11, 12, 16 & 18 and removing conditions 17, 19 and 20 of to allow the development to be accessed via a temporary haul road in place of the existing required vehicle access route

Report by the Director for Planning & Place (PN8)

These two applications are Section 73 applications to amend the conditions on existing consents. Planning permission (MW.0010/18) was granted in August 2018 for a new haul road to access the mineral extraction and processing areas at Sutton Wick Quarry. The new haul road would provide a more direct route from the highway network to these areas and remove HGVs from the existing route which is also used by cyclists and pedestrians. The existing permissions for the mineral extraction area and the

processing area are subject to conditions setting out that the longer route must be used, as the new haul road had not been proposed at the time that those applications were determined. Therefore, these conditions must be updated if the new haul road is to be used.

The original application for the haul road was approved under delegated powers as there were no objections. There have been objections to these applications from the owner and occupier of a property in close proximity to the new haul road. They are concerned that the use of the new road would have amenity impacts including noise, pollution, dust and odour. However, there have been no objections from the Environmental Protection team and it is considered that conditions could be used to adequately mitigate the impact on nearby properties. There would also be amenity benefits from HGVs not using the long route at the front

It is RECOMMENDED that planning permission for:

- (a) application MW.0098/18 be approved subject to the existing conditions on consent MW.0139/18, amended as set out in Annex 1 to this report;***
- (b) application MW.0099/18 be approved subject to the existing conditions on consent MW.0124/13, amended as set out in Annex 2 to this report.***

9. Progress Report on Minerals and Waste Site Monitoring and Enforcement (Pages 117 - 146)

Report by Director for Planning & Place (PN9).

The report updates members on the regular monitoring of minerals and waste planning permissions for the financial year and on the progress of enforcement cases.

It is RECOMMENDED that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 to the report PN10 be noted.

10. New single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements. - Application No. R3.0114/18 (Pages 147 - 164)

Report by the Director for Planning & Place (PN10)

The application proposes a new single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements. The site lies in a conservation area and there would be a loss of school playing field. Various objections have been received including on these issues but also including the impact on the local highway network of additional associated vehicle movements. The application is considered against development plan policies and other material considerations and

recommended for the grant of conditional planning permission subject to the completion first of a unilateral undertaking to secure the payment of a School Travel Plan monitoring fee.

Subject to the applicant first providing a Unilateral Undertaking for the payment of the School Travel Plan monitoring fee of £1240 it is RECOMMENDED that planning permission for R3.0114/18 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:

- i. Detailed compliance;***
- ii. Permission to be implemented within three years;***
- iii. Provision of a School Travel Plan prior to the first occupation of the development;***
- iv. Provision of additional scooter and cycle parking;***
- v. Submission, approval and implementation of a Construction Management Plan;***
- vi. Provision of external lighting scheme;***
- vii. Provision of bird boxes.***

11. Relevant Development Plan and Other Policies (Pages 165 - 190)

Paper by the Director for Planning & Place (PN11).

The paper sets out policies in relation to Items 6, 7, 8 and 10 and should be regarded as an Annex to each report.

Pre-Meeting Briefing

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

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 29 October 2018 commencing at 2.00 pm and finishing at 2.40 pm

Present:

Voting Members:

Councillor Les Sibley – in the Chair

Councillor Jeannette Matelot (Deputy Chairman)

Councillor Mrs Anda Fitzgerald-O'Connor

Councillor Mike Fox-Davies

Councillor Stefan Gawrysiak

Councillor Bob Johnston

Councillor Glynis Phillips

Councillor G.A. Reynolds

Councillor Judy Roberts

Councillor John Sanders

Councillor Mrs Judith Heathcoat (In place of Councillor Dan Sames)

Councillor Ted Fenton (In place of Councillor Alan Thompson)

Councillor Liz Leffman (In place of Councillor Richard Webber)

Other Members in Attendance:

Councillor Ian Corkin (for Agenda Item 7)

Officers:

Whole of meeting

G. Warrington & D. Mytton (Law & Governance); D. Periam (Planning & Place)

Part of meeting

Agenda Item

Officer Attending

6.

E. Catcheside (Planning & Place)

7.

Louise Fox (Ecologist)

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.

38/18 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

| <i>Apology for Absence</i> | <i>Temporary Appointment</i> |
|----------------------------|------------------------------|
| Councillor Dan Sames | Councillor Judith Heathcote |
| Councillor Alan Thompson | Councillor Ted Fenton |
| Councillor Richard Webber | Councillor Liz Leffman |

39/18 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor Judith Heathcote advised that she was the local member in respect of Item 3 (Minute 34/18 Wicklesham Quarry) and Item 5 Chairman’s Update (also Wicklesham Quarry).

40/18 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 10 September 2018 were approved and signed.

Minute 34/18 – Wicklesham Quarry – Members were advised that the Monitoring Officer had decided that no further action was required in respect of correspondence received by members from the protect Wicklesham Quarry Group.

Minute 37/18(b) – Castle Barn Quarry, Sarsden – the Chairman advised that he had written to the Cabinet Member for Environment asking that arrangements for future road maintenance for the proposed revised route resulting from this S73 application receive a high priority having regard to the potential for damage. She had referred his letter to the County Council’s Road Maintenance Team.

41/18 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

| <i>Speaker</i> | <i>Item</i> |
|------------------------------|--|
| County Councillor Ian Corkin | 7. Update report on proposed planning enforcement action at Elm Farm Quarry, Stratton Audley |

42/18 CHAIRMAN'S UPDATES

(Agenda No. 5)

Wicklesham Quarry – Update

Officers advised members that seeding and planting restoration work had now been completed. However, concerns remained regarding gradient levels achieved on the site as part of that work which officers estimated to be 1metre higher than they should be. Evidence suggested that the ponds were overgrown but had not been filled in. Committee instructed officers to write to Grundons in the strongest terms asking them to adjust and correct those levels as soon as possible in order to comply with previously agreed restoration plans. If no positive response was received then officers were advised that the Committee would support them in considering the expediency of enforcement action being taken requiring the site to be restored within a potential timeframe of 3 – 6 months.

43/18 PART CHANGE OF USE TO ALLOW THE DEVELOPMENT OF A BUILDING MATERIALS HUB, COMPRISING THE IMPORTATION AND STORAGE OF PRIMARY AND SECONDARY AGGREGATES TOGETHER WITH RELATED AND PRE-PACKED BUILDING AND CEMENT-BASED PRODUCTS PRIOR TO ONWARD DISTRIBUTION, IN ADDITION TO THE EXISTING CONSENTED AGGREGATE BAGGING OPERATION AT HANSON AGGREGATES, APPLEFORD ROAD, ABINGDON, OXFORDSHIRE, OX14 4PW - APPLICATION NO. MW.0097/18

(Agenda No. 6)

The Committee considered (PN6) an application for a building materials hub to operate alongside an existing aggregate bagging facility at Appleford Depot (planning permission no. MW.0054/17) generating an additional 6 HGV movements in addition to those already arising from the Sutton Courtenay complex. No changes were proposed to the aggregate bagging facility itself. The application had been reported to Committee because Sutton Courtenay Parish Council had objected to the application citing local roads already operating at capacity with any additional HGVs likely to cause severe harm to the network.

Having presented the report Ms Catcheside responded to questions from:

Councillor Fitzgerald-O'Connor – hours of operation were the same as for the existing bagging facility.

Councillor Johnston – as the proposal was for additional storage with no additional hardstanding or buildings there would be no impact on drainage.

Members were advised that Councillor Richard Webber who had been unable to attend this meeting had commented that he was content with everything in the report and, regarding traffic impact, although there had been recent issues with HGVs ignoring weight limits and routing agreements he felt that as long as conditions addressed this issue then the objections lodged by Sutton Courtenay Parish Council would be answered.

RESOLVED: (on a motion by Councillor Reynolds, seconded by Councillor Phillips and carried unanimously) that subject to the applicant entering into a supplemental routeing agreement to ensure that all HGVs associated with the development adhered to the routeing agreement covering the site under planning permission no. MW.0054/17, that planning permission for application MW.0097/18 be approved subject to conditions set out in Annex 1 to the report PN7.

44/18 UPDATE REPORT ON PROPOSED PLANNING ENFORCEMENT ACTION AT ELM FARM QUARRY, STRATTON AUDLEY
(Agenda No. 7)

The Committee considered (PN7) a report on an enforcement strategy for Elm Farm Quarry, Stratton Audley to secure long-term restoration. Mr Periam updated the Committee that an application had now been received proposing to extend the time period for the completion of restoration in 2020. This would be considered in due course.

Having presented the report Mr Periam responded to questions from:

Councillor Sanders – he confirmed that liability attached to the land and not the previous owners. Mr Mytton added that with regard to an Escrow Agreement to secure restoration that might have been reasonable at the time of the original application but he considered that would not be the case now.

Councillor Reynolds – the County Council owned a small part of the pit adjacent to the site.

Councillor Roberts – some species of county wide interest mainly flora had been identified and although no proposal had been put forward it would be expected these would be protected under management plans.

Councillor Johnston added that there were some rare species on the site and he agreed with the point in the officer report regarding the importance of protecting certain areas for example calcareous grassland where measures would need to be introduced to prevent the site becoming overgrown with scrub. Orchids also present on the site would be sensitive to disturbance and would need protection.

Responding to Councillor Phillips Louise Fox confirmed there had been some surprises amongst the species found and potentially it was a very exciting site.

The Chairman thanked the officers for an excellent and detailed report on a location which presented a significant opportunity for development as a local wildlife area.

Councillor Corkin expressed his gratitude to the Committee for its continued support. This was an important site locally and a fantastic opportunity for the local community to get involved. The ecology on the site was special and needed to be at the heart of any development.

Councillor Johnston felt it would be useful for the Committee to see any management plan when drawn up. That would need to bear in mind that the habitat on the site was variable and that some areas would be more resilient to public access than others such as wetland areas.

RESOLVED: that the report be noted.

..... in the Chair

Date of signing

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For: PLANNING AND REGULATION COMMITTEE – 29 October 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Proposed extraction of mineral and restoration by infilling with imported inert materials to agriculture on land to the south east of Shipton on Cherwell Quarry

Division Affected: Kirtlington and Kidlington North

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

Location: Shipton-on-Cherwell Quarry, Bunkers Hill, Kidlington, OX5 3BA

Applicant: Shipton Ltd, 5-7 Grosvenor Court, Foregate East Street, Chester, Cheshire, CH1 1HG

Application No: MW.0046/18

District ref No: 18/00975/CM

District Council Area: Cherwell

Date Received: 18 May 2018

Consultation Period: 7 June 2018 – 28 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 quarry is situated 10km (6.2 miles) north-west of Oxford, immediately north of the village of Shipton-on-Cherwell and east of the A4260. Bletchington lies 2km (1.2 miles) to the east of the site. To the north-west of the site is the linear settlement of Bunkers Hill, separated from the quarry by the A4095. Oxford Airport lies 1km (0.6 miles) to the south west. The site lies within the Oxford Green Belt.

Site and Its Setting

2. Shipton-on-Cherwell Quarry is a 71 ha limestone quarry located to the immediate north of the village of Shipton-on-Cherwell, approximately 3km to the north of Kidlington and 10km north of the City of Oxford. It is accessed from the A4095 'Bunker's Hill' to the west of the quarry. The Oxford to Birmingham railway line borders the site to the east and Oxford Airport lies circa 800m to the southwest.
3. The quarry is located within the Green Belt.
4. The quarry is designated as Shipton-on-Cherwell and Whitehill Farm Quarries Site of Special Scientific Interest (SSSI), which is designated for its geological importance. The site also falls within an Impact Risk Zone (IRZ) for Rush Meadows, Blenheim Park and Weston Fen SSSI.
5. Shipton Quarry lies within the Lower Cherwell Valley Conservation Target Area (CTA), and is designated as a County Wildlife site.
6. Both the Hampton Gay, Shipton-on-Cherwell and Thrupp Conservation Area, and the Oxford Canal Conservation Area adjoin a small section of the site boundary along the southern edge of the extension area.
7. The deserted village of Hampton Gay is 340m to the south of the site, Shipton-on-Cherwell cross is 400m to the southwest of the site, and a long barrow is located 1.5km northwest of the application site. All three are scheduled ancient monuments. Blenheim Palace World Heritage Site lies 5.5km to the west of the site.
8. The north-western boundary of the quarry lies at approximately 90mAOD, the topography dips to 75mAOD in the south-east, with historic excavation within parts of the quarry to 55mAOD, leaving a ridge of land between the quarry and the River Cherwell along the northern boundary of the quarry.
9. The application site lies to the southeast of the existing quarry. It comprises 6 hectares of agricultural land.
10. The application site is bordered to the east by the Banbury to Oxford railway with open countryside beyond. To the north and north west the proposed extension area borders the existing quarry. The Oxford canal lies to the south with open countryside beyond. To the south and south east there lies a disused railway embankment and the village of Shipton on Cherwell just beyond.
11. A public footpath runs along part of the southern boundary of the site, along the line of the dismantled railway line.

12. The application site lies on a gentle, generally east-southeast facing slope, with an elevation of approximately 72m AOD at the highest point at the west, and an elevation of 67m AOD at the lowest point at the southeast.
13. A low voltage electricity cable crosses the site in a west to east direction.
14. The nearest residential properties are on Jerome Way, which are 30m from the application site boundary to the end of the gardens, and 55m to the houses themselves. The area of mineral working would be 70m to the end of the nearest garden and 95m to the nearest house.

Planning History

15. Shipton Quarry has a long history of mineral extraction and as a cement works since the 1920s.
16. In 2009 permission was granted for the extraction of limestone, infilling and restoration including to a temporary open car storage yard, new rail terminal, B8 storage warehouse buildings and rail aggregates depot. This has been subject to section 73 applications, and the site currently operates under permission MW.0001/18 (18/00060/CM).
17. Planning permission for an aggregate recycling facility was permitted under 11/01372/CM (MW.0119/11) in February 2015.

Proposed Development

18. This application seeks planning permission for the extension of mineral extraction to the south-east of Shipton-on-Cherwell Quarry. The application area is 6 hectares.
19. The proposed development would involve the extraction of limestone, followed by the restoration of the site using imported inert materials back to existing levels for agricultural afteruse.
20. The proposal for development is supported by an Environmental Impact Assessment.
21. The limestone would be worked in the same manner as the existing quarry. Limestone is currently being excavated heading in a southerly direction towards the proposed south-eastern extension. It is proposed that the extension area would be worked following on from the current area of working. A ridge would be left between the existing quarry void to the west of the extension area and the extension area, so as to retain a geological exposure as required under the existing planning permission.
22. Restoration of the extension area would be in an anti-clockwise direction during the infilling of Phase 2 of the main quarry.

23. Limestone would be extracted using excavators with a ripper hook or a hydraulic breaker, as appropriate, and taken by dump truck to the existing Plant Site for processing and then exported via the existing quarry access onto the A4095 Bunkers Hill.
24. It is anticipated that the extension area would yield 400,000 tonnes of limestone (120,000 tonnes - Cornbrash and Forest Marble Formation, and 280,000 tonnes – White Limestone), which is likely to take approximately 4 years to extract at the current rate of 100-120,000tpa.
25. The restoration of the extension area is anticipated to require circa 200,000 cubic metres of material. Once restored, the site would be returned to agricultural land, with the added benefit of a pond in the south-eastern corner and ecological enhancements, including a reedbed, native hedgerows and tree planting.
26. The soils stripped prior to extraction, would be stored in soil bunds or mounds, including a 5m high soil bund along the southern boundary of the extension area to provide visual, noise and dust mitigation to the nearest residential receptors. These soils would be used during the restoration of the site.
27. The existing quarry currently employs 48 full time members of staff, of which approximately 65% are involved in excavating limestone.
28. The access track which currently runs along the southern boundary of the main quarry, towards the eastern side of the quarry and the extension area, would be removed. The existing, but unauthorised, noise bund would be linked with the proposed bund along the southern boundary of the extension area.
29. The extraction limit of the extension area would give a stand-off of 5m to the operational railway line to the east, a 90m stand-off has been provided to the residential properties in Jerome Way, along with a 5m high soil storage and screening bund, to provide visual, noise and dust mitigation.
30. The extension area would not result in any change to the existing working hours of operation.
31. The proposed development would process the waste through the existing processing plant located in the existing quarry. That quarry uses the existing site access onto the A4095 Bunkers Hill and is subject to a condition limiting the number of daily HGV movements to 318 per day. The existing quarry is also subject to a vehicle routeing agreement, in which HGVs are required to turn left out of the site onto the A4095 Bunkers Hill and then access the A4260, with only 10% of HGV's turning right. A condition could be added to any permission given that restricts material to being processed by the plant in the existing quarry. The permission for the existing quarry has a restriction on import of

aggregates by road, and so any permission would also need to include that the material cannot be taken to the main site via any public highway. There would not be a need for any change to the planning permission to the existing quarry. A new routeing agreement would be required because the existing agreement would be tied to the existing site area of the quarry, this permission would lie outside that area, and would therefore not be covered.

32. The limestone would be worked to a maximum depth of 56m AOD, which accords with the permitted depth of the existing quarry.
33. The extension area would be dewatered, as with the existing quarry.
34. The restored landform would provide for surface water runoff to an attenuation pond at the lowest point of the site, in the south-east. Additional ecological habitats would be created, including a native hedgerow along the southern and eastern boundaries, a reedbed around the edges of the attenuation pond, and managed field margins.
35. The site would be restored as part of the phased restoration for the main quarry site which has planning permission for restoration of the mineral void until 2025.
36. Following restoration of the site to agriculture, there would be a 5-year aftercare and drainage scheme.

Part 2 – Other Viewpoints

Representations

37. There are 7 individual third-party responses which have been placed in full in the Members' Resources Area. The responses raised the following issues; the number of respondents is shown in brackets:
 - Increase in dust (6)
 - Increase in noise (5)
 - Quarrying would be too close to housing (3)
 - Increase in lorry movements on local roads (3)
 - Extra five years is the thin end of the wedge (2)
 - No need for the quarry (2)
 - The site is in the Green Belt (2)
 - Increased vibration (1)
 - Building of bund and scraping of soil is the worst time for noise, dust and vibration (1)
 - Proximity to Oxford Canal, a designated conservation area (1)
 - Conditions imposed on main quarry are not enough and ignored (1)
 - Will cause subsidence (1)
 - This is not an extension of the existing quarry (1)

38. There are three petitions that have been submitted, and each of them object to the application. Two are from local residents, and the other is from respondents from further afield who are leisure seekers who use local amenity facilities such as the Oxford Canal Conservation Area and the River Cherwell. The petitions have a total of 515 signatures, of which 222 are from local residents, and 293 are from leisure seekers. The petitions have been placed in the Members' Resource Room. They raise the following points:

- Intrusion into the Green Belt.
- The limit of excavation is just a few metres from the proposed limit of excavation.
- The amenity of the Oxford Canal and the River Cherwell would be affected.
- The amenity of the Canal Towpath would be affected.
- The bund would not afford any visual mitigation until it is built, and would affect views when it is built.
- Noise will be a problem, and will come from the HGVs and excavating machinery. Boats moored along the canal will be particularly affected at night when the dewatering pumps will continue to be operating.
- Dust will be a problem, both during mineral extraction and during the soil stripping.
- Dust complaints sent to the County Council have not been satisfactorily dealt with.
- The extraction site is an agricultural field.
- The site has never been part of the quarry.
- The field has been a barrier between the quarry and the Oxford Canal Conservation Area.
- Permission for this application would show disregard for the consequences of the Green Belt.
- The proposal would adversely affect the amenity of residents of Shipton on Cherwell and Bunkers Hill, as well as the users of the Oxford Canal and the River Cherwell.
- The planning statement says that the extension limit of the excavation area has been designed to maximise the amount of mineral worked, and proposes a stand-off of 90m. The properties of Jerome Way will only be 50m from the site.
- The applicants propose a 5m high bund. The existing bund took two years to build and the residents suffered from noise, dust and a reduction in air quality during its construction. The existing bund has yet to receive planning permission due to concerns from the Environment Agency.
- The operations would take place over 6 days a week, and the dewatering pump would operate outside those hours.
- The moving of material by dump truck will be outside the original quarry, and the limestone will be transported by dump truck which will contribute to the number of vehicle movements.

- There is no proposal to increase vehicles movements so the use of vehicle movements for mineral sales will affect the overall restoration of the quarry.
- The monitoring of dust and noise under current conditions is not enough to mitigate the effects on the local residents.
- The applicant uses terms such as 'likely to' and 'approximately' the timescales should be accurate and be adhered to.
- The 'shortage of suitable materials' as set out in OMWCS paragraph 4.81, and the effect it would have on timescales should be considered when determining this application.
- Crushed rock is not needed as there are reserves that could last until 2030. Paragraph 4.24 of the OMWCS excludes Shipton Quarry because of the limited areas of resource.

Consultations

39. Cherwell District Council (Planning) - objects on the grounds that the increase in activity would lead to more noise, dust, visual, residential and environmental impacts which would be harmful to the character and visual amenity of its locality.

40. Shipton on Cherwell Parish Council – Objects for the following reasons:

- There is no need for additional crushed rock, as set out in the Oxfordshire Minerals and Waste Core Strategy, and the Local Aggregate Assessment 2017.
- The extension will not meet any strategic increase in the County's needs. 400,000 tonnes would equate to only just over 8 months supply of crushed rock for the County.
- Prematurity – the MW Local plan is in preparation, and sites have been nominated for inclusion. The applicant is seeking to avoid rejection in the future by seeking permission prematurely.
- Do not believe the argument that the mineral will be sterilised is credible.
- Employees currently carrying out extraction work could be used to restore the quarry, which is currently behind in its restoration.
- There have already been several extensions for the extraction of minerals on neighbouring land.
- Use of rail is advanced in the OMWCS, but is not included in this application, even though there is an existing permission for a railhead on the adjoining quarry.
- The parish has no faith that the applicant will stick to the four years timescale for extraction.
- The village would have to suffer a prolonged period of amenity problems including: visual intrusion of the bund; and noise and dust.
- Monitoring reports have shown concerns about dust, noise, and the lack of a revised restoration scheme for Area A of the existing quarry.
- The permitted extraction is already approaching maximum permitted levels, and the continuation into the more sensitive site would have unacceptable impacts on resident's amenity.

- Effect on landscape.
- Greenbelt.
- Views from the Canal footpath will be affected.
- The proposed bund along the southern boundary, adjacent to public footpath 342/10 that runs from Jerome Way to the bridge carrying pedestrians to the canal towpath will not offer much in the way of screening, and that any hedgerow planting will wait until after completion of the restoration.
- The proposed development would: cause undue visual intrusion; cause undue harm to important natural landscape features; be inconsistent with local character; impact on areas that have a high level of tranquillity.
- There is insufficient detail of flood risk assessment.
- There would be a detrimental effect on the Oxford Canal Conservation Area.
- The applicant states that the land would be returned to agriculture, and then that only half of it would be returned to agriculture, with the rest to reed wetland.
- The land is currently fallow which provides the biodiversity that the Conservation Target Area is designed to achieve. Inflicting four years of noise, two years of infill and five years of after-care is likely to be highly detrimental to local wildlife.
- Given the proximity of the working to the SSSI, conservation areas, and local wildlife site, it must have an impact on them.
- The traffic assessment does not allow for the growth in traffic from Upper Heyford, which was requested in the Scoping Opinion.
- This proposal would bring more traffic onto the roads.
- There are discrepancies in the application documents including: distance from the centre of Oxford to the site; how much of the site will be returned to agriculture; size of the site; number of HGV movements.

41. Environment Agency – no objections.

42. Natural England – no objections.

43. Network Rail – no objections subject to conditions relating to works that could affect the stability of the railway line. One of the conditions would require detailed plans of the development, including cross-sections, to be forwarded to Network Rail for assessment and comment before development commences. This would essentially be a pre-commencement condition.

44. Oxford Green Belt Network – Objects for the following reasons:

- The quarry should be restored as soon as possible.
- The extraction area is close to the Canal and Shipton on Cherwell.
- The development would be inappropriate because of the bund.
- The development would be noisy and visually intrusive and would affect the amenity of the Canal walk and the conservation area.

45. SSE – No objection, but draws attention to the dangers of digging near underground power lines and working under overhead power lines. Plans included with the response show buried power lines running north-south and east-west across the application site. States that the application site is crossed by a major transmission circuit or circuits which form an extremely important link in Scottish and Southern Electricity Networks' extra-high voltage system. Modifying circuits such as these is a major and costly undertaking which should be avoided if possible. Any development should therefore be designed to allow circuits of this nature to remain undisturbed and accessible in their present location if at all possible.
46. London Oxford Airport – objects due to the impact of restoration proposals on flight safety, but would consider withdrawing the objection if the area of water is netted to reduce the risk of bird activity and aircraft bird strikes.
47. OCC (Archaeology) – no objection subject to pre-commencement conditions relating to a written scheme of investigation.
48. OCC (Highway Authority) – no objection.
49. OCC (Rights of Way) – no objection as the rights of way would not be disturbed, diverted or otherwise obstructed.
50. OCC (Ecology) – states that further information is required prior to determination of the application. The requirements are:
- Up to date ecological assessment, including an updated Extended Phase 1 Habitat Survey and protected species surveys, most notably reptiles.
 - A net gain in biodiversity should be achieved. An appropriate Biodiversity Impact Assessment calculator should be used. The Thames Valley Environmental Records Centre calculator is recommended.
 - An Ecological Mitigation Strategy would be needed, following completion of updated surveys.
- OCC (Environmental Strategy) – no objection subject to conditions relating to soil storage, tree protection, and planting.

Part 3 – Relevant Planning Documents

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

51. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
52. The relevant Development Plan policies in this case are:

Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)

M2: Provision for working aggregate minerals

M3: Principle locations for working aggregate minerals

M5: Working of aggregate minerals

M10: Restoration of Mineral Workings

W6: Landfill and other permanent deposit of waste to land

C1: Sustainable development

C2: Climate change

C3: Flooding

C4: Water environment

C5: Local environment, amenity and economy

C6: Agricultural land and soils

C7: Biodiversity and geodiversity

C8: Landscape

C9: Historic environment and archaeology

C10: Transport

C11: Rights of way

C12: Green Belt

Cherwell Local Plan 2011 – 2031 (CLP)

PSD1: Presumption in Favour of Sustainable Development

SLE4: Improved Transport and Connections

ESD8: Water Resources

ESD9: Protection of the Oxford Meadows SAC

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD11: Conservation Target Areas

ESD 13: Local landscape protection and enhancement

ESD15: The Character of the Built and Historic Environment

The NPPF and the NPPW are also relevant material considerations. The Cherwell Local Plan Part 2 review is under way, but is at a very early stage and there are as yet no policies that would apply to this application.

• **Part 4 – Analysis and Conclusions**

Comments of the Director for Planning and Place

53. Policy C1 of the OMWCS states that a positive approach will be taken to minerals development in accordance with the presumption in favour of sustainable development. This is echoed by policy PSD1 of the CLP which states that when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Ensuring that existing permitted mineral reserves can be extracted without adverse impacts is considered to be sustainable development.

54. Planning permission should therefore be granted unless there are policies or material considerations that indicate otherwise.
55. The main issues for this development are: Green Belt, minerals and waste management policies; and the effect on local amenity.

Minerals and Waste Management Policies

56. Policy M2 of the OMWCS makes provision for the working of aggregate minerals to meet the need identified in the most recent Local Aggregate Assessment (currently November 2018) in the period to 2031 and states that permission will be granted to maintain a landbank of at least ten years for crushed rock. OMWCS paragraph 4.41 states: 'At the current Local Aggregate Assessment requirement rate (0.584 million tonnes a year), permitted reserves of crushed rock remaining at the end of 2015 could on average last until 2030'; and paragraph 4.44 states: 'The Local Aggregate Assessment 2014 indicates no requirement for further areas for crushed rock working during the plan period, due to the relatively high level of permitted reserves of this mineral remaining to be worked. Actual sales of crushed rock in 2014 and 2015 were well above the provision rate of 0.584 million tonnes a year. Consequently, the level of permitted reserves remaining has fallen more than expected, as they have been extracted more quickly. If on-going annual monitoring shows this to be a continuing trend, additional permissions could be needed towards the end of the plan period and there could be a requirement for additional provisions to be made through the allocation of sites for working in the Site Allocations Document. If required, this additional provision should preferably be made through extensions to existing quarries rather than from new quarries, to make efficient use of existing plant and infrastructure, and minimise additional impact.'
57. The 2018 Local Aggregates Assessment has not changed this assessment: 'The LAA 2014 recommended that the future provision for crushed rock production in Oxfordshire should be set, initially, at 0.584 mtpa, but that this, again, should be kept under review in relation to the monitoring of actual sales. The 10 year sales average has increased to close to that level, although the 3 year sales average has increased significantly above it. On balance it is considered that, notwithstanding the large increase in sales in 2014 – 2016, it is too early in the monitoring period for the Plan to make changes to the LAA provision level for crushed rock. It is therefore considered that the provision level for crushed rock should remain at 0.584 mtpa for the period of this LAA but that monitoring should continue and the figure should be reviewed as and when the results of monitoring indicate this is appropriate.'
58. The 2018 Local Aggregates Assessment therefore still makes provision for 0.584 million tonnes per annum of crushed rock. It shows a landbank at the end of 2016 of 14.6 years (8.545 million tonnes at 0.584 million tonnes per annum).

59. Policy M3 identifies the principal locations for aggregate mineral extraction within identified strategic resource areas. The application site does not lie within an identified strategic resource area. It further states that in the Oxfordshire Minerals and Waste Local Plan: part 2 – Site Allocations Document (OMWSAD) extensions to existing mineral quarries might be allocated if they are in accordance with policy M4 including if they are outside the strategic resource areas. Paragraph 4.44 of the OMWCS clarifies this by stating that there are sufficient crushed rock reserves at present, but it might be necessary, towards the end of the plan period to allocate additional provision through the OMWSAD. The plan period runs from 2014 to 2031 and I therefore consider that the plan is still in its early years.
60. The proposed development is therefore contrary to policy M3 of the OMWCS.
61. Policy M5 of the OMWCS states that prior to the adoption of the OMWSAD, permission will be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided that the proposal is in accordance with the locational strategy in policy M3 and that the requirements of policies C1 – C12 are met. As set out above, there is no current identified need for the mineral to be extracted from the application site. It would only accord with these policies if there were an identified need when it would be considered as an extension to the existing quarry even though it lies outside the areas identified under policy M3. The proposed development is not in accordance with the locational strategy in policy M3 and so is contrary to policy M5.
62. The applicant has put forward the case that the mineral needs to be worked now in order for it not to be sterilised. This is due to the mineral not being viable to be worked without the existing plant on site. Policy M8 states that development would not be permitted within a mineral safeguarding area unless, among other things, the mineral will be extracted prior to development taking place. The proposed development is not within a mineral safeguarding area and so there is no policy reason to consider that the site should be worked at this time to avoid sterilisation of the mineral reserve.
63. Policy W2 of the OMWCS seeks to divert waste from landfill. OMWCS policy W6 states that provision for the disposal of inert waste which cannot be recycled will be made at existing facilities and in sites that will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Provision will be made for sites with capacity sufficient for Oxfordshire to be net self-sufficient in the management and disposal of inert waste. Priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and after use of active or unrestored quarries. The proposed development would be

compliant with policy W6 in that it would be used to restore a quarry, but it does not in itself give any justification for the development.

64. Policy M10 of the OMWCS requires that mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. The proposed development would be mainly restoration to the current use - agriculture, and an area of reedbed which would enhance nature conservation. This would be appropriate to the area and compatible with the Green Belt. The restoration would take place after a relatively short period of working and would therefore comply with policy M10 of the OMWCS.

Green Belt

65. Policy C12 of the OMWCS states that proposals constituting inappropriate development in the Green Belt, will not be permitted except in very special circumstances. Policy ESD14 of the CLP states that development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.

66. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

67. Paragraph 146 of the NPPF defines mineral extraction that does not affect the openness of the Green Belt as not inappropriate development provided it preserves its openness and does not conflict with the purposes of including land within it.

68. The proposed development includes a 4 metres high bund that, even though a practical means of storing the stripped soils, would be an above-ground structure and so nonetheless affect the openness of the Green Belt and would therefore constitute inappropriate development. The applicant must therefore demonstrate that Very Special Circumstances for this development exist.

69. The applicant does not consider the development to be inappropriate development in the Green Belt because the development would not conflict with the purposes of the Green Belt as set out in paragraph 134 of the NPPF because:

- The development does not include built development and would not contribute to permanent urban sprawl.
- The development does not lie between two towns and would not cause them to merge.

- The development would not lead to encroachment into the countryside: it does not include built development; is not on the edge of the countryside, but bordered by residential property, railway line and existing quarry; it is temporary and would be restored back to agriculture with biodiversity benefits.
- It would have a negligible effect on Hampton Gaye, Shipton on Cherwell and the Thrupp Conservation Area.
- The application site is not derelict or other urban land and therefore this development cannot assist in urban regeneration. The development is for mineral extraction and therefore can only be worked where it is found. It will ensure that the mineral resource is maximised and not sterilised, thereby reducing the requirement for new sites to be worked.

70. Even if it is considered to be inappropriate development, the applicant nevertheless considers that Very Special Circumstances exist for the development which are summarised as follows:

- The only aspect of the development that would impact upon openness is the proposed bund, and the bund would be needed to store the topsoil and would provide mitigation in terms of noise, dust and visual impact.
- The bund is partially screened visually by the existing mature vegetation along the old railway line. The bund would not therefore affect openness.
- There is a continuing need for mineral extraction to serve the construction industry, particularly in this area with increased development in Bicester, Banbury, Kidlington and Oxford.
- The extension area will be worked in line with the existing Shipton Quarry, making use of existing infrastructure and processing plant.
- The extension area will be worked with minimal effects upon the local environment and amenity.
- The development itself and the soil bund will be temporary and therefore any impact will be temporary and will cease upon restoration.
- The 400,000 tonnes of limestone that this site will yield will be sterilised if not worked at this time.
- Minerals are essential and can only be worked where they are found.
- The NPPF states that great weight should be afforded to the benefits of mineral extraction, including to the economy.
- There is a need for minerals supply, and the landbank for crushed rock is less than 10 years (8.5) if the apportionment figure is used. Significant growth is expected that would lead to additional need for the mineral.
- The extension to the existing quarry would allow additional extraction without additional impacts. Policy M4 of the OMWCS gives priority to the extension of existing quarries.
- Policy GB7 of the Non-Statutory Cherwell Local Plan states proposals for Shipton on Cherwell Quarry (Defined as a Major Developed Site in the Green Belt), will not be considered inappropriate development provided set criteria are met (although it is accepted that the application site is not actually within this area).

- Amenity impacts would be minimal.
- It would allow the continued supply to local markets, which would reduce transport and greenhouse gases.

71. I do not accept that the development would not conflict with the purposes of the Green Belt. I accept that there are no buildings proposed, and I understand that the storage of stripped soils in bunds is a usual part of mineral workings, but the NPPF does not make any explicit exception that such structures at mineral workings should not be considered when assessing the impact on the openness of the Green Belt or conflict with the purposes of including land within it. The proposal does nevertheless constitute inappropriate development in the Green Belt, and such development unchecked would lead to urban sprawl, cause settlements to coalesce, encroach into the countryside, and affect the historic setting of Oxford. The individual assessment of the impact on openness of each individual development is essential to ensuring that the overall integrity of the Green Belt is maintained. The purposes of the Green Belt would have been considered in designating the land as Green Belt.

72. The proposed development would be contrary to policy 12 of the OMWCS and policy ESD14 of the CLP. Although the bund is the only element of the development that affects openness, it is only necessary if there are very special circumstances for the development as a whole. Without the extraction the additional bund would not be necessary. The temporary nature of the development is noted, and though it is a consideration in weighing up Very Special Circumstances, it would nevertheless have an effect for four years, and it is not in itself Very Special Circumstances.

73. In recent caselaw (Euro Garages Ltd v SoS for Communities and (1) Local Government (2) Cheshire West and Chester Council (2018) it has been established that in assessing openness there is a visual element. In this case, even though the bund would be partially screened by vegetation from the houses in Jerome Way and part of the bund has been designed to address visual impact from the footpath. The applicant has provided a visual impact diagram which shows that the visual impact of the bunds would be limited by surrounding topography and planting, however it would still have a visual impact that would affect openness.

74. The need to keep a steady supply of mineral has been considered in the OMWCS and the policies of that plan reflect that need. The plan was only adopted at the end of 2017 and is therefore not an out of date plan. The provision made for the supply of mineral including crushed rock in the plan continues to be reflected in the 2018 Local Aggregates Assessment. The great weight to be given to mineral extraction must be considered against the substantial weight to be given to any harm to and so the protection of the Green Belt, resulting in the need to demonstrate Very Special Circumstances.

75. The benefits of using the adjoining infrastructure at the quarry, and the measures to mitigate the impact of the development are material considerations, but they do not constitute Very Special Circumstances.
76. The mineral would not be sterilised if this development were not permitted as the site is not in an area which OMWCS policy seeks to see safeguarded for mineral extraction.
77. Should monitoring of the supply of reserves at minerals sites show that there is a need to permit further extraction adjoining existing quarries it would be allocated through the OMWSAD in accordance with policy M4. At this stage the OMWCS has provided sufficient supply in the existing principal areas of extraction.
78. The Non-Statutory Cherwell Local Plan was adopted for development control purposes by Cherwell District Council, but had as the name suggests no statutory status and was at best a material consideration in County Matter decisions. The quarry therefore has no status as a Major Developed Site in the Green Belt, and the application site is in any case outside the main quarry site.
79. The applicant has provided further information in relation to the Green Belt issue. Much of the information reiterates issues covered in the report. For completeness I have addressed the issues raised in Annex 1 of this report. There is nothing in the further information that leads me to alter my conclusions or recommendations in this report.
80. In conclusion I do not consider that Very Special Circumstances have been demonstrated and the proposed development would be contrary to policy C12 of the OMWCS and policy ESD 14 of the CLP.

Effect on Local Amenity

81. OMWCS policy C5 states that proposals for minerals and waste development shall demonstrate that they will not have an unacceptable adverse impact on residential amenity and other sensitive receptors. Where appropriate, buffer zones may be required.
82. The proposed development would bring the development to 95 metres of the housing in the village. Issues have been raised by local residents about noise and dust in relation to the existing activities on the site. The processing of the stone would be at the existing plant within the site so the effects that would most affect the local residents would be from the extraction itself.
83. The Air quality and Dust assessment that accompanied the application concluded that provided there are appropriate mitigation measures, there would be, at most, slight adverse impacts at nearby receptors during site preparation and restoration.

84. Whilst the application proposes that the existing continuous noise level limitations (55 dB LAeq, 1 hour free field for normal quarrying operations, 70 dB LAeq, 1 hour free field for temporary operations such as bund formation and 42 dB LAeq, 1 hour free field for night-time noise e.g. pumps) would continue to be met, the noise assessment that accompanied the application found that the noise from the application site as experienced at the nearest residential properties for specific impact events e.g. breaking limestone is calculated to be between 47 and 63 decibels as compared to maximum existing noise levels of between 64 and 84 decibels. The noise level calculations include the mitigation from the proposed bund which would be in addition to the existing unauthorised bund which affected the monitoring on which the assessment was based.
85. Although calculated to be lower than the existing situation, levels up to 63 decibels seem high, and even taking into account the unauthorised bund for mitigation there have been complaints from local residents with regard to such impact noises from breaking limestone with the hydraulic breaker. The County's Monitoring Officer's sound readings have not found a specific reading above this, but constant repetitive noises have been noted, particularly from the hydraulic breaker used on the site. Such repetitive noises are certainly noticeable and in my view can impact adversely on the amenity of local residents.
86. Dust has also been a concern raised and has been monitored. There is some question about where the dust is emanating, however the provision of a bund and additional working within 100m of the neighbouring houses is likely to give rise to further complaints.
87. The proposed development would bring the mineral working within 100m of the nearest houses which seems a very limited buffer zone to the development for local residents particularly when the working of the existing site at its closest corner has clearly had noticeable impacts on their amenity. Whilst the applicant's assessments are noted, even with the proposed bund, the working of mineral would be carried out in close proximity to local residents and the potential for disturbance from both noise and dust is high. It is considered likely to cause harm to and have an unacceptable adverse impact to the local amenity of residents. Also, as set out below, it is considered that whilst the proposed bund would to some extent mitigate these impacts, its height and proximity to residents on Jerome Way would make it visually intrusive. The development would therefore be contrary to policy C5 of the OMWCS.
88. Although the bund would serve to reduce the impact of the working on the local amenity, it would not be necessary if the proposed development did not take place and as set out above, there is no identified need for the mineral to be extracted from this site at this stage of the OMWCS plan period.
89. The bund itself would have an impact on amenity. It would be obscured by existing trees and other planting from Jerome Way, but it would be seen

by local residents particularly in winter. Views of it would be seen from the footpath and from the rail line. These views would be transient, but it would nevertheless affect visual amenity. It would be for a relatively short duration, but that would mean there would be limited prospects for any significant planting on the bund to establish which could soften its appearance.

Landscape impact

90. Policy C8 of the OMWCS requires that proposals 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. Policy ESD13 of the CLP makes similar provision.
91. The final restoration for the site would respect the local landscape character, however the proposed bund during the working would be a stark and alien feature in the landscape. The applicant has submitted a visual impact assessment with the application and to address concerns raised by the County's Environmental Strategy Officer, a reverse Zone of Theoretical Visibility (ZTV) to assess the effect on views of the first floor windows of Jerome Way.
92. The County's Environmental Strategy Officer is satisfied with the revised scheme, and has no objection to in in terms of landscape. The conditions requested by the ESO could be added to planning permission if granted.
93. Given the setting of the site alongside the village, the rail line and the existing quarry, the effects on the landscape would be moderate. The proposal is therefore not contrary to policies C8 of the OMWCS and ESD13 of the CLP.

Soil Quality and Management

94. Policy C6 of the OMWCS states that proposals for minerals and waste development should make provision for the management and use of soils in order to maintain soil quality, including making a positive contribution to the long-term conservation of soils in any restoration.
95. The topsoils from the site would be stored in the mitigation bunds and would be used in the restoration of the quarry. The proposal, therefore, complies with policy C6 of the OMWCS.

Protection of Groundwater

96. Policy C4 of the OMWCS requires that proposals for minerals and waste development will need to demonstrate that there would be no unacceptable adverse impact on or risk to the quantity or quality of surface or groundwater resources required for habitats, wildlife and human

activities; the quantity or quality of water obtained through abstraction unless acceptable alternative provision can be made; and the flow of groundwater at or in the vicinity of the site. Policy ESD 8 of the CLP makes similar provision. The application was accompanied by a hydrological and hydrogeological report that did not show any significant impacts on the water environment or flood risk from the proposed development. The proposed application therefore complies with policies C4 of the OMWCS and ESD8 of the CLP.

Biodiversity

97. OMWCS policy C7 requires that minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity. It further states that development shall ensure that no significant harm would be caused to Local Wildlife Sites. Policies ESD9, ESD 10 and ESD 11 of the CLP make similar provision for all development.
98. The County Ecologist has raised concerns in relation to the need for an up to date ecological survey of the site, the need for an appropriate biodiversity impact calculator, and the need for an ecological mitigation strategy.
99. The applicant is intending to carry out a survey and address these concerns and any further information will be presented to the committee as an addendum. Although it is not the right time of year for a full ecological assessment, the County Ecologist has requested further details will help to inform the Committee's decision.
100. The proposed development would be on a site that is currently subject to wildlife interest, but is an agricultural field. The proposed use would be part agriculture and part wetland which could well lead to an increase in biodiversity. The proposal at this stage has not shown compliance with policy C7 of the OMWCS but I will update the committee further at the meeting.

Health and safety

101. Policy C5 of the OMWCS requires that mineral and waste applications should demonstrate that they would not have an unacceptable adverse impact on human health and safety including from birds. The application site lies within the safeguarding zone to London Oxford Airport who have objected to the proposal on the grounds of flight safety from possible bird strike. As it stands, the proposal is therefore contrary to policy C5 of the OMWCS.
102. The applicant is seeking to address this with London Oxford Airport. Should any further information be forthcoming it will be reported to the committee in an addendum. A condition could be added to any permission given that prior to any development taking place a scheme to reduce the likelihood of bird strike be submitted and approved. This would be reliant

on the applicant agreeing to the attachment of a pre-commencement condition.

Transport

103. Policy C10 of the OMWCS seeks to secure safe and suitable access from minerals and waste sites to the advisory lorry routes shown on the Oxfordshire Lorry Routes Map. The A4260 and A4095 are designated as non-strategic roads. It also states that where practicable minerals and waste developments should be located, designed and operated to enable the transport of minerals and/or waste by rail, water, pipeline or conveyor. Policy SLE4 of the CLP states that new development will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development and policy.
104. The Highway Authority has not objected to the application. The proposed development would use the existing plant site which is subject to the control of vehicle movements. The additional extraction would continue to use the same plant, and would therefore not involve any increase in daily vehicle movements, and would therefore have no additional impact on the road network although in total terms additional vehicle movements exporting mineral would be greater than if permission were to be refused. A condition could be added to any permission given to ensure that link, and subject to such a condition, the proposal is therefore compliant with policy C10 of the OMWCS and policy SLE4 of the CLP.

Historic Environment

105. Policy C9 of the OMWCS states that proposals for minerals and waste development will not be permitted unless it is demonstrated, including where necessary through prior investigation, that they or associated activities will not have an unacceptable adverse impact on the historic environment. CLP policy ESD 15 makes similar provision.
106. The proposed development has scheduled ancient monuments around it, but would not have an impact on them due to its position between the existing quarry, the railway line and the village. It is therefore compliant with policies C9 of the OMWCS and ESD15 of the CLP.

Rights of Way

107. Policy C11 of the OMWCS states that the integrity and amenity value of the rights of way network shall be maintained and, if possible, it shall be retained in situ in a safe and useable condition.
108. The proposed development would be alongside the public footpath but would not involve the closure or diversion of it. The amenity value of it would be affected during the period the extraction was taking place, particularly by the 5m bund that would run alongside it. However, the

temporary nature of the development would mean that there is not a permanent effect on the rights of way network.

Other issues

109. Policy C2 of the OMWCS requires that all minerals and waste development including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change. This would encompass addressing the areas set out above but would also include the economic role.
110. The application states that the operator of the proposed development would continue to make use of existing low energy plant and machinery where possible; avoid running empty vehicles; and attenuation on site of water on site.
111. There is little in the way of climate change mitigation and adaptation, but some measures are set out and the proposal therefore complies with policy C2 of the OMWCS.
112. Policy C5 of the OMWCS states that the cumulative impacts of mineral and waste developments will need to be considered and that they would not result in unacceptable adverse impacts on the local environment, human health and safety, residential amenity and other receptors and the local economy.
113. The proposed development would follow on from the existing mineral extraction on the site and would not be in addition to it. The proposed development would mean the use of the existing plant within the site and would not involve any additional vehicle movements. However, using the plant and mineral movements for extraction could cause delay in restoring the main quarry site. The amount of extraction is relatively low, and the time period relatively short so this should not have a significant impact on the programme of restoration.
114. Policy M10 of the OMWCS requires mineral working to be restored in a timely manner. The proposed extraction would last for four years and the restoration would be complete by 2025. A condition could be attached to any permission given to clarify that restoration is required by that date.
115. Concern was raised that the application was premature. The NPPF sets out the presumption in favour of sustainable development and the NPPG provides guidance on the circumstances where it may be justifiable to refuse planning permission on the grounds of prematurity (paragraph 14): ‘...arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse

impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

116. Paragraph 50 of the NPPF states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.'

117. With regard to part a) the OMWCS does not identify a need for further crushed rock permissions and this proposal would not undermine the plan-making process by predetermining decisions central to the emerging Local Plan part 2.

118. Further, it is not considered that part b) is met. The Part 1 plan is adopted and the Part 2 plan is not yet published in draft form.

119. The Council sought Counsel's advice on the concerns relating to prematurity on applications at Fullamoor Farm and New Barn Farm. Having taken into account the legal advice as well as the NPPG, the NPPF, the ongoing need to plan for mineral extraction, and the representations concerning prematurity, I consider that this application would not undermine the emerging local plan process in the circumstances, particularly in light of the very early stage of Part 2 of the Core Strategy, and that a refusal on prematurity grounds would not be justified.

Conclusions

120. The site is in neither the principal locations for aggregates minerals extraction nor the mineral safeguarding areas identified in the OMWCS. The proposed development would be contrary to policies M3 and M5 of the OMWCS.

121. The bund is inappropriate development in the Green Belt, and very special circumstances have not been demonstrated. The proposal is therefore contrary to policy C12 of the OMWCS and policy ESD14 of the CLP.
122. The proposed development would cause harm to the local amenity and be contrary to policy C5 of the OMWCS.

RECOMMENDATION

123. **It is RECOMMENDED that planning permission for application no. MW.00046/18 be refused on the grounds that:-**
- 1. The site is situated neither within the principal locations for aggregates minerals extraction nor the mineral safeguarding areas. The development is therefore contrary to policies M3 and M5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy;**
 - 2. The development would constitute inappropriate development in the Green Belt for which Very Special Circumstances have not been demonstrated. It is therefore contrary to policy C12 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy and policy ESD14 of the Cherwell Local Plan 2031; and**
 - 3. The development would cause harm to the local amenity of residents on Jerome Way through noise, dust and visual intrusion contrary to policy C5 of the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy.**

SUSAN HALLIWELL
Director of Planning and Place

December 2018

European Protected Species

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

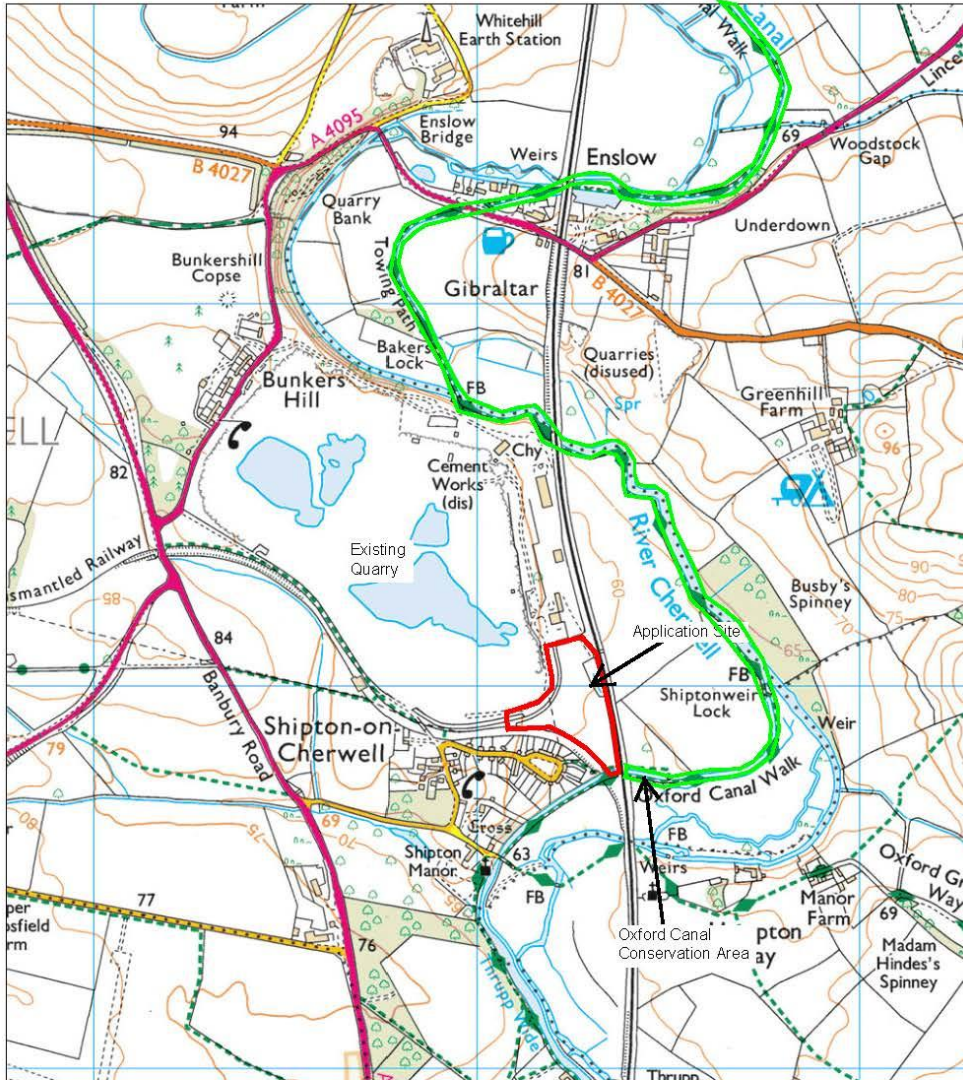
Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application

advice service; by updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. Objections were passed to the applicant and they were given the opportunity to address them prior to the decision taking place. The concerns included airport safeguarding, landscape, Green Belt and biodiversity.



MW.0046/18 Shipton on Cherwell Quarry



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Points raised in the applicants submitted needs assessment document.

- There is a presumption in favour of sustainable development, and planning permission should be granted unless there is a clear reason for refusing, and that the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- The proposal would contribute 400,000 tonnes to the Oxfordshire's mineral reserve.
- The 10 year land bank is a minimum provision.
- The 10 year annual average used by Oxfordshire County Council is skewed by the figures for the recession, and recent sales figures are higher.
- The need is too urgent for the County Council to wait until the Site Allocations Document is published in 2020 before granting additional planning permissions.
- Paragraph 4.44 of the OMWCS contradicts policy M2 of the OMWCS.
- Since the OMWCS was published there has been an increase in crushed rock sales leading to an even greater need for crushed rock.
- Having a permitted reserve above the minimum land bank is not sufficient reason to refuse planning permission.
- The aggregate is approved by the highway authority for use on Oxfordshire's Roads and is used on local construction projects.
- Neither policy M3 nor the supporting text states that planning permission will not be granted for areas outside the strategic resource areas.
- Policy M3 makes particular reference to extensions at quarries outside the strategic resource areas.
- Policy M4 sets out the criteria against which extensions to quarries will be assessed.
- The proposal accords with policy M5 of the OMWCS as it would: contribute to the provision in M2; and it would meet with policy M3 in that it is an extension to an existing quarry supported by the policy.

Officer Comments

- The presumption in favour of sustainable development is covered in the report.
- It is accepted that if permitted the resource would contribute to the landbank.
- It is accepted that the landbank is a minimum provision.
- The County Council's Local Aggregates assessment 2018 has concluded that there is sufficient crushed rock and that there is now a need to change the provision made in the OMWCS. The Local Aggregates Assessment 2018 was approved by Cabinet on 20th November 2018. The applicant might not agree with the way the authority has reached that conclusion, but it is clear that the council's view as Minerals and Waste Planning Authority is that there is no need at this time for additional provision to be made and it would be contradictory for officers to provide contrary advice in the consideration of this application.
- The County will not wait until the Site Allocations document to determine further planning permissions, but any applications that come forward will

be determined on their merits, in advance of that document, with the development plan as it stands and any other material considerations including the most up-to-date Local Aggregates Assessment.

- I do not agree that paragraph 4.44 contradicts policy M2. Policy M2 sets out what the provision for crushed rock will be, policy M3 sets out where the principle locations for extraction will be, and paragraph 4.44 adds clarity to policy M3.
- The increase in crushed rock sales has been taken into account by the Council in the monitoring of the reserve. The council is currently of the opinion that sufficient reserves are permitted.
- All things being equal there is no reason to refuse planning permission just because the proposal would raise the landbank above the minimum requirement. However, other policy and material considerations are also relevant.
- Unless it can be demonstrated that this reserve is the only mineral that meets the Highway Authority requirement this does not add weight to the argument because other reserves will also provide adequate aggregates.
- Policies are now written in the positive. The application does not accord with policy M3. Where policy M3 makes reference to quarry extensions, it is in relation to the allocation of sites in the Local Plan part 2 – Sites Allocation Document. That there is no specific statement in the policy that planning permission will not be granted for areas outside the strategic resource areas, does not make the application accord with policy M3, nor does it add weight to the application being permitted.
- Policy M4 is not relevant to this application. It is a policy to be used in the formulation of the Sites Allocation Document if future monitoring shows that there is insufficient supply coming forward from the strategic resource areas.
- The proposal does not accord with policy M5, for the reasons set out in the main report.

Points raised in relation to the Green Belt in Letter dated 20th November 2018

Assessment of Inappropriate Development

- The development is not inappropriate development in the Green Belt. The NPPF does not provide a definition for ‘mineral extraction’, however, it would be nonsensical if essential components of mineral extraction, such as the use of plant and equipment; soil stripping and storage bunds; and the importation of infill material for restoration, were not also included within this definition. If these elements were considered inappropriate, why would the NPPF include mineral extraction within paragraph 146?
- As set out in *Europa Oil and Gas Ltd. v Secretary of State for Communities and Local Government* [2013] EWHC 2643 (Admin), “some level of operational development for mineral extraction, sufficiently significant as operational development to require planning permission has to be appropriate and necessarily in the Green Belt without compromising the two objectives. Were it otherwise, the proviso would always negate the appropriateness of any mineral extraction in the Green Belt and simply make the policy pointless” (paragraph 65)

- When considering the impact of a proposed development upon openness, one must first give consideration to how open the site is without the development. This matter is addressed within the Houndsfield Industrial Estate appeal decision (ref: APP/P1805/W/17/3175713) and in Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466, which makes it clear that consideration must be given to “how built up the Green Belt is now and how built up it would be if redevelopment occurs”.
 - The proposed development, and in particular the soil bund, will not materially affect openness beyond the current situation for the following reasons:
 - The site is currently open to the north and east, but not to the south and west due to topography, garden fencing, housing and vegetation. This will be maintained.
 - The screening afforded by the existing boundary vegetation.
 - The changes to the bund made adjacent to the canal maintain openness from this location (VP3 in the LVIA).
 - The reduced height of the bund reduces its visual impact as experienced from properties in Jerome Way, thereby maintaining the experience of openness from these receptors.

If the LPA still considers that the development is inappropriate, the case for Very Special Circumstances

- Minerals are an essential resource that can only be worked where they are found.
- Mineral extraction is temporary, and the site can be restored to an appropriate afteruse.
- Paragraph 144 of the NPPF sets out that when determining planning applications, LPA's should “give great weight to the benefits of mineral extraction, especially to the economy”. This extension will enable the continued supply of essential construction materials to the local market.
- The NPPF makes it clear that Mineral Planning Authorities (MPA's) should plan for a steady and adequate supply of aggregates. Using an average of the last 3 years of sales data (0.897mtpa from 2014 to 2016), there is a landbank of less than 10 years.
- The proposal would allow the continuation of supply to current local markets to support housing and other development.
- Further reserve would be extracted without additional impacts, as existing infrastructure and HGV movements would be used.
- Policy M3 of the Core Strategy sets out that extensions to existing mineral sites may be allocated within the Site Allocations Document, as long as they accord with Policy M4. Policy M4 gives priority to the extension of existing quarries.
- The main quarry is defined as a ‘major developed site in the Green Belt’ within Policy GB7 of the Non-Statutory Cherwell Local Plan (NSCLP).
- The site is located adjacent to an existing active quarry, a railway line and an old railway embankment. It is located adjacent to similar types of development, in an industrial / brownfield setting. It is not surrounded by open countryside.
- The proposed soil bund will form a continuation of an existing screen bund along the southern boundary of the main quarry. This bund was erected to

minimise noise disturbance from quarrying activities within the permitted quarry and has resulted in reduced noise levels.

- The application is supported by environmental assessments which prove that environmental and amenity impacts associated with the development will not be significant.
- The site is viewed and experienced in the context of the existing quarry operations and adjacent railway line. There will be minimal impacts upon the environment and amenity and in any case, the design of the development provides noise, dust and visual mitigation.
- The bund is designed to minimise harm. It will be set back from the properties in Jerome Way and will be well screened by existing mature vegetation. It will not have a significant visual impact.
- The development is temporary for four years, and would be small scale.
- The supply to local markets reduces transportation miles and minimises greenhouse gas emissions.
- The limestone will be sterilised if not worked at this time.

Officer Comments

Assessment of Inappropriate Development

- Paragraph 146 of the NPPF sets out that mineral extraction is not inappropriate in the Green Belt provided it preserves openness and does not conflict with the purposes of including land in it. There is no set definition, but the policy implies that there are cases when both apply otherwise it would just state that mineral extraction is not inappropriate full stop, but it does not. Your officer's interpretation is that where the mineral can be extracted without the need for bunds and processing plant within the Green Belt it would not be inappropriate.
- The Europa Oil and Gas Ltd. v Secretary of State for Communities and Local Government [2013] case related to an Inspector's decision to consider exploration of mineral to be different to extraction of mineral. The judgement ruled that they should be considered the same. It mentioned the "paraphernalia" that goes with extraction, but in the case in question it was referring to oil and gas exploration.
- The case of Turner v Secretary of State for Communities and Local Government [2016] related to a case where the visual element of openness had not been considered. It was in relation to an infill development where the footprint of the building would have been larger, but visually there would have been no impact. It does not follow that development in the Green Belt does not affect openness because it is screened by trees, or other landscape features.

If the LPA still considers that the development is inappropriate, the case for Very Special Circumstances

- Minerals can only be worked where they are found, but it is not a Very Special Circumstance if they can be found elsewhere.
- All mineral extraction is temporary, and is expected to be restored. This is not a Very Special circumstance.

- In accordance with the NPPF great weight is given to the benefits of mineral extraction, but also taking into account the great importance that the Government attaches to the Green Belt.
- The MPA has planned for a steady supply of minerals as set out in the policies of the OMWCS. Currently it believes there is sufficient supply.
- The OMWCS takes into account the need for local supply and has provided adequate provision.
- The extraction could be done within the existing permitted HGV movements, but there would be additional impacts in that the mineral extraction would come closer to the housing and to the public footpath, requiring the creation of a bund which would itself have an impact.
- The issue of policies M3 and M4 are set out in the report. This is not a Very Special Circumstance argument.
- The site has never had any status as a 'major developed site in the Green Belt.' The existing quarry was defined as such by policy GB7 of the Non-Statutory Cherwell Local Plan which as the name suggests was never part of the development plan. This proposal is a green field development.
- The site surroundings are set out in the report. Site surroundings do not in themselves make a Very Special Circumstance argument.
- The existing screen bund along the southern boundary of the main quarry is currently unauthorised and inappropriate development in the Green Belt and is part of a planning application currently under consideration. The operator has stated that the existing bund was erected to minimise noise disturbance from quarrying activities within the permitted quarry. Extending it might be necessary to mitigate the impacts of the extension area should planning permission be granted to the application for additional mineral working, but is not in itself a Very Special Circumstance.
- The application requires the bund to mitigate its impacts, but that is not a Very Special Circumstance argument for carrying out the development, without which the bund, which is inappropriate development, would not be necessary.
- The context of the site will be weighed in the decision, but it is not a Very Special Circumstance.
- As stated above, the bund is a mitigation measure that would not be necessary if the development is not carried out.
- The temporary nature is noted, but would still have an impact on openness for four years, and would be of such a scale to have a significant impact.
- The supply to local markets has been considered in the OMWCS.
- The limestone will not be sterilised as there is no development proposed that would sterilise it. It may be less viable to work in the future, but not sterilised.

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For: PLANNING AND REGULATION COMMITTEE – 2 July 2018

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Open storage area for empty containers, bins and packaging equipment, including the retention of the old Lab Smalls building for the storage of equipment

Division Affected: Benson and Cholsey

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

Location: Goulds Grove, Ewelme, Wallingford, OX10 6PJ

Applicant: Grundon Waste Management Ltd

Application No: MW.0025/18 **District Ref:** P18/S1301/CM

District Council Area: South Oxfordshire District Council

Date Received: 19 March 2018

Consultation Period: 19 April – 10 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**

Site and Setting (see site plan Annex 1)

1. The site is within the Chilterns Area of Outstanding Natural Beauty (AONB), about half a kilometre (0.3 miles) south of Ewelme and half a kilometre (0.3 miles) east of RAF Benson.

2. The application site is 0.6ha in size and is part of the Ewelme no 1 site, which as well as the HWTs contains workshops, offices, and lorry and car parking. To the north west, lies the Icknield Way, Ewelme no 2 is across the road, and beyond that open countryside. Ewelme no2 is a partially restored landfill site that also has recycling operations on the site for the life of the landfill operation. Other than that, the site is surrounded by open countryside, some of which is restored landfill.
3. The application site is low lying and on the side that is not bordered by the waste management operations there is a 4m high bund with established trees.
4. The application site itself is surrounded by existing waste facilities, offices and associated uses on the rest of the waste complex. It is within the bunded area that is well screened from the surrounding countryside.
5. The nearest residential property is 135m west of the application site adjoining the Ewelme no 1 site. The existing workshops, offices and other waste related uses are between the application site and the house.
6. Benson footpath number 17 runs along the eastern edge of Ewelme no 1 site. This becomes Ewelme footpath number 30 as it crosses Ewelme no 2.

Planning History

7. The Ewelme site was granted planning permission for mineral extraction in 1955, and the site has been the subject of various planning permissions since then.
8. In 1977 planning permission was granted for waste disposal and restoration of the site (SO/W/24/77).
9. Permission for waste transfer operations of special wastes was granted in 1993 (P93/W0049), for a temporary period ending on 31st December 2007. A further two-year retention period was granted in 2007 and expired in 2009 (P07/W0749/CM). The land was required to be restored to farmland.
10. Planning permission was granted for a new hazardous Waste Transfer Station, first on a temporary basis (P10/W0076/CM), and then permanently (P12/S1854/CM) on land immediately to the north.
11. The application site, has since then been used for open storage in connection with the adjoining uses. It has had no permission for such a use and would fall to be restored in accordance with the 1977 permission.
12. There is also a Lab Smalls building located in the south-east corner of the old HWTs. It is of steel portal frame construction, with the external

walls of Van Dyke Brown colour (colour no. BS 4800 – 10 B 29). The building has a footprint of just over 120m, and is 4m high to the eaves of the roof, and 5.3m high at the highest point on the ridge of the roof.

13. This building was originally used for the reception and processing of laboratory chemicals, but these activities have now relocated elsewhere within the existing HWTS. The building is now used to store equipment and Personal Protective Equipment (PPE) for the Industrial Cleaning Service which provides specialist cleaning services including confined spaces cleaning, decontamination, site decommissioning, or pollution and spill control service. The building would only be used for the storage of equipment.

Details of the Development

14. This application is retrospective and seeks the permanent retention of the former Hazardous Waste Transfer Station for use as an open storage area for empty containers, bins and packaging equipment. It also seeks the retention of the old lab smalls building for the storage of equipment.
15. The site would be used in conjunction with the existing permanent Hazardous Waste Transfer facility.

Part 2 – Other Viewpoints

Representations

16. There are no third party representations for this application.

Consultations

17. South Oxfordshire District Council (Planning) – No objections.
18. South Oxfordshire District Council (EHO) – No observations.
19. Chilterns Conservation Board – Objects to the application because the Grundon site is an eyesore and one of the most problematic in the Oxfordshire section of the Chilterns AONB. Much of the concern raised relates to the Grundon operations generally. A package of proposals, including a sum of £15,000 for off site work with local community groups was put forward by the board. A site meeting took place to go through those proposals but agreement could not be reached as the proposals did not relate to the application, and the works that the applicant agreed to do would not satisfy the Board.
20. Environment Agency – no objection.
21. Ministry of Defence – no safeguarding objections.

22. Natural England – no comments to make on the application.
23. OCC (Environmental Strategy Officer) – no objection subject to conditions relating to restriction of operations, lighting, and measures to be agreed by the Chilterns Conservation Board.
24. OCC (Lead Flood Authority) – the drainage arrangements are satisfactory.

Part 3 – Relevant Planning Documents

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

25. Section 70 of the Town and Country Planning Act 1990 requires that planning applications are decided in accordance with the development plan, taking into account local financial considerations material to the application, and other material considerations. The relevant development plan documents are the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy, the South Oxfordshire Core Strategy, and the saved policies of the South Oxfordshire Local Plan 2011.

The Development Plan

26. Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy September 2017 (OMWCS)
 - Policy W7: Management and disposal of hazardous waste
 - Policy C1: Sustainable development
 - Policy C5: Local environment, amenity and economy
 - Policy C7: Biodiversity and geodiversity
 - Policy C8: Landscape
 - Policy C11: Rights of way
27. South Oxfordshire Core Strategy December 2012 (SOCS)
 - Policy CS1 Presumption in favour of sustainable development
 - Policy CSEM4 Supporting economic development
 - Policy CSEN1 Landscape
 - Policy CSQ3 Design
 - Policy CSG1 Green infrastructure
 - Policy CSB1 Conservation and improvement of biodiversity
28. Saved Policies of the South Oxfordshire Local Plan 2011
 - There are no policies relevant to this application.

Other Material Considerations

29. National Planning Policy Framework (NPPF)
 - Paragraph 172 (Protection of AONB)

30. National Planning Practice Guidance (NPPG)
 - Natural Environment, Landscape Para 5 (8-005)
31. Chilterns AONB Management Plan 2014 – 2019 (CMP): L1, L5, L6, D11

• **Part 4 – Analysis and Conclusions**

Comments of the Director for Planning and Place

32. Policy C1 of the OMWCS states that 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. This presumption in favour of sustainable development, is also set out in policy CS1 of the SOCS.
33. Policy W7 of the OMWCS states that permission will be granted for facilities for the management and disposal of hazardous waste where they are designed to manage waste produced in Oxfordshire. It further says that facilities likely to serve a wider area should demonstrate that they will meet a need that is not adequately provided elsewhere.
34. The Ewelme site is a hazardous waste facility that serves predominantly the Oxfordshire area and is a valuable local facility for the handling of hazardous waste from local industry. The proposed development should therefore be granted planning permission unless there are policy or material considerations that dictate otherwise. The main issues for the site are: landscape, local amenity, biodiversity, rights of way, economic development and design.

Landscape

35. Policy C8 of the OMWCS states that proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, and where this is not possible compensatory environmental enhancements shall be made. The policy stresses that great weight shall be given to conserving the landscape and scenic beauty of the AONB, and that proposals for major development should be subject to the 'major exceptions test' as set out in paragraph 172 (formerly 116) of the NPPF. The priority for conserving the AONB is also set out in policy CSEN1 of the SOCS.
36. Paragraph 172 of the NPPF states that planning permission should be refused for major applications other than in exceptional circumstances and where it can be demonstrated that it is in the public interest and sets out three tests that the application should be assessed against.
37. The proposed development is for permanent retention of the use of the former hazardous waste transfer station site and the lab smalls building,

within the existing waste complex. The application site not visible within the AONB because it is screened by bunds and planting, or by the other permitted activities on the site.

38. Paragraphs 5.65 and 5.66 of the OMWCS taken together identify the Ewelme site as serving a wider area and acknowledge that hazardous waste is likely to travel farther than non-hazardous waste. It also notes that the site handles waste from a wider area. In 2012 Oxfordshire produced 52,000 tonnes of hazardous waste, but only managed 31,000 tonnes within the county. The figure for arisings is predicted to rise in the long term to 79,000 tonnes per annum in 2031, however the latest figures showed that it had dropped to 43,000 tonnes in 2016. The nearest hazardous waste disposal facilities are landfills at Swindon, Cheltenham and in East Northamptonshire, and incinerators at Slough and Fawley (Southampton).
39. As there is a shortfall in the facilities for handling hazardous waste within the county, the proposed development would give greater storage space enabling the site to process waste more efficiently. Failure to provide facilities to dispose of hazardous waste would be detrimental to the local economy, particularly as Oxfordshire has a lot of science and research based companies. The wider Grundons site is also an important employer in the local area.
40. There is scope for developing a site for hazardous waste outside the AONB but in this case the proposal is for the land to be used as open storage in connection with the existing permanent hazardous waste transfer facility. It would not therefore be feasible to have open storage elsewhere that would enable such improvements to efficiency at the Ewelme site.
41. The proposed development would lead to a permanent loss of 0.6ha of land within the AONB. However, because the site is low lying and surrounded by a bund and established trees, the land that would be lost is entirely within the existing area of waste management facilities and associated uses. There would be little, if any, visual effect on the landscape, and it would not affect any opportunities for recreation, because the site would not be able to be used for recreation because of the health and safety issues of the surrounding uses. There would be some minor effect on the environment because of the permanent loss of agricultural land. There would be a wider environmental benefit in that the application would aid in the transfer and recycling of hazardous waste.
42. The applicant met with the Chilterns Conservation Board with a view to submitting a scheme that would moderate the development. They were not able to agree a scheme, but they are continuing to work together on ways to improve the AONB. If further details are forthcoming I will update the committee on that point.

43. The major applications test in paragraph 172 of the NPPF consists of:
 - a) The need for the development, including in terms of any national considerations, and the impact of permitting it or refusing it on the local economy.
 - b) The cost of and scope for, developing outside the designated area, or meeting the needs for it in some other way.
 - c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
44. In terms of point a) there is an identified need for hazardous waste facilities in Oxfordshire and Ewelme is the only site of note in the OMWCS. Facilities are needed to ensure the growth of the local economy which has a significant research and science based element. In relation to point b) the extra storage area can only realistically be provided on the site if it is to be practical. On point c) the effects on the environment would be limited only to a loss of land that would not be of any practical benefit to the AONB if it was restored to agriculture, and would not alone constitute a reason for refusal.
45. Policy L1 of the CMP states that the overall identity and character of the Chilterns should be recognised and managed positively. Policy L5 of the CMP states that developments which detract from the Chilterns' special character should be resisted.
46. The proposed development would not detract from the Chilterns, and would not undermine the overall identity and character of the AONB. This is due to the lack of effect on any of the visual or other amenity aspects of the AONB, as a result of the position of the application site.
47. Policy L6 of the CMP states that degraded aspects of the landscape should be enhanced including the removal or mitigation of intrusive developments and features. Policy D11 of the CMP adds that enhancement of the landscape of the AONB should be sought by the removal or mitigation of intrusive developments.
48. The proposed site would be an opportunity to remove a degraded element and enhance the landscape were it not for the location within the existing heavily used site. The context of the site is such that its removal and restoration would have little if any effect on the AONB as it would be surrounded by development, and the screening bund and planting.
49. One further piece of guidance is in the Paragraph 005 ID:8-005-20140306 of the National Planning Practice Guidance. It states that planning permission should be refused for major development in Areas of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. The guidance states that whether a proposed development is considered to be a major

development is a matter for the relevant decision taker, taking into account the proposal in question and the local context.

50. Given that the development is of only local significance and the context of the application is confined entirely within an already developed site, there is some question over whether the application should be considered to be a major application at all. However, I have considered this to be a major application in this case because of the nature of the waste on the site, and that the site as a whole serves a sub-regional area.
51. I conclude that there are exceptional circumstances in that the proposed area is very much contained in the existing site, it would be helpful in achieving better treatment of hazardous waste and would be in the public interest, and that to grant it planning permission would not have any significant effect on the landscape and scenic beauty of the AONB.

Local Amenity

52. Policy C5 of the OMWCS states that 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.
53. The proposed development would be part of, and within an, existing locally important waste facility that is well screened and tightly controlled through permitting legislation. Given its context the proposed storage area would have no impact on the local environment. The controls of the site through the permit would ensure that the risks to human health are minimised. The proposed development is screened from the nearby footpath and the distance across the developed site would mean it would have no adverse impact on the residential property. Conditions should however be applied to ensure that the application site operates to the same constraints as the surrounding waste developments.

Biodiversity

54. Policy C7 of the OMWCS seeks a net gain in biodiversity from all minerals and waste applications, and policy CSB1 of the SOCS makes similar provision. Policy CSG1 also seeks improvements to biodiversity along with improvements to green infrastructure. The site has been heavily developed and does not contain any biodiversity value, nevertheless the application does not contain any improvements to biodiversity. The application is retrospective and it is not therefore possible to attach a pre-commencement condition to any permission given. The application would not lead to a loss of biodiversity, but equally it would not deliver a net gain. The applicant is drawing up a scheme to address this and I will update the committee once it is submitted.

Rights of Way

55. Policy C11 of the OMWCS seeks to maintain the integrity and amenity value of the rights of way network. The proposed development is set within the existing well screened site. It is screened from the footpath by the existing bund and the established planting. The proposed development would therefore have no effect on the rights of way network.

Supporting Economic Development

56. Policy CSEM4 of the SOCS states that permission will be granted for, among other things, the reasonable extension of premises on existing sites. The application site is within the Chilterns AONB and so would not be reasonable if it were extending the current built area of the waste development site. However, the location of the site within the existing developed complex would not cause significant harm to the AONB and is therefore a reasonable extension in this case.
57. Policy CSEM4 of the SOCS also seeks to support economic development. The Grundon site is a significant local employer and additionally the waste management facility supports local industry and research centres that require the disposal of hazardous wastes from their processes. The extra storage space would provide greater flexibility and allow more efficient processing of the waste. This would support the local economy directly and indirectly.

Design

58. Policy CSQ3 of the SOCS seeks high quality design that responds positively and respects the character of the site and its surroundings. The proposed development includes the retention of a building which is used to store safety equipment. The building is of a simple pitched roof design with walls of brown coloured steel panels and a silver grey roof. The building is not visible outside the existing waste complex. Although it is not a building of high quality design, it is of a style that might be seen on farms in the area, and there is limited visibility from views in the AONB outside the waste site.

Other Issues

59. Relevant conditions from the permission for the new hazardous waste transfer station need to be attached to any permission given in order to ensure that there is consistency between the permissions. In addition a condition restricting the site to open storage related to the hazardous waste operation would clarify the permission given.

Conclusion

60. The permanent retention of the former hazardous waste transfer station would enable the current hazardous waste operation to work more efficiently. There would not be any significant loss to the visual amenity of the landscape, there would be no harm to local amenity, biodiversity, or the rights of way network. There would be a permanent loss of land from agricultural use within the AONB, and there would be no net gain in biodiversity. On balance I do not consider these to be sufficient reasons to refuse the application when weighed against the benefits brought by the hazardous waste facility with which it is closely associated.

Recommendation

61. It is **RECOMMENDED** that planning permission for application no. **MW.0025/18** be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

- 1) The development shall 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 comprise:

- Application form dated 16/03/2018
- Planning application supporting statement dated March 2018.
- Drawing no 3A 9740 – Lab Smalls Building plan and elevations.
- Drawing no DG/Est/EWE1/HWTS/Ext/01 – Location Plan
- Drawing DG/Est/EWE1/HWTS/Ext/02 – Application and Ownership Plan
- Drawing no DG/Est/EWE1/HWTS/Ext/03 – Site Plan.

- 2) The site shall be used only for storage related to the adjoining hazardous waste transfer station.

- 3) Operations authorised by this permission, including vehicles entering or leaving the site, shall only take place:

07: 00 to 18.00 Mondays to Fridays
07:00 to 13:00 Saturdays.

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

- 4) No mud or dust shall be deposited on the public highway.

- 5) No external lighting shall be erected on the site unless first approved in writing by the Waste Planning Authority. The lighting shall be implemented in accordance with the approved scheme.

- 6) **All vehicles, plant and machinery operated within the site shall be fitted with and use effective silencers.**
- 7) **The noise levels arising from the development shall not exceed 55 dB (LAeq) (1 hour), freefield at The Cottage and Goulds Grove Farm.**
- 8) **No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any vehicle owned or leased by the operator of the site, other than those which use white noise.**

SUSAN HALLIWELL
Director of Planning and Place

December 2018

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council take a positive and creative approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service. In this case the applicant did not take advantage of the opportunity. Any issues that occurred during the processing of the applications were raised with the applicant and this led to improvements rendering the development acceptable.

Objections on landscape grounds were raised late on in the process and the decision has been delayed to give the opportunity for the applicant and the objector to agree a scheme that would overcome the objection. Unfortunately, at the time of writing the report, that has not been resolved.

European Protected Species

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

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a. to impair their ability –
 - i. to survive, to breed or reproduce, or to rear or nurture their young, or

- ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b. to affect significantly the local distribution or abundance of the species to which they belong.
- 4. Damage or destruction of an EPS breeding site or resting place.

Our records, the habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species is likely to be present.

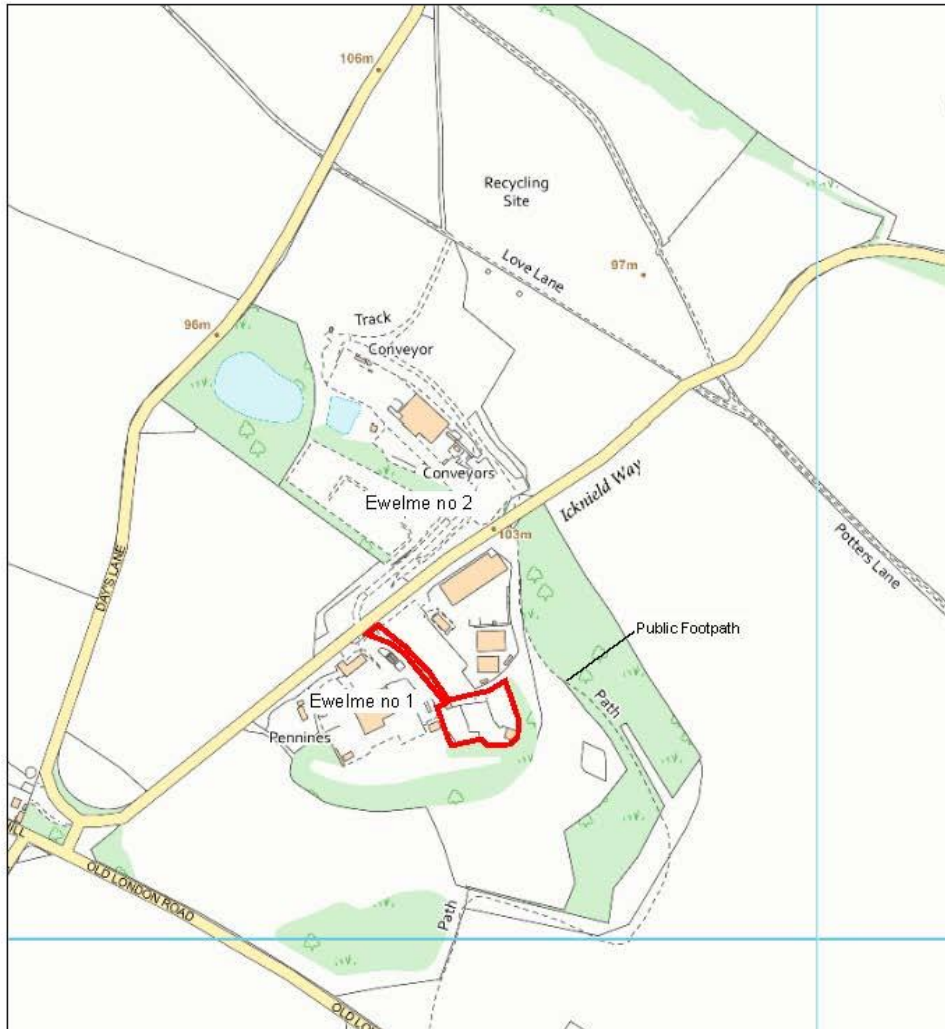
The mitigation measures detailed within previous applications are considered to be convincing and in your officers opinion will secure "offence avoidance" measures.

The recommendation:

Your officers consider that sufficient information has been submitted which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.



Application MW.0025/18 Ewelme Old Hazardous Waste Transfer Station



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Oxfordshire County Council

Author: Oxfordshire County Council

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PLANNING AND REGULATION COMMITTEE – 10 DECEMBER 2018

DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Application MW.0098/18: Planning Application under Section 73 of the Town and Country Planning Act 1990 (as amended) to continue the development permitted by permission no P16/V3191/CM (MW.0139/16) (for the progressive extraction of sand and gravel, importation of inert waste material with restoration to nature conservation and an agricultural reservoir) varying conditions 1, 20 & 23 and removing condition 21 to allow the development to be accessed via a temporary haul road in place of the existing required vehicle access route

Application MW.0099/18: Planning Application under Section 73 of the Town and Country Planning Act 1990 (as amended) to continue the development permitted by permission no P13/V2763/CM (MW.0124/13) (to retain and operate the processing plant and ancillary operations) without complying with by varying conditions 11, 12, 16 & 18 and removing conditions 17, 19 and 20 of to allow the development to be accessed via a temporary haul road in place of the existing required vehicle access route

Division Affected: Sutton Courtenay and Marcham

Contact Officer: Mary Thompson **Tel:** 07393 001 257

Location: Land adjoining Stonehill Lane, Oday Hill, Sutton Wick, Abingdon, OX14 4AA

Application Nos: MW.0098/18 **District Ref:** P18/V2129/CM

MW.0099/18 **District Ref:** P18/V2172/CM

Applicant: H Tuckwell & Sons Ltd

District Council Area: Vale of White Horse

Date Received: 17 August 2018

Consultation Period: 30 August – 20 September 2018

Contents:

- Part 1 – Facts and Background
- Part 2 – Other Viewpoints

- Part 3 – Relevant Planning Documents
- Part 4 – Analysis and Conclusions

Recommendation

The report recommends that the applications MW.0098/18 and MW.0099/18 be **approved**.

- Part 1 – Facts and Background

Location (see plan 1)

1. The wider Sutton Wick minerals complex is located approximately 800m north east of Drayton, 700m from the southern edge of Abingdon, 1.3km (0.8 mile) west of Culham and 1.4km (0.9 mile) northwest of Sutton Courtenay.

Site and Setting

2. Application MW.0098/18 relates to the Camas Land extraction area within the Sutton Wick complex of mineral workings. Much of the wider area has undergone sand and gravel extraction in the past and been restored. The Camas Land is split into a northern half and a southern half by Bassett Lane. To the east lies an area of past mineral working, now restored to pasture through infilling. The application site is generally level although it rises slightly towards the north east and is at a lower level than adjacent land to the west. It is surrounded by agricultural land. The southern part of the site contains an agricultural reservoir which would be replaced through the restoration.
3. There is a ditch and hedgerow along the northern boundary of the northern half of the site and another (Oday Hill Drain) along the western boundary of the whole area. The site is located in flood zone 3, the area of highest flood risk and frequently floods in winter.
4. The closest properties to the Camas Land include Willowdene, Fairdene and Oday Hill, immediately north west of the Camas Land extraction area. Two semi-detached houses, 7 and 9 Oday Hill, lie opposite on the other side of Stonehill Lane, approximately 100 metres north west of the north west corner of Camas Land. Stonehill Farm lies a further 350 metres north west along Stonehill Lane. There is a row of residential properties on Drayton Road, approximately 350 metres south of the site boundary.
5. There is a slope down from Stonehill Lane onto the flood plain where the Camas Land extraction area and plant site are located.

6. Application MW.0099/18 relates to the plant site area. This is also located within the wider Sutton Wick complex, approximately 150 metres north east of the Camas Land, immediately south of a sewage treatment works. There is an access into the eastern boundary of the plant site onto Peep O' Day Lane, which then links to Camas Land via Bassett Lane. Planning permission (MW.0010/18) is in place to construct a new haul road which would link the northern part of Camas Land with the plant site, using a new access through the plant site's western boundary, avoiding Peep O' Day Lane and Bassett Lane.
7. Peep O' Day Lane is a bridleway and Sustrans cycle route. It forms part of the Vale Way promoted route. Bassett Lane and Stonehill Lane are also bridleways.

Planning History

8. Planning permission for sand and gravel extraction at the Camas Land (MW.048/05) was granted on 18 March 2016. A Section 73 permission (MW.0139/16) was issued on 20 February 2017 to regularise development which had taken place without complying with the approved plans and conditions and the development is taking place under that consent. The permission allows 5 years for the extraction of mineral (until February 2022) and 8 years (until February 2025) for the completion of restoration using inert fill. The current application MW.0098/18 is a Section 73 application to further amend the conditions on this consent.
9. The plant site has a separate permission (MW.0124/13), issued on 23 March 2016 which allows the processing of mineral until 31 December 2025. The current application MW.0099/18 is a Section 73 application to amend the conditions on this consent.
10. Permission was granted in August 2018 (MW.0010/18) for the construction of a new temporary haul road to access the Camas Land and the plant site from Stonehill Lane without the need for vehicles to use Peep O' Day Lane or Bassett Lane, which are also used by pedestrians, cyclists and horse riders. This decision was made under delegated powers. The report is appended as Annex 4. Construction of the new haul road commenced on 11 October 2018.

Details of the Development

11. The current applications are necessary to regularise the use of the new road permitted under MW.0010/18 in relation to existing permissions MW.0139/16 and MW.0124/13, as these include conditions specifying that the previous access arrangements must be used.
12. The conditions on the consent for mineral extraction at the Camas Land and the use of the plant site currently state that the approved route from the plant site to the B4017 is via Peep O' Day Lane, Bassett Lane and Stonehill Lane. This is because the new haul route had not been proposed

at the time that those applications were determined. Therefore, the Section 73 applications submitted are necessary to amend the conditions on the Camas Land and the plant site consents so that the permitted new haul road can be used.

13. As traffic would now use the new haul road, rather than the previously approved route, the approved accesses into the north and south sections of the Camas Land from Bassett Lane would become a crossing point for vehicles to access the part of the Camas Land south of Bassett Lane, from the area to the north of Bassett Lane. An internal haul road would run within the Camas Land area to the new access point. This would be approximately 7 metres wide and would be removed when no longer required. This would delay the restoration of the affected parts of the Camas Land extraction area.
14. The new haul road permitted by MW.0010/18 would enter the Camas Land on its northern boundary. The haul road would then need to run through the Camas Land to reach extraction areas within the site and to reach the crossing point over Bassett Lane into the southern part of the site. The current permission for extraction at Camas Land includes progressive restoration. Therefore, the continued existence of the haul road through the northern part of the site, which would otherwise have been restored, requires changes to the approved plans.
15. Annex 1 shows the detail of the proposed changes to the conditions on the Camas Land consent and Annex 2 shows the detail of the proposed changes to the conditions on the Plant Site consent, required to ensure that the new haul road could be used as intended. The conditions on the existing consents are provided at Annexes 5 and 6.

• Part 2 – Other Viewpoints

Representations

16. MW.0098/18 – One representation raising objection has been received. This relates to impacts on a property located near the haul road and is concerned about noise and pollution impacts and states that at present lorries run to the front of the property only and at a suitable distance.
17. MW.0099/18 – Two representations raising objection have been received. These both relate to impacts on the same property located close to the haul road. They express concern about noise, odour, dust, impact on property value and subsidence.
18. All of the representations received relate to the proposal for a new haul road, which already has permission under MW.0010/18. There have been no comments specifically on the proposed changes to the existing conditions on the planning consents for extraction at the Camas Land or the mineral processing site. However, the objectors have stated that they were unaware of the application for the construction of the haul road.

19. The application for the haul road was publicised following usual procedures, including site notices, a newspaper advert and letters to the closest properties. This did include the property which the two objectors are concerned about.

Consultations

20. Applications MW.0098/18 and MW.0099/18 were both subject to consultation between 30 August and 20 September 2018.

Sutton Courtenay Parish Council

21. MW.0098/18 – No objection, it would be helpful to remove traffic from Peep O Day Lane.

Vale of White Horse District Council – Planning

22. MW.0099/18 – The District Council raises no objection but suggests that local residents' comments are taken into account.

23. MW.0098/18 – No response received.

Vale of White Horse District Council – Environmental Protection

24. MW.0098/18 – No objections or observations

25. MW.0099/18 - No observations or comments to make on this particular application regarding noise, dust or odour.

Environment Agency

26. MW.0098/18 - No objection to the variation of conditions to permit the use of the road.

27. MW.0099/18 – No objection.

Natural England

28. (MW.0098/18) – Responded, no comments.

Ramblers Association

29. (MW.0098/18) No objection. The haul road crosses a public footpath to Abingdon, which must be kept open at all times (including at night).

OCC Transport Development Control

30. (MW.0098/18 and MW.0099/18) No objections.

OCC Rights of Way

31. (MW.0098/18) Concern that the crossroad layout on Bassett Lane could cause safety issues for non-motorised users. A staggered junction would provide for lower speeds. Recommends physical speed control measures and signage on Bassett Lane. The new HGV access onto Stonehill Lane is welcomed as it will reduce HGV use of the bridleways. However, if possible separated provision for vehicles and non-motorised users should be provided all the way to the B4017.
32. (MW.0099/18) – The new HGV access onto Stonehill Lane is welcomed. However, if possible separated provision for vehicles and non-motorised users should be provided all the way to the B4017, with a diversion to provide for the bridleway away from the access road running in an adjacent field if necessary.
33. Further comments – the long route could be blocked by lockable bollards to prevent HGVs on the routes shared by non-motorised users.
34. *OCC Ecology Officer* – (MW.0098/18) No objection. Ecological assessment and measures secured in relation to application MW.0010/18 for the construction of a temporary haul road shall be implemented to ensure no protected species or habitat are impacted, including the undertaking of a Water Vole survey prior to any culverting/bridge works affecting the Oday Hill drain. The proposed internal haul road is located in the wildlife buffer zone, therefore details of compensatory planting and enhancements are required by condition.
35. *OCC Ecology Officer* – (MW.0099/18) No objections.

Part 3 – Relevant Planning Documents

Relevant Planning Policies – (see policy annex)

36. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
37. The relevant development plan documents are:
- The Oxfordshire Minerals and Waste Core Strategy 2031 Part 1 (OMWCS)
 - The Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) (saved policies)
 - The Vale of White Horse Local Plan 2011 (VLP 2011) saved policies
 - The Vale of White Horse Local Plan 2031 Part 1 (VLP1)

38. The Government's National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG) are material considerations in taking planning decisions.

39. The Vale of White Horse Local Plan 2031 Part 2 (VLP2) Publication Version was submitted to the Secretary of State for independent examination in February 2018. Therefore, although this document is not yet adopted it is a material consideration which can be given some weight.

Relevant Policies

40. The relevant development plan policies are:

- Oxfordshire Minerals and Waste Local Plan Core Strategy 2031 (OMWCS)
 - C1 Sustainable development
 - C5 Local environment, amenity and economy
 - C7 Biodiversity and geodiversity
 - C10 Transport
 - C11 Rights of Way
 - M2 Provision for working aggregate minerals
- Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996 (saved policies)
 - SW2 – Access to Sutton Wick area
 - SW3 – Stonehill Lane
 - SW4 – Rate of production in Sutton Wick area
- Vale of White Horse Local Plan (VLP 2011) (saved policies)
 - DC5 - Access
 - DC9 – Neighbouring amenity
- Vale of White Horse Local Plan 2031 Part 1 (VLP1)
 - Core Policy 1 – Presumption in favour of sustainable development

41. The relevant emerging plan policies are:

- Draft Vale of White Horse Local Plan 2031 Part 2 (VLP2)
 - Development Policy 16 (Access)
 - Development Policy 23 (Amenity)
 - Development Policy 25 (Noise)
 - Development Policy 26 (Air Quality)

Comments of the Director for Planning and Place

Mineral Working and Restoration

42. OMWCS policy M2 sets out the level of provision to be made for aggregate working through the plan period. The proposed changes to the conditions on the Camas Land and plant site consents would enable the use of the new haul road permitted under MW.0010/18 and, therefore, facilitate the extraction of sand and gravel from a permitted site which contributes towards achieving the figures set out in the policy. However, the mineral would still be extracted from the site under the original access arrangements currently permitted by the Camas Land and plant site consents if this application is not approved. Therefore, there is no conflict with, nor particular support from, OMWCS policy M2.
43. OMWCS policy M10 requires that mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. No change is proposed to the end date for restoration on the Camas Land or plant site. The presence of a haul road through the Camas Land site would affect the progressive restoration of the extraction in that area and extend the duration of landscape and visual impacts in the extraction area. However, the area of the site which would be affected by the haul road is relatively small and it is common at quarries for haul roads and conveyors to extend across areas which are otherwise restored. It is not considered that the presence of a haul road is contrary to the principles of progressive restoration. There would be a delay in achieving the biodiversity benefits of the restoration. However, there has been no objection from the Ecology Officer, subject to a condition for a scheme of ecological enhancements. Therefore, it is recommended that such a condition is added and subject to that the proposals are considered to accord with OMWCS policy M10.

Traffic and access

44. OMWCS policy C10 states that waste development will be expected to make provision for safe and convenient access onto the advisory lorry routes shown on the Oxfordshire Lorry Routes Map.
45. VLP 2011 policy DC5 states that proposals for development will only be permitted provided that safe and convenient access will be provided both within the site and to and from the highway network.
46. VLP2 development policy 16 states that proposals for development will need to demonstrate that adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning.
47. OMWLP policies SW2, SW3 and SW4 cover access arrangements for sand and gravel extraction in the Sutton Wick areas. Policy SW2 states that access will not be permitted into the B4016 between Drayton and Sutton Courtenay, or to south Abingdon via Peep O'Day Lane. Policy SW3

states that access will be via Stonehill Lane and particular attention will be paid to the needs of users of the lane. Policy SW4 states that because of access difficulties, future planning permissions will seek to limit the rate of production in the area.

48. There have been no objections from the OCC Transport Development Control team. The new haul road already has planning permission. The proposed changes to the conditions on the Camas Land and plant site consents would enable the new haul road to be implemented, which would provide a safe and convenient access, providing adequate provision for vehicles which would address the access difficulties in this area that OMWLP policies SW2, SW3 and SW4 sought to address. The proposed changes to conditions are therefore considered to accord with relevant development plan policy relating to transport and access.

Rights of Way

49. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and improvements and enhancements to the rights of way network generally encouraged.
50. The proposed changes to conditions would allow the use of the new haul road which would mean that HGVs travelling to and from the plant site would no longer need to use Bassett Lane and Peep O' Day Lane, which are used by the public for walking, cycling and riding thus reducing any conflicts, making these routes more attractive to other users and improving safety.
51. The rights of way team have commented that the crossing point on Bassett Lane could be dangerous and a staggered junction would be preferable. They have also asked for physical speed control measures on Bassett Lane. The applicant has responded that the crossing point over Bassett Lane is already in use and operates safely and that a staggered junction would introduce turning movements onto Bassett Lane which might, in itself, cause safety issues and would also require the removal of further hedgerow. Overall, it is not considered necessary for the crossing point to be replaced with a staggered junction as the crossing point is already approved under the existing consent.
52. The rights of way team have welcomed the new HGV access from the Camas Land and plant site onto Stonehill Lane, but commented that separated access for vehicles and non-motorised users should be provided all the way to the B4017. This is beyond the scope of this application as it has not been put forward by the applicant and is not necessary, as the existing permission for extraction at Camas Land allows HGV traffic to use Peep O' Day Lane, Stonehill Lane and Bassett Lane without any such restriction. The rights of way team have also suggested conditions for the current long route to the plant site to be blocked with lockable bollards. However, this is not considered feasible as other vehicles use this route, which are not associated with the quarry.

53. The proposals accord with policies relating to rights of way, including OMWCS policy C11.

Amenity

54. OMWCS policy C5 states that proposals for minerals development shall demonstrate that they will not have an unacceptable impact on the local environment, human health and safety, residential amenity and the local economy. This includes through noise, traffic, air quality, light pollution, visual intrusion, litter and the cumulative effect of development. VLP 2011 policy DC9 states that development will not be permitted if it would cause unacceptable harm to the amenities of neighbouring properties and the wider environment in terms of loss of privacy, visual intrusion, noise or vibration, dust, pollution or external lighting.
55. VLP2 policy 23 states that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses.
56. Noise is specifically covered by VLP2 development policy 25 which states that noise generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation. Development will not be permitted if mitigation cannot be provided to an appropriate standard.
57. VLP2 development policy 26 covers air quality and states that development proposals that are likely to have an impact on local air quality will need to demonstrate measures to minimise any impacts associated with air quality.
58. The proposed changes to conditions would enable the use of the new haul route which would mean that HGVs travelling to and from the plant site would no longer travel past the front of dwellings on Stonehill Lane. It is noted that the owner and occupier of one of the properties closest to the new haul road are concerned about potential adverse impacts on their amenity. At its closest point, the new haul road would run approximately 40 metres behind Willowdene. The existing lorry route passes directly in front of other properties on Stonehill Lane and approximately 20 metres from the front of Willowdene. Therefore, the use of the new road and the removal of quarry HGVs from Bassett Lane and Peep O' Day Lane, is considered to have amenity benefits. It would take HGVs further from properties and remove them from the Sustrans route and rights of way. It is acknowledged that the new road would be in addition to the existing road at the front of Willowdene. However, conditions would be used to ensure that the old route was not used for quarry traffic once the new road was in use. It is also acknowledged that the new road lies behind the property and that lorries would need to go up and down a relatively steep bank, which might be noisier than travelling along a flat road. However, amenity impacts were considered when determining the report for the new

road and there were no objections from the Environmental Protection Officer to the original application for the road, or for these applications to enable its use in connection with the quarry. Conditions were attached to the haul road consent to control noise levels and mitigate dust. The proposals included new tree planting to reduce visual impacts to Willowdene. These measures are considered sufficient to ensure that there would be no unacceptable adverse impacts from the use of this road.

59. Overall, the proposal is considered to accord with policies protecting local amenity. It is not anticipated that there would be significant adverse effects and it is likely that there would be improvements compared to the current situation.

Biodiversity

60. OMWCS policy C7 states that development should conserve and, where possible, deliver a net gain in biodiversity. The application states that the replacement and additional planting of trees and hedges would represent an increase in biodiversity.
61. Vegetation clearance is needed to connect the haul road through field boundaries into the Camas Land and the plant site. However, this was dealt with through the application for the new haul road. There would be a delay to the delivery of the biodiversity benefits of the Camas Land restoration, due to the presence of the internal haul route through to the Bassett Lane crossing point. However, there has been no objection to the applications from the Ecology Officer, subject to a condition requiring a scheme of ecological enhancements being attached to any permission granted to the Camas Land application. Subject to this condition, the development accords with OMWCS policy C7.

Sustainable Development

62. The NPPF contains a presumption in favour of sustainable development which has environmental, economic and social roles and this is reflected in OMWCS policy C1 and VLP1 core policy 1. OMWCS policy C2 states that applications for development should adopt a low carbon approach.
63. The proposed changes to the conditions would enable the consent for the alternative haul route to be implemented. This is shorter than the route that the consents currently require HGVs to take which would reduce the carbon emissions associated with the development. Subject to the conditions discussed above, it is considered that the proposals are supported by OMWCS policies C1 and C2 and VLP1 core policy 1.

Use of existing haul route

64. The advantages of the new haul route depend on the existing route via Stonehill Lane, Bassett Lane and Peep O'Day Lane no longer being used by HGVs travelling to and from the plant site. Therefore, it is important to

ensure that when conditions are modified to permit the use of the new haul route, they are also modified to prohibit the use of the existing route except in emergencies. Therefore, it would not be possible for both routes to be in operation at the same time. The proposed changes to the conditions can be seen at Annexes 1 and 2.

Conclusions

65. These applications are necessary to amend the conditions on existing consents to allow the recently approved new haul route to the mineral extraction area and plant site at Sutton Wick to be used. The new haul road already has permission and the proposed amendments to conditions to allow it to be used are considered to be in accordance with development plan policy relating to minerals, traffic, rights of way, amenity, biodiversity and sustainable development.

Recommendation

66. **It is RECOMMENDED that planning permission for:**

- (a) application MW.0098/18 be approved subject to the existing conditions on consent MW.0139/18, amended as set out in Annex 1 to this report;**
- (b) application MW.0099/18 be approved subject to the existing conditions on consent MW.0124/13, amended as set out in Annex 2 to this report.**

SUSAN HALLIWELL
Director for Planning and Place

December 2018

Annex 1**Proposed changes to conditions Camas Land consent MW.0098/18****Additional changes to conditions**

In addition to the changes proposed by the applicant, a further condition is needed requiring the applicant to confirm the date on which they cease using the old access arrangements and move over to the new ones. This is necessary to ensure that the other conditions are clear and enforceable as different provisions apply after the new road is in use. An additional condition is also required for a scheme of ecological enhancements, as requested by the Ecology Officer. It is also necessary to require an updated restoration plan as the currently approved plan does not show the presence of the new haul road through the extraction area.

Additional condition 1

Officer recommended wording: Within one week of the access arrangements shown on approved plan 18767-500-02 Rev A being brought into use, the Minerals Planning Authority shall be notified in writing of the date that those access arrangements were brought into use.

Additional condition 2

Officer recommended wording: No HGV traffic associated with this development shall use the haul road permitted under MW.0010/18 until a scheme of ecological enhancements to ensure a net gain in biodiversity has been submitted to and approved in writing by the Minerals Planning Authority. The approved scheme shall be fully implemented in accordance with the timescales set out within the approved scheme.

Additional condition 3

Officer recommended wording: The access arrangements shown on approved plan 18767-500-02 Rev A shall not be brought into use until a plan has been submitted to the Minerals Planning Authority and approved in writing showing the progressive restoration of extraction area taking into account the presence of the internal haul road.

Applicant proposed changes to conditions**Condition 1**

Current wording: The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application and as varied to planning permission no. MW.048/05 (DRA/3595/3-CM) except as modified by conditions of this permission. The approved plans and particulars comprise: [details listed]

Applicant proposed new wording: Save for references to the use of Bassett Lane and Peep O' Day Lane for access by HGVs 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. The approved plans and particulars comprise [details listed]

Officer comment: Slightly amended wording is recommended, as set out below. This is to ensure that the wording is concise and enforceable.

Officer recommended new wording: No development shall take place other than in complete accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise [details listed, also including plan 18767-500-02_Rev_A approved under MW.0010/18]

For clarity, references to the use of Bassett Lane and Peep O' Day lane as an access route in the approved documents and plans are superseded by the conditions on this consent, from the date that the new road shown on approved plan 18767-500-02 Rev A is brought into use as advised under condition [insert condition no]

Condition 20

Current wording: The surfacing of the plant access and the sections of Peep O' Day Lane, Bassett Lane and Stonehill Lane shown as within the application area on approved plan Boundaries of Camas Land Drawing no. 97033/C/A dated 05.09.2005 shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until the completion of site restoration and aftercare.

Applicant proposed new wording: The surface of the plant access and the sections of Stonehill and Bassett Lanes used by HGVs accessing the plant site and quarry shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until the completion of site restoration and aftercare

Officer comment: Slightly amended wording is recommended, as set out below. This is to ensure that the wording is concise and enforceable and that the condition refers to a plan so that it is clear which areas the condition relates to. It also ensures that until the new road is implemented, the current requirements are still in force.

Officer recommended new wording: The surfacing of the plant access and the sections of Peep O' Day Lane, Bassett Lane and Stonehill Lane shown as within the application area on approved plan Boundaries of Camas Land Drawing no. 97033/C/A dated 05.09.2005 shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until the completion of site restoration and aftercare. Following the date that the new haul road is brought into use, as advised under condition [insert condition no], this condition shall relate only to the section of Stonehill Road and the crossing point on Bassett Lane as shown on approved plan 97033/CO/1f Composite Operations Plan and the section of Stonehill Road between the new haul road junction and the B4017.

Condition 21

Current wording: No vehicles shall access the public highway from the site, or access the site from the public highway, other than using the approved route being the sections of Peep O' Day Lane, Bassett Lane and Stonehill Lane, onto the B4017, shown as within the application area on approved plan

Boundaries of Camas Land Drawing no. 97033/C/A dated 05.09.2005.

Applicant proposed change: It is proposed to delete condition 21.

Officer comment: It is considered that a condition is still required stating which route vehicles should take to access the Camas Land and Plant Site, to prevent a situation where both the new haul road and the originally permitted route are in use at the same time. It is also required to ensure that the existing arrangements remain in place until such a time that the new haul road is brought into use. It is proposed to amend condition 21 to read as below.

Officer recommended new wording: Until such a time that the new haul road permitted by MW.0010/18 has been brought into use and the Minerals Planning Authority notified in writing, no vehicles shall access the public highway from the site, or access the site from the public highway, other than using the approved route being the sections of Peep O Day Lane, Bassett Lane and Stonehill Lane, onto the B4017, shown as within the application area on approved plan Boundaries of Camas Land Drawing no. 97033/C/A dated 05.09.2005

Following the date that the new haul road is brought into use, as advised under condition [insert condition no], no vehicles shall access the public highway from the site, or access the site from the public highway, other than using the approved route as shown on approved plan approved plan 18767-500-02 Rev A

Condition 23

Current wording: No development shall commence until signage has been erected on the access road to warn HGV drivers of cyclists and other users of the route and also to inform cyclists and other users of the presence of HGVs. This signage shall be maintained for the duration of the development.

Applicant proposed change: No development shall commence until signage has been erected to warn lorry drivers and users of Bassett Lane of the crossing on Bassett Lane. Signage will be erected on Stonehill Lane if required at any time by the mineral planning authority

Officer comment: The proposed wording reflects the fact that Bassett Lane would no longer be used as the HGV route from the site and would only be a crossing point between the northern and southern sections of Camas Land extraction area. It should not be phrased as 'no development shall commence...' because the development has already commenced. This should be required prior to the use of the crossing point on Bassett Lane, to ensure safety.

Officer recommended new wording: No HGV traffic shall use the crossing over Bassett Lane shown on approved plan 97033/CO/1f Composite Operations Plan until signage has been erected to warn lorry drivers and users of Bassett Lane of the crossing on Bassett Lane. Signage shall be erected on Stonehill Lane if required at any time by the mineral planning authority.

Annex 2**Proposed changes to conditions Plant Site consent MW.0099/18****Additional changes to conditions**

Changes are also required to condition 2, which lists the approved plans, to ensure that the approved dust plan approved under the Camas Land consent and plan 18767-500-02 Rev A, originally approved under MW.0010/18, which shows the new haul road route, are referenced.

In addition to the changes proposed by the applicant, a further condition is needed requiring the applicant to confirm the date on which they cease using the old access arrangements and move over to the new ones. This is necessary to ensure that the other conditions are clear and enforceable as different provisions apply after the new road is in use.

Additional condition 1

Officer recommended wording: Within one week of the access arrangements shown on approved plan 18767-500-02 Rev A being brought into use, the Minerals Planning Authority shall be notified in writing of the date that those access arrangements were brought into use.

Applicant proposed changes to conditions**Condition 11**

Current wording: No vehicle shall exceed 25 kph on Stonehill Lane, Peep O' Day Lane or Bassett Lane.

Applicant proposed change: No vehicle shall exceed 25 kph on Stonehill Lane

Officer comment: The change is proposed because the use of Bassett Lane and Peep O' Day Lane will now be prohibited by other conditions and therefore it is not necessary to control speed limits on this road. However, the new haul road is not yet in place and there is likely to be a period of time between consents being issued further to these applications and the new haul route being operational. Therefore, it is recommended that the condition is not changed, in order to ensure that whilst in use as a haul route all roads are affected by the speed limits.

Officer proposed change – No change should be made to this condition.

Condition 12

Current wording: A scheme to minimise the emission of dust from the development hereby authorised shall be submitted to and approved in writing by the Mineral Planning Authority within 6 months of the date of this permission. Such a scheme shall include the water spraying of plant access and those sections of Peep O' Day Lane, Bassett Lane and Stonehill Lane shown as within the application area on approved plan 97033/PS/A, so as to suppress dust in periods of prolonged dry weather. Any scheme approved in writing by the Minerals Planning Authority shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturer's instructions for the duration of the permission.

Proposed new wording: The approved Dust Management Scheme dated March 2016 shall be implemented in full and the suppression equipment shall be maintained in accordance with the manufacturer's instructions for the duration of the permission

Officer comment: The dust scheme referred to was approved under the consent for the Camas Land extraction. It is now proposed to approve this for the plant site operations as well. The details contained within the scheme appear appropriate for the plant site. Therefore, the applicant's proposed wording is accepted.

Condition 16

Current wording: The surfacing of the plant access and the sections of Peep O' Day Lane, Bassett Lane and Stonehill Lane shown as within the application area on approved plan 97033/PS/A shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development.

Proposed new wording: The surface of the plant access and the section of Stonehill Lane which will continue to be used for access between the B4017 and the plant site shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the permission.

Officer comment: The condition should be retained as it is until the new haul road is in use. Reference to a plan needs to be added so it is clear which areas the condition is referring to after this time.

Officer proposed new wording: The surfacing of the plant access and the sections of Peep O' Day Lane, Bassett Lane and Stonehill Lane shown as within the application area on approved plan 97033/PS/A shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development. Following the date that the new haul road is brought into use, as advised under condition [insert condition no], this condition shall relate only to the crossing point on Bassett Lane as shown on approved plan 97033/CO/1f Composite Operations Plan and the section of Stonehill Road between the new haul road junction and the B4017.

Condition 17

Current wording: The means of access and haul roads shall not be other than as shown on approved plan 97033/PS/A and shall be maintained in a condition free of potholes and safe for cyclists for the duration of the development.

Applicant proposed change: It is proposed to delete this condition

Officer comment: A new condition is needed to set out what the means of access and haul road should be.

Officer proposed change: The means of access and haul roads shall not be other than as shown on approved plan 97033/PS/A and shall be maintained in a condition free of potholes and safe for cyclists for the duration of the development. Following the date that the new haul road is brought into use, as advised under condition [insert condition no], the means of access shall not be

other than as shown on approved plan approved plan 18767-500-02 Rev A and shall be maintained in a condition free of potholes and safe for cyclists for the duration of the development.

Condition 18

Current wording: The wheels and chassis of loaded vehicles leaving the site shall be sufficiently clean as to prevent the deposit of material onto the sections of Peep O' Day Lane, Bassett Lane and Stonehill Lane shown as within the application area on approved plan 97033/PS/A.

Applicant proposed new wording: The wheels and chassis of vehicles leaving the plant site shall be sufficiently clean as to prevent the deposit of material onto any public highway

Officer comment: Sections of the existing access route may not be public highway, but they do carry public rights of way and would continue to be used until the new haul route is in place. Therefore, the wording has been slightly amended as set out below.

Officer recommended new wording: The wheels and chassis of vehicles leaving the plant site shall be sufficiently clean as to prevent the deposit of material onto any public highway or any public rights of way.

Condition 19

Current wording: No materials, plant or temporary structures of any kind shall be deposited on or adjacent to Peep O' Day Lane that may obstruct the public from using the route

Proposed change: It is proposed to delete this condition

Officer comment: It is considered that this condition should remain as it is. Peep O' Day Lane would remain part of the access route until such a time that construction of the new haul road is complete and it is brought into use.

Condition 20

Current wording: No further works shall commence until a sign has been erected at the site exit, advising drivers to have due regard to users of the Sustrans Route and two additional signs have been erected on Peep O' Day Lane (20 metres to the north and south of the site exit), to warn users of the Sustrans route of HGVs. All three signs shall be maintained in good order for the duration of the development.

Applicant proposed change: It is proposed to delete this condition

Officer comment: The signs are still needed until such a time that the new haul road is brought into use. Therefore, the condition wording has been altered as set out below.

Officer recommended new wording: Signs shall be maintained in good order to at the site exit, advising drivers to have due regard to users of the Sustrans Route and on Peep O' Day Lane (20 metres to the north and south of the site exit), to warn users of the Sustrans route of HGVs, until such a time that the new haul road permitted by MW.0010/18 has been brought into use and the Minerals Planning Authority notified under condition

[insert condition no].

Annex 3

European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 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 consideration of the habitats within the site area indicate that European Protected Species are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations is necessary.

Compliance with National Planning Policy Framework

In accordance with 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. For example, in this case further information was provided about ecological impacts to address initial concerns raised by the Ecology Officer.

**Report for application MW.0010/18
Delegated Report**

Development Proposed:

Construction of new temporary haul road for existing mineral site

Division Affected: Sutton Courtenay and Marcham

Contact Officer: Mary Thompson **Tel:** 07393 001 257

Location: Land adjoining Stonehill Lane, Oday Hill, Sutton Wick, Abingdon, OX14 4AA

Application No: MW.0010/18 **District No:** P18/V0464/CM

Applicant: H Tuckwell & Sons Ltd

District Council Area: Vale of White Horse

Date Received: 13 February 2018

Consultation Period: 22 February – 15 March 2018

Contents:

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

Recommendation

The report recommends that the application (MW.0010/18) be **approved**

I consider that this application should be delegated to the Director for Planning and Place.

Reason for Delegation: No objections

- Part 1 – Facts and Background

Location (see plan 1)

1. The site is located approximately 800m north east of Sutton Wick and the edge of Drayton, 700m from the southern edge of Abingdon, 1.3km (0.8 mile) west of Culham and 1.4km (0.9 mile) northwest of Sutton Courtenay.

Site and Setting

2. The site is a corridor within an agricultural field which lies directly north of the Camas Land area of the Sutton Wick complex of mineral workings.
3. Much of the wider area has undergone sand and gravel extraction in the past and been restored.
4. The closest properties to the proposed new road include two semi-detached houses 7 and 9 Oday Hill. These properties are located approximately 50 metres from the proposed new access onto Stonehill Lane, on the other side of the road. The closest properties also include Willowdene, which lies approximately 35 metres south of the proposed route, and Fairview which lies south of Willowdene. The proposed haul road lies partly within flood zones 1 and 2 but predominantly within flood zone 3.

Planning History

5. Planning permission for sand and gravel extraction at the Camas Land (MW.048/05) was granted on 18 March 2016. A Section 73 permission (MW.0139/16) was issued on 20 February 2017 and the development is taking place under that consent. The permission allows 5 years for the extraction of mineral from the date of commencement which was notified as being 1 March 2016 and so (until 1 March 2022) and 8 years (until 1 March 2025) for the completion of restoration using inert fill.
6. The plant site has a separate permission (MW.0124/13), issued on 23 March 2016 which allows the processing of mineral until 31 December 2025 with completion of restoration by 31 December 2028.
7. The site is now known as Oday Hill Quarry.

Details of the Development

8. It is proposed to construct a new haul road connecting the processing plant site to Stonehill Lane. This would provide an alternative route for HGVs travelling to and from the processing plant site. At present HGVs travel from the B4017 along Stonehill Lane, Bassetts Lane and Peep O' Day Lane to reach the plant site to collect processed material worked from the quarry. This is a 2.1km route which passes a number of residential dwellings on Stonehill Lane. The proposed new route would also use

Stonehill Lane from the B4017 but would then cross agricultural fields, avoiding the dwellings, Bassets Lane and Peep O' Day Lane. This would cut the distance to 1.1km. There would also be a spur to provide a direct access from the new haul route into the current extraction area known as Camas Land.

9. The track would be 5 metres wide, which would allow HGVs to pass at a very slow speed.
10. It is proposed to incorporate stiles into the fence where public footpath no. 192/20/10 crosses the proposed track, to allow for pedestrian access and to erect warning signs to benefit pedestrians using the footpath crossing, and the lorry drivers accessing the quarry.
11. It is proposed that the new road would be constructed of natural gravels and not raised above existing ground levels. Approximately 10 willow trees would need to be removed to allow access into the existing plant site, it is proposed that at least 20 replacement willow trees would be planted along the Oday Hill Drain buffer, using cuttings from existing trees. There would also be a small new copse of fast growing trees to filter views from Willowdene. It is also proposed to plant the existing gappy hedge along Stonehill Lane with a thick hedge. Two new sections of bridge would be required to allow the road to cross over Oday Hill Drain on the plant site boundary and the boundary into the Camas Land. A culvert would also be provided for the Camas Land crossing.
12. The access would be fenced on the north side to prevent grazing cattle straying onto the track. The south side of the track would be a buffer to the ditch. There would be gates in the fence to the north to allow occasional grazing for management of the buffer area. There would be fencing on both sides of the track in the area closest to Stonehill Lane where a triangle of field is cut off. Gates would be included to allow grazing in the triangle.
13. It is proposed to strip soils from the footprint of the track. Originally, it was proposed to store these adjacent to the new access for use in restoration forming a low embankment (approximately 1.1m high) by the diagonal section of track closest to Stonehill Lane, which would reduce noise impacts at nearby properties. However, following an objection by the Environment Agency to storing this material in flood zone 3, the application was amended to propose that the soils are stored at the adjacent plant site until they are needed for restoration. This would be within flood zone 2.
14. The track would be temporary and following the cessation of use the track bed would be ripped and soils replaced and reseeded to allow incorporation back into the agricultural field. The applicant has applied for planning permission for 8 years.
15. The planning permission for quarrying at Sutton Wick includes restoration using imported inert materials. It is proposed that this material would

generally also be transported to the plant site via the proposed new haul road. It would then be processed to ensure that only suitable material was used before being taken to the extraction site for landfilling. However, there might be some circumstances where waste would go direct to the site without passing through the plant site.

16. The conditions on the consent for mineral extraction at Camas Land and the plant site currently require that the approved route from the plant site to the B4017 is via Peep O' Day Lane, Bassett Lane and Stonehill Lane. Therefore, should this application be approved, a Section 73 application would be required to amend the conditions on the Camas Land consent to ensure that the new haul route could be used. NB – There are other HGV users using the same route e.g. Cemex who would continue to be permitted do so regardless of the outcome of this application.

• **Part 2 – Other Viewpoints**

Representations

17. No representations have been received.

Consultation

18. The main consultation was held in February and March 2018. The application was amended in June 2018 to revise the location for storage of soils from the construction of the road. It was proposed to store these in the plant site rather than adjacent to the road. The Environment Agency, OCC Environmental Strategy and the Environmental Health Officer were consulted again on this amendment.
19. Drayton Parish Council – No response
20. Vale of White Horse District Council Planning – No objection.
21. Vale of White Horse District Council Environment Health – No objections (February 2018). No further comment (July 2018).
22. Environment Agency First response (15.05.18) – Object on the grounds of biodiversity and flood risk. Biodiversity – Object because the information supplied is inadequate regarding water voles. A further water vole survey should be carried out at the correct time of year and if they are found, appropriate mitigation is needed which might include changes to the bridge locations. Flood risk – object because the submitted Flood Risk Assessment is inadequate. Further details of the proposed bund are needed in order to understand whether it is located in flood zone 3. Further clarification is required regarding the width of the ecological buffer zone, this should be a minimum 10m between the haul road and the bank top of Oday Ditch. Welcome the proposal for clear space bridges rather than culverts for the two Oday Ditch crossings. Informative – an environmental permit may be required for proposed works affecting a main river. An

environmental permit may be required for spreading waste in the floodplain.

23. Environment Agency - Further response (07.06.18) Object on the grounds of inappropriate development in a flood zone and inadequate flood risk assessment (FRA). The application should be refused because it lies partly in flood zone 3b, the functional floodplain and the development is classified as 'less vulnerable'. The Planning Practice Guidance states that 'less vulnerable' development is not appropriate in flood zone 3b. Although the FRA states that it is in flood zone 1, the plan indicates that the proposed raised bund would be in flood zone 3b. It also appears to be outside of the application area. The FRA submitted does not form a suitable basis of assessment. It fails to demonstrate that the loss of flood plain storage can be mitigated for. The FRA uses an old climate change allowance, the latest should be used. This objection could be overcome if the applicant submits a FRA which covers the highlighted deficiencies and demonstrates that the development would not increase the risk of flooding. Clarification should be provided on how much material is being removed from the floodplain, how much is being introduced and how much flood plain storage would be reduced due to the bund. Level for level flood plain compensation should be provided and only if the FRA can demonstrate that this is not possible, other mitigation should be proposed. Provides advice on ensuring that fencing does not add to flood risk and the need for an environmental permit for works near watercourses designated as main rivers.
24. Environment Agency – Final response – no objection subject to conditions if the County Council is satisfied the development passes the sequential test and an informative that any fencing should be permeable.
25. Natural England – No response.
26. Historic England – No comments.
27. CPRE Oxfordshire – No objection. However, would like assurances that the new road will be completely removed and the land rehabilitated and not used for inappropriate commercial purposes in the future like Thrupp Lane. The carbon dioxide saving claim in the application is a thousand times overstated at a tonne per kilometre.
28. Sustrans – Final response – No objection as the new haul route would avoid the need to use Peep O Day Lane. Support the comments of the Rights of Way Officer regarding the surface of Peep O Day Lane.

Initial Response - Oppose the application as use of Peep O Day Lane by HGVs is not compatible with its function as a bridleway. HGVs will also cause undue damage to the bridleway surface and surrounding area, and spread mud and other material onto the path, posing additional danger and inconvenience to users.

29. OCC Transport Development Control – First response – Require vision splays and detailed dimensions of the road, prior to determination. Second response – No objection subject to a condition requiring a drawing to show suitable vision splays, in the interests of highway safety. Splays should be maintained for the life of the works. Support rights of way comments, particularly regarding the bridleway surface. Suggest an informative for the applicant to erect a sign advising drivers to turn right from the site access. Final response – no objection subject to maintenance of height of vegetation on the verge where the proposed haul road would meet Stonehill Lane.
30. OCC Rights of Way – No objection. Supportive of the applicant's desire to see heavy vehicles separated from users of the public rights of way and Sustrans cycle route. The proposed new access will cross a public footpath (Drayton Footpath 20) and the erection of suitable signs, for the benefit of both pedestrians and lorry drivers, is welcome. The proposal to install stiles either side of the access is unacceptable; these will instead need to be gates or kissing gates. Pedestrian access along the public footpath will need to be maintained during the construction of the access; if this is not possible then a Temporary Traffic Regulation Order will be required. Records suggest that there are two wooden stiles on Footpath 20 in close proximity to the new access, one where the footpath meets Stonehill Lane and the other at the Drayton / Abingdon parish boundary. Replacing these with gates or kissing gates would increase the accessibility of the footpath.

Stonehill Lane, Bassetts Lane and Peep O' Day Lane all carry public bridleways. We would like to see any damage to the surface of these routes, caused by extended periods of use by heavy vehicles, made good to a standard required by the Countryside Access Team.

31. OCC Archaeology - The proposed route of the temporary haul road is within an area of archaeological potential. There are a number of cropmarks to both the south and west. Cropmarks are visible, often from the air as marks in some types of growing or mature crops and in pasture when conditions are suitable. They are essentially the result of differential growth in vegetation due to the presence of archaeological features and outlines of them are visible within the crop. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of suitable conditions. The applicant has submitted a written scheme of investigation (WSI) for monitoring and recording but the document is specifically detailed for application MW0139/16 and does not refer to this current application. The applicant should submit a WSI that is specifically for this development, this can be dealt with through planning condition. Final response – happy with draft planning condition.

32. OCC Ecology Officer – First response – require further information to be submitted including site plans showing the 10m buffer and protective fencing, detailed design of the proposed two bridges, a plant and seeding schedule, details of the responsibilities of the ecological clerk of works and a restoration plan. Final response – No objection. The proposed bund should be shaped to feather into the ground to the south west of the track whilst still retaining noise mounding where the track passes the closest property. The final landform will need to be informed by the available material. Proposal to rely on the seedbank to revegetate spread soil is acceptable, with reseeded if this does not take place in a timely manner. Proposal for grazing in the buffer strip is acceptable. If the track needs to be widened to allow for vehicle passing places, this should occur on the northern side and not within the buffer strip. Suggests conditions to cover a water vole survey, landscaping scheme, tree removal as stated only, widening of track on north side only, appointment of a supervising ecologist.
33. OCC Arboricultural Officer – First response - further information required relating to all trees on site. Subsequently the applicant shall provide a BS 5837:2012 Trees in relation to design, demolition and construction report identifying all trees and outlining how the impact of the development to these trees.
34. OCC – Environmental Strategy – (covering Ecology and Landscape following the submission of additional information) – No objection, however further clarification is needed regarding the soil storage bund, the details provided are not consistent with the original application and landscape assessment. The bund should be shown on the layout plan to inform the landscape assessment and confirm that it can be located outside of the flood plain. It would be helpful to have fencing and farm/pedestrian gates shown on the site plan and further details of the management of the buffer zone. Soil should be planted to prevent loss in a flood and details provided of replacement soil. Suggests a minor amendment to the planting scheme. Maintenance regime should be specified on plan, including proposals for vegetation in the buffer zone/drain. Suggests conditions to cover water vole survey prior to culvert/bridge works, landscaping scheme, soil management proposals, no tree removal other than proposed, proposals for the management of vegetation in the buffer strip. Comments on amended application (05/07/18) – No objection to the change, the soils should be stored in a manner that maintained their productive capacity when replaced.
35. OCC Drainage/ Lead Local Flood Authority – No objections. The application states that the road would not be raised above existing ground levels, which seems to provide an acceptable solution to mitigate fluvial flood risk to external receptors and maintain floodplain storage. The proposed surface water rate and volume control strategy is acceptable and an appropriate allowance for climate change has been used in the calculations. It appears that the proposal would only have a minor effect on existing surface water infiltration/greenfield run-off characteristics.

Part 3 – Relevant Planning Documents

Relevant Planning Policies – (see policy annex)

36. Development should be decided in accordance with the Development Plan unless material considerations indicate otherwise.
37. The relevant development plan documents are:
- The Oxfordshire Minerals and Waste Core Strategy 2031 Part 1 (OMWCS)
 - The Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) (saved policies)
 - The Vale of White Horse Local Plan 2011 (VLP 2011) saved policies
 - The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
38. The Government's National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG) are material considerations in taking planning decisions.
39. The Vale of White Horse Local Plan 2031 Part 2 (VLP2) Publication Version was subject to a statutory publicity period in November 2017. Although this document is at not yet adopted it is a material consideration which can be given some weight. The weight that can be given is considered to be limited at this stage.

Relevant Policies

40. The relevant development plan policies are:
- Oxfordshire Minerals and Waste Local Plan Core Strategy 2031 (OMWCS)
 - C1 Sustainable development
 - C2 Climate change
 - C3 Flooding
 - C4 Water environment
 - C5 Local environment, amenity and economy
 - C7 Biodiversity and geodiversity
 - C8 Landscape
 - C9 Historic environment and archaeology
 - C10 Transport
 - C11 Rights of Way
 - M2 Provision for working aggregate minerals
 - Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996 (saved policies)

SW2 – Access to Sutton Wick area
 SW3 – Stonehill Lane
 SW4 – Rate of production in Sutton Wick area

- Vale of White Horse Local Plan (VLP 2011) (saved policies)
 - DC5 - Access
 - DC9 – Neighbouring amenity
- Vale of White Horse Local Plan 2031 Part 1 (VLP1)
 - Core Policy 1 – (Presumption in favour of sustainable development)
 - Core Policy 42 – (Flood risk)
 - Core Policy 44 (Landscape)
 - Core Policy 46 (Biodiversity)

41. The relevant emerging plan policies are:

- Draft Vale of White Horse Local Plan 2031 Part 2 (VLP2)
 - Development Policy 16 (Access)
 - Development Policy 23 (Amenity)
 - Development Policy 25 (Noise)
 - Development Policy 26 (Air Quality)
 - Development Policy 39 (Archaeology)

42. The Government's revised National Planning Policy Framework (NPPF) was published in July 2018. This is a material consideration in taking planning decisions. In July 2018 the national Planning Practice Guidance (NPPG) was also updated.

Comments of the Director for Planning and Place

Minerals Policy

43. OMWCS policy M2 sets out the level of provision to be made for aggregate working through the plan period. This proposal would facilitate the extraction of sand and gravel from a permitted site which contributes towards achieving the figures set out in the policy. However, the mineral would still be extracted from the site under the access arrangements currently permitted if this application is not approved. There is no conflict with, nor particular support from, OMWCS policy M2.
44. The application seeks planning permission for a temporary period of up to 8 years. OMWCS policy M10 requires that mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. This proposal would not affect the requirement under the existing planning permission for the Camas Land extraction to be restored by the end of February 2025.
45. The planning permission for the plant site requires cessation of mineral working by 31 December 2028 at the latest. Therefore, with a standard

condition requiring commencement of this development within three years of the date of planning permission, assuming permission is granted in August 2018, the 8 years proposed for the haul road could cover this period if it were to be commenced towards the end of that three years period. If it is commenced sooner then there may be a need at some future point for a further application to be made to extend the period of the planning permission but at this point in time it cannot be assumed that that will be necessary and no view can be expressed on the acceptability of such an application.

46. It is recommended that a condition is attached to any planning permission granted to ensure that the temporary haul road must be restored within 8 years of commencement of the development on completion of the restoration of the areas covered by the associated planning permissions whichever is earlier (please also see paragraphs 85 and 86 below).

Traffic and access

47. OMWCS policy C10 states that mineral and waste development will be expected to make provision for safe and convenient access onto the advisory lorry routes shown on the Oxfordshire Lorry Routes Map.
48. VLP 2011 policy DC5 states that proposals for development will only be permitted provided that safe and convenient access will be provided both within the site and to and from the highway network.
49. VLP2 development policy 16 states that proposals for development will need to demonstrate that adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning.
50. OMWLP policy SW2, SW3, and SW4 cover access arrangements for sand and gravel extraction in the Sutton Wick areas. Policy SW2 states that access will not be permitted into the B4016 between Drayton and Sutton Courtenay, or to south Abingdon via Peep O'Day Lane. Policy SW3 states that access will be via Stonehill Lane and particular attention will be paid to the needs of users of the lane. SW4 states that because of access difficulties, future planning permissions will seek to limit the rate of production in the area.
51. There has been no objection from the Transport Development Control team, subject to a condition requiring the maintenance of the height of vegetation to ensure satisfactory vision for the junction of the proposed new haul road with Stonehill Lane. They have also suggested an informative for signage informing drivers that there is no left turn on exiting the proposed new road. It is considered unlikely that vehicles would turn left as it is not a through road, however an informative can be added.

52. Therefore, subject to this, the proposal new haul road is considered to be a safe and convenient access, providing adequate provision for vehicles. The proposal addresses the access difficulties in this area that OMWLP policies SW2, SW3 and SW4 sought to address. The proposal is in accordance with OMWLP policy SW2 because there would be no new access onto the B4016 and Stonehill Lane would still be used for part of the route. There is no conflict with OMWLP policy SW4 which relates to limitations on the production rate and would be relevant to permissions for mineral extraction.
53. The proposal is considered to be in accordance with policies relating to traffic and access.

Rights of Way

54. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and improvements and enhancements to the rights of way network will generally be encouraged.
55. The proposed new route would mean that HGVs travelling to and from the plant site would no longer need to use Bassett Lane and Peep O'Day Lane, which are used by the public for walking, cycling and riding. The route would still be available to HGV users not visiting the plant site.
56. The rights of way team have welcomed the intention to remove traffic from the rights of way on the existing haul route and have not objected to the proposal but have requested conditions to ensure that the point where the footpath crosses the new haul road is provided with gates to allow pedestrian access, for warning signs to be erected for people and vehicles and that access to the footpath is not blocked during construction. They have also asked for two stiles on footpaths in the vicinity of the application to be replaced by gates or kissing gates to widen access and mitigate for the impact on the experience of using the footpath, due to the presence of HGVs in what is currently a green field and need to cross the haul route.
57. The applicant has agreed to the requests made by the rights of way team. To secure this, it is recommended that a condition is attached to any permission granted for implementation of the new gates and warning signage where the proposed haul road would cross the footpath. However, the existing stiles which the Rights of Way team has asked be replaced are not part of the application area nor shown as land in control of the applicant and so cannot be covered by a planning condition. Whilst these improvements may be desirable and the applicant may be willing to facilitate them, they are not necessary to make this development acceptable in planning terms and so I do not consider that they can be required through a condition. Subject to the gates and warning signs where the path would be crossed however, potential adverse impacts on the footpath are mitigated and the development offers an improvement

over the existing situation with regards to the bridleway and sustrans route on the existing haul route.

58. Sustrans have not objected to the application and they welcome the removal of these HGVs from Peep O' Day Lane. Their original concerns were withdrawn following clarification of the proposals.

59. The proposals are in accordance with policies relating to rights of way.

Amenity

60. OMWCS policy C5 states that proposals for minerals development shall demonstrate that they will not have an unacceptable impact on the local environment, human health and safety, residential amenity and the local economy. This includes through noise, traffic, air quality, light pollution, visual intrusion, litter and the cumulative effect 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. VLP 2011 policy DC9 states that development will not be permitted if it would unacceptable harm the amenities of neighbouring properties and the wider environment in terms of loss of privacy, visual intrusion, noise or vibration, dust, pollution or external lighting.

61. VLP2 development policy 23 states that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses.

62. Noise is specifically covered by VLP2 development policy 25 which states that noise generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation. Development will not be permitted if mitigation cannot be provided to an appropriate standard

63. VLP2 development policy 26 covers air quality and states that development proposals that are likely to have an impact on local air quality will need to demonstrate measures to minimise any impacts associated with air quality.

64. The proposed new route would mean that HGVs travelling to and from the plant site would no longer travel past the front of dwellings on Stonehill Lane. This would offer a clear benefit in terms of impacts on amenity in this respect. There is though the potential for additional impacts to the rear of Willowdene and Fairview who would be closer to the proposed haul road than to the working extent of the existing quarry to which they have a 100 metres buffer provided. The residents of these properties would have views towards it and would be more vulnerable to any noise or dust that may be generated. There has been no objection from the Environmental Health Officer or from the residents on Stonehill

Lane or the Parish Council. The overall impact on amenity would be reduced through the use of the proposed access track in comparison with the existing situation where lorries pass directly past the frontages of nos. 7 and 9 Oday Hill but the benefits in terms of visual impact and any noise or dust would be marginal for residents of Willowdene and Fairview. Any planning permission should be subject to conditions requiring the implementation of the existing dust management scheme and the noise limitation of 55 dB LAeq set out in the planning permission no. MW.0139/16 not being exceeded.

65. Overall, the proposal is considered to be generally beneficial in comparison with the current arrangement and is generally in accordance with policies protecting local amenity subject to conditions as set out above.

Biodiversity

66. OMWCS policy C7 states that development should conserve and, where possible, deliver a net gain in biodiversity. The application states that the replacement and additional planting of trees and hedges would represent an increase in biodiversity. VLP1 Core Policy 46 makes similar provision.
67. Initially, further information was needed about the proposals in terms of impacts on ecology. Once this was provided, the Environmental Strategy Officer confirmed that there was no objection, subject to conditions to cover, amongst other things, a survey for water voles and the appointment of a qualified ecologist to supervise the works. The Environment Agency also has no objection subject to a condition requiring the protection of water voles. Subject to these conditions, it is considered that the proposals are in accordance with OMWCS policy C7.
68. A tree survey was initially requested by the OCC Arboricultural Officer. The applicant provided further information confirming that there would be the loss of ten willow trees but that these would be replaced by 20 cuttings. The Environmental Strategy officer advised that the information submitted in relation to trees was sufficient and no further survey work was needed. Therefore, the development is considered to be acceptable in terms of impact on trees, subject to conditions to ensure that no other trees are removed and the replacement trees are planted (please also see paragraphs below).

Landscape

69. OMWCS policy C8 states that proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character. VLP1 core policy 44 states that 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 (amongst other things)

features such as trees, hedgerows, woodland, field boundaries and watercourses.

70. The development would require the removal of a number of trees. However, there are proposals to replant new trees to replace those removed and there has been no objection from the environmental strategy team. Subject to a condition requiring the implementation of a landscaping scheme, the development is considered to be in accordance with OMWCS policy C8.

Restoration

71. OMWCS policy M10 states that mineral workings shall be restored to a high standard and in a timely and phased manner to an after-use that is appropriate to the location and delivers a net gain in biodiversity. It lists a number of factors that must be taken into account. The development is temporary and proposals have been included for the restoration of the site to agriculture following the removal of the road. The restoration proposals would return the site to its current use as an agricultural field. This is considered to be appropriate and subject to conditions to ensure that this takes place, the proposals are considered to be in accordance with OMWCS policy M10.

Archaeology

72. OMWCS policy C9 states that development will not be permitted unless it is demonstrated that there will not be an unacceptable adverse impact on the historic environment.
73. VLP2 development policy 39 states that in areas of archaeological remains, the effect of a development proposal on the significance of the remains, either directly or indirectly, will be taken into account in determining the application. There is a presumption in favour of the avoidance of harm.
74. The archaeology team have noted that the site is in an area of archaeological potential, however they have not objected to the application, subject to the imposition of a conditions for a watching brief and provision of a final report. Therefore, subject to these conditions, the proposal is in accordance with OMWCS policy C9 and VLP2 policy 39.

Flooding and Water Environment

75. OMWCS policy C3 states that development will wherever possible take places in areas with the lowest risk of flooding. Where development takes place in an area of identified flood risk this should only be where alternative locations in areas of lower flood risk have been explored and discounted. VLP1 Core Policy 42 makes similar provision.

76. OMWCS policy C4 states that proposals for development will need to demonstrate that there would be no unacceptable adverse impact on groundwater.
77. A Flood Risk Assessment was submitted with the application.
78. The Lead Local Flood Authority team have confirmed that they have no objection to the application and the proposed surface water rate and volume control strategy is acceptable. They consider that the proposal to construct the road from natural gravel and not raise the road surface above existing ground levels would satisfactorily mitigate the flood risk and maintain floodplain storage.
79. The national Planning Practice Guidance sets out flood risk vulnerability classifications. The Environment Agency confirmed in their response that they consider the development of a new haul road to fall within the 'less vulnerable development' classification, which the NPPG states should not be permitted in flood zone 3b. Their final position is that, should it be considered that the sequential test is passed, that the development is acceptable on flood risk grounds subject to the following condition:

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) Addendum contained in document 'Hydrology Addendum' by Hafren Water dated 12/06/201 (author R Laker) and the following mitigation measures:

- 1. There shall be no raising of existing ground levels on the site.*
- 2. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change.*

Reason: *To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.*

80. Whilst the Environment Agency have stated that they consider the proposed haul route falls within the less vulnerable development classification, it could alternatively be argued that it is water compatible development. The development involves the stripping of the existing soils and the surfacing of the haul road with natural gravels not exceeding existing ground levels and its purpose is to facilitate improved access to a sand and gravel working. If it and the associated stripping and storage of soils had been proposed in the same terms as part of the application for approved sand and gravel working, then it would have been considered in that context as water compatible development and it would seem appropriate therefore to view this development as water compatible in that context.
81. In terms of the sequential test, the national planning practice guidance states that the area over which to apply the sequential test will be defined by local circumstances and also that a pragmatic approach to the availability of alternatives should be taken. As the permitted sand and gravel working lies within flood zones 2 and 3 including its existing

access arrangements, it is not practicable for any access to the site to be provided other than also at least partly within those flood zones. Similarly, the storage of the stripped soils could not practically be provided for outside those zones. The proposed haul road provides benefits over the use of that which is currently permitted and could not be provided for in an area of lesser flood risk. It is therefore considered that, taking the local circumstances into account and applying a pragmatic approach, the development does pass the sequential test.

82. The Environment Agency has also requested that an informative be provided that any fencing should be permeable to flood water. The applicant has proposed fencing to the northern side of the access track to prevent livestock from entering it and I also consider that a fence should be provided to the southern side to ensure that the 10 metres buffer to the Oday Hill Drain is protected. I therefore consider that a condition requiring fencing to be provided and maintained should be attached to any planning permission. I consider this can be combined with that requiring the provision of gates to the public footpath and the provision of warning signs as discussed above.
83. It is therefore considered that subject to the conditions requested, the development is in accordance with the aims of OMWCS policies C3 and C4 and VLP1 Core Policy 42.

Sustainable Development

84. The NPPF contains a presumption in favour of sustainable development which has environmental, economic and social roles and this is reflected in OMWCS policy C1 and VLP1 core policy 1. OMWCS policy C2 states that applications for development should adopt a low carbon approach.
85. The information submitted with the application states that the proposed new road would save 1km on every journey to or from the quarry, because the route is 1.1 km, and the existing route is 2.1km. They state that this would save 27 500km per year which would reduce the carbon dioxide emissions by 23 000 tonnes. This was subsequently corrected to 23 tonnes (or 23 000kg) following comments from CPRE Oxfordshire.
86. The proposal would clearly cut HGV miles associated with the quarry and therefore reduce carbon emissions. It is considered that the proposal is supported by OMWCS policies C1 and C2 and VLP1 core policy 1.

Use of existing haul route

87. The advantages of this scheme depend on the existing route via Stonehill Lane, Bassett Lane and Peep O' Day Lane no longer being used by HGVs travelling to and from the plant site and by HGVs travelling along it between the CAMAS land and the plant site. It clearly would not be satisfactory for the ground to be disturbed and the proposed haul road to be constructed and then not used.

88. Therefore, it is important to ensure that should this new road be constructed, the existing haul route along the Sustrans cycle route and the front of properties on Stonehill Lane is no longer used in association with the existing quarry and plant site. It is not considered that a legal agreement is necessary to achieve this as the existing consents for the plant site and Camas Land extraction limit the route taken by HGVs to the current haul route. Therefore, any planning permission granted to this application should be subject to conditions that the proposed new haul road could not be used until applications to amend the conditions on the plant site and Camas Land planning permissions had been submitted and approved such that they were then restricted to the new haul road for access and egress. Therefore, it would not be possible for both routes to be in operation at the same time. Such section 73 planning applications have now been submitted although not yet determined. Should for any reason such varied planning applications not be granted planning permission, a condition should be attached to any planning permission granted to this application requiring that the haul road then be removed and restored within one year of the date of commencement of the development.

Conclusions

89. The development is sustainable and subject to conditions as discussed planning permission should be granted.

Recommendation

It is RECOMMENDED that planning permission for application MW.0010/18 be approved subject to conditions as set out in Annex 1

SUSAN HALLIWELL
Director for Planning and Place

Signed ...*David Periam*... (Case Officer)
Date ...8th August 2018



Report approved by Director for Planning and Place
Date: 15th August 2018

Annex 1**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. The approved plans and particulars comprise:

Application form dated 27/11/2017

Amended supporting statement - Oday Hill Quarry Planning Application for a temporary access to Oday Hill Quarry, Sutton Wick 13/06/2018

Appendix 1 - WH Landscape Consultancy Ltd Landscape and Visual Report for proposed Access Track dated November 2017

Appendix 2 - AD Ecology Ltd Ecological Appraisal Final Report dated 31st October 2017

Appendix 3 - Dust Management Scheme Pursuant to condition 35 of planning permission MW.048/05 dated March 2016

Cotswold Archaeology Method Statement for an Archaeological Watching Brief dated December 2017

E-mail from John Salmon dated 23/03/2018

E-mail from John Salmon dated 08/08/2018

Hafren Water Flood Risk Assessment Report Reference: 2502/FRA Final Version F1 dated December 2017

Hafren Water Addendum to the Flood Risk Assessment - Response to Environment Agency letter, dated 7th June 2018 dated 12/06/2018

Location Plan Drawing no. 18767-10000-03 dated November 2017

Topographical Survey Drawing no. 18767-500-01 dated October 2017

Application Plan Drawing no. 18767-500-02 Rev A dated October 2017

Access Road Soil Storage Area REF: ODH-TSS-1-18.6.18

Reason: To ensure that the development is carried out as proposed.

2. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission. The date of commencement of the development shall be

notified to the mineral planning authority no later than seven days of the date of commencement.

Reason: In accordance with Section 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3. The temporary haul road hereby permitted shall not be used other than as the sole means of access/egress subject to both of the following developments:

i) any planning permission granted subject to different conditions for the extraction of minerals and importation of waste materials for restoration purposes pursuant to planning permission no. MW.0139/16 (P16/V3191/CM);

ii) any planning permission granted subject to different conditions for the operation of the processing plant and ancillary operations and the restoration of that site using wholly inert, uncontaminated naturally occurring material pursuant to planning permission no. MW.0124/13 (P13/V2763/CM).

Save for emergency purposes no other means of access to or egress from either of the developments listed above shall be used following the date of the first use of the haul road hereby permitted. Written notification of the date of first use of the haul road hereby permitted shall be provided to the Mineral Planning Authority no later than seven days following the date of first use.

Reason: To ensure that the stated amenity and highway safety benefits to other users of Peep O'Day Lane, Bassetts Lane and Stonehill Lane, including users of the Sustrans route, which provide support for the use of the haul road hereby permitted as being preferable to that permitted under planning permission nos. MW.0139/16 (P16/V3191/CM) and MW.0124/13 (P13/V2763/CM) are achieved through the removal of associated traffic from those routes (OMWCS policies C5 and C10).

4. The temporary haul road hereby permitted shall be removed and the site shall be fully restored in accordance with the details set out in the approved Amended supporting statement - Oday Hill Quarry Planning Application for a temporary access to Oday Hill Quarry, Sutton Wick 13/06/2018, the approved Appendix 1 - WH Landscape Consultancy Ltd Landscape and Visual Report for proposed Access Track dated November 2017 and the approved e-mails from John Salmon dated 23/03/2018 and 08/08/2018 no later than eight years from the date of commencement of the development as notified pursuant to the requirements of condition 2 or when no longer required as provided for pursuant to the requirements of condition 3 whichever is the earlier or one year from the date of commencement of the development should no further planning permissions have been granted as set out in

condition 3 i) and ii) above.

Reason: In view of the temporary nature of the development and to ensure that the site is satisfactorily restored (OMWCS policy M10).

5. The soils stripped for the construction of the temporary haul road hereby permitted shall not be stripped, handled and stored other than in accordance with MAFF's Good Practice Guide for Handling Soils. The soil shall not be stored other than in the location shown on the approved drawing Access Road Soil Storage Area REF: ODH-TSS-1-18.6.18. In the event that any soil is lost from site, replacement soil of a similar character to that stripped from the site, the details of the source, soil type and quantity of which shall first be submitted to and approved in writing by the Mineral Planning Authority shall be used to make good ground levels and the completion of site restoration pursuant to the requirements of condition 4.

Reason: In view of the temporary nature of the development and to ensure that the site is satisfactorily restored (OMWCS policy M10).

6. Prior to the construction of any culverts and bridging work, a water vole survey shall be undertaken during the optimum survey season between April and September, to inform the precise location and diameter of the culvert, width of bridges and construction of carriageway above them. The results of the survey along with any mitigation measures and the details of the location and construction of the culverts, bridges and carriageway over them shall be submitted to and approved in writing by the Mineral Planning Authority prior to any works being carried out for the construction of the culverts, bridges or carriageways over them. The approved details shall be implemented and maintained thereafter for the duration of the development.

Reason: to ensure that impacts to water voles and their habitats are minimised (OMWCS policy C7).

7. Prior to the commencement of the development including any site clearance a qualified supervising ecologist shall be appointed to provide an overseeing role during the construction and restoration phases of the project. He or she will ensure that agreed ecological inspections/surveys and mitigation and ecological monitoring, as described in the approved Appendix 2 - AD Ecology Ltd Ecological Appraisal Final Report dated 31st October 2017, are implemented. In addition, he or she shall provide a toolbox talk to contractors at the outset of the development (covering important ecological receptors, wildlife legislation, wildlife protection protocols and agreed mitigation, action in the event of finding a wildlife constraint and any other advice necessary to ensure compliance with all relevant national legislation and Regulations) as well as providing ongoing ecological advice for the duration of the development.

Reason: to ensure that ecological impacts including to water voles and otters and their habitats are minimised (OMWCS policy C7).

8. No trees or branches including those on the eastern boundary where the temporary haul road would access the plant site shall be removed other than as shown on Figure 3 of the approved Appendix 1 - WH Landscape Consultancy Ltd Landscape and Visual Report for proposed Access Track dated November 2017.

Reason: to ensure that ecological and landscape impacts including to local residents on Stonehill Lane are minimised (OMWCS policies C7 and C8).

9. The landscape planting scheme shown on Figure 3 of the approved Appendix 1 - WH Landscape Consultancy Ltd Landscape and Visual Report for proposed Access Track dated November 2017 as amended by the approved e-mail from John Salmon dated 08/08/2018 illustrating:

- a) species;
- b) size of plants;
- c) spacing of planting; and
- d) measures to be taken to protect the plants from damage;

• shall take place in the first planting season following the date of this planning permission and for the duration of the development any plants that die or fail to thrive shall be replaced with plants of the same species.

Reason: to ensure that ecological and landscape impacts including to local residents on Stonehill Lane are minimised (OMWCS policy C7).

10. If required to accommodate passing HGVs within the red line planning permission area, no widening of the haul road shall take place other than on the northern side of the haul road and no encroachment of vehicles or plant shall take place within the 10 metres buffer strip set out on approved Application Plan Drawing no. 18767-500-02 Rev A dated October 2017.

Reason: to ensure that ecological impacts including to water voles and otters and their habitats are minimised (OMWCS policy C7).

11. The development hereby permitted shall be carried out in accordance with the approved Hafren Water Addendum to the Flood Risk Assessment - Response to Environment Agency letter, dated 7th June 2018 dated 12/06/2018 and the following mitigation measures:

- i) There shall be no raising of existing ground levels on the site;
- ii) There shall be no storage of any materials including soil within the

1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change.

Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity (OMWCS policy C4).

12. No later than three months from the date of notification of the commencement of development in accordance with Condition 2 hereof a gated stock proof fence, permeable to the flow of flood water, shall be constructed alongside the access track as shall be necessary to prevent cattle straying on to the track, kissing gates shall be installed in the fence on Footpath 192/2010 on either side of the track and warning signs shall be erected at the kissing gates for the benefit of pedestrians warning of lorries crossing and on the temporary haul road to either side of the footpath warning lorry drivers of pedestrians crossing. These shall be fully implemented prior to first use of the haul road hereby permitted and shall be maintained for the duration of the development. The fencing, gates and signage shall be removed as part of the restoration of the site as required pursuant to condition 4.

Reason: to ensure that ecological and landscape impacts including to local residents on Stonehill Lane are minimised and the safety of users of public footpath no. 192/20/10 (OMWCS policy C7 and C11).

13. An Archaeological Watching Brief shall be carried out by Cotswold Archaeology in accordance with the approved Cotswold Archaeology's Method Statement for an Archaeological Watching Brief dated December 2017. A full report for publication shall be submitted to the Mineral Planning Authority within six months of the date of the commencement of the development as notified pursuant to condition 2.

Reason - To safeguard the recording of archaeological matters within the site (OMWCS policy C9 and the NPPF 2018).

14. Public footpath no. 192/20/10 shall not be obstructed and access along it shall be maintained throughout the periods of construction of the haul road and its removal and restoration.

Reason: to ensure that public footpath no. 192/20/10 remains accessible (OMWCS policy C7 and C11).

15. The grass verges where the haul road joins with Stonehill Lane shall be kept trimmed below a height of 600 mm for 33 metres along Stonehill Lane on both sides of the junction from the date of first use of the haul road hereby permitted as notified pursuant to condition 3 for the duration of the development.

Reason: In the interest of highway safety (OMWCS policy C10).

16. The development shall not be carried out other than in accordance with the approved Dust Management Scheme pursuant to condition 35 of planning permission MW.048/05 dated March 2016 in full for the duration of the development.

Reason: To ensure that there are no adverse amenity impacts as a result of dust (OMWCS Policy C5).

17. Noise levels from the use of the haul road hereby permitted in combination with those from any developments permitted by further planning permissions granted as set out in condition 3 ii) and iv) above, during hours of use shall not exceed the maximum levels below in the locations listed.
- | | | | | |
|-----------------|--------------------|-------|-------|-------|
| Willowdene | 55dB | LAeq, | 1 | hour |
| Fairview | 55 | dB | LAeq, | 1 |
| Stonehill | House | 55 | dB | LAeq, |
| Stonehill | Farm | 48 | dB | LAeq, |
| Metcalfe | Close | 55 | dB | LAeq, |
| Gilbourn's Farm | 55 dB LAeq, 1 hour | | | |

Reason: To protect the amenities of local residents (OMWLP PE18).

18. The haul road hereby permitted shall not be used by Heavy Goods Vehicles except between the following times:-
7.00 to 18.00 Mondays to Fridays
and
7.00 to 13.00 Saturdays.
No use of the haul road hereby permitted shall take place on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of local residents and users of Stonehill Lane (OMWCS Policy C5).

Informatives

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. For example, in this case further information was requested in relation to a number of topics, including the details of the soil storage bund and water vole surveys and the applicant provided these.

Highways Authority

Although there should be no reason for vehicles to only turn right from the haul road onto Stonehill Lane, if drivers for any reason do so, signage should be erected advising drivers that there is no left turn as it is not a through road.

Rights of Way

You have agreed by e-mail dated 26th February 2018 from John Salmon to replace the two existing stiles to either side of the proposed haul road with gates to facilitate better accessibility as requested by the Rights of Way team in their consultation response to the application. Please could you liaise with Arthur McEwan-James with regard to both these works and those required by condition 12.

Environment Agency

This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. An environmental permit for spreading the waste in the floodplain. <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Walls and fences can have a significant impact on the flow and storage of flood water, especially if they are constructed across a flood flow route. This can lead to higher levels of flood water on the upstream side of the fence or wall which will potentially increase the flood risk to nearby areas. Therefore walls and fences should be permeable to flood water. We recommend the use of post and rail fencing, hit and miss fencing (vertical slats fixed alternately on each side of horizontal posts) or hedging. If a solid wall is proposed there must be openings below the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change to allow the movement of flood water. The openings should be at least 1 metre wide by the depth of flooding and there should be one opening in every 5-metre length of wall.

Annex 2 - European Protected Species

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

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

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

Our records, the habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species is likely to be present.

The mitigation measures detailed within the survey are considered to be convincing and in your officer's opinion will secure "offence avoidance" measures.

The recommendation:

Sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

Annex 5**Existing conditions for MW.0139/16 (Camas Land)**

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application and as varied to planning permission no. MW.048/05 (DRA/3595/3-CM) except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application Form dated 8/11/2016
- Supporting Statement "Planning application to amend matters of quarry operational detail by variation of planning conditions and to provide a revised Phasing Plan." dated 31/10/2016
- Boundaries of Camas Land Drawing no. 97033/C/A dated 05.09.2005
- Composite Operations Plan Drawing no. 97033/CO/1f dated 24/10/2016
- Restoration Drawing No. 97033/C/R/2 dated 24/10/2016
- Illustrative Cross Sections Showing Reservoir Drawing No. 97033/CL/CS/1 dated 28/06/2016
- Flood Risk Assessment reference 1620/FRA-02 Version 2 (Hafren Water) dated October 2014 (including Appendix 1620/PC/01)
- Phase 2 Ecological Surveys document Final Document Revision 4 dated September 2015
- Sequential Test for Flood Risk – Addendum Report dated 28th April 2015
- Email dated 18th March 2015 from ECOSA regarding otters
- "Soil Movement Scheme to condition 18 and 41 of planning permission MW.048/05" dated January 2017
- "Design Brief for Archaeological Recording Action" dated 15th April 2016
- "Project Specification for an archaeological recording action" dated 15th April 2016
- "Road photograph record" dated April 2016
- "Dust management scheme pursuant to condition 35 of planning permission MW.048/05" dated March 2016
- Hafren Water letter dated 15th April 2016
- Monitoring and discharge locations during working - Drawing no. 1620/PC/01 Version 1 dated April 2016
- Restored site and long-term discharge arrangements - Drawing no. 1620/PC/02 Version 1 dated April 2016
- Badger Survey (letter from Jonathan Adey of AD Ecology Ltd) dated 8th March 2016
- Ecological Management and Habitat Restoration Plan dated 16th November 2016
- Remedial Management Plan dated 23/01/2017
- "Tree, Hedgerow and Watercourse Protection Scheme pursuant to condition 50 of planning permission MW.048/05" dated October 2016

Reason: To ensure that the development is carried out as proposed.

2. The development to which this permission relates shall be begun not later than 18th March 2019.

Reason: In accordance with Sections 73 (5), 91 to 95 of the Town and County Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3. Extraction of minerals shall cease by the date 5 years from the date of the implementation of this consent. Deposit of waste shall cease by the date 7 years from the date of the implementation of this consent. All buildings, plant and machinery to which this permission relates shall be removed and restoration shall be completed by the date 8 years from the date of the implementation of this consent.

Reason: To ensure that appropriate restoration takes place within a reasonable timescale (OMWLP PE13).

4. Written notice of the implementation of this consent shall be provided to the Minerals Planning Authority within 14 days of that implementation.

Reason: So that condition 3 is enforceable, in order to ensure that appropriate restoration takes place within a reasonable timescale (OMWLP PE13).

5. Notwithstanding the provisions of parts 7 Class L and 27 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order amending, replacing or re-enacting that amended Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without planning permission from the Mineral Planning Authority.

Reason: To protect the amenities of the area. (OMWLP PE18)

6. No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, shall be carried out at the site except between the following times:-

7.00 to 18.00 Mondays to Fridays

and

7.00 to 13.00 Saturdays.

No operations other than water pumping and environmental monitoring shall take place on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of local residents and users of Stonehill Lane, Bassetts Lane and Peep O' Day Lane (OMWLP PE18).

7. Mineral extracted from the proposed site shall only be processed at the site marked 'plant site' shown on approved plan Boundaries of Camas Land Drawing no. 97033/C/A dated 05.09.2005.

Reason: To ensure that the development is carried out as proposed and the mineral is not transported further than necessary for processing, in the interests of sustainability (OWMLP PE18).

8. A copy of this permission and the approved plans showing the method and direction of working, infill and restoration shall be displayed in the operator's site office at all times during the life of the site. Any subsequent approved amendments shall also be displayed.

Reason: To ensure that the development is carried out as approved (OMWLP PE18).

Production Limit

9. No more than 200 000 tonnes of mineral shall be exported from the site in any 12 month period.

Reason: Due to the access difficulties in the area (OMWLP SW4).

10. From the date of implementation of this permission, the operator shall maintain records of the quantities of mineral worked and exported from the site. These records shall be made available to the Minerals Planning Authority within 14 days of a request for them to be provided.

Reason: To ensure the enforceability of condition 9, due to the access difficulties in the area (OMWLP SW4).

Soils

11. Soil movement operations shall not be carried out other than in dry weather conditions when the full volume of soil is in a dry and friable condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty.

Reason: To minimise adverse effects on the soil structure (OMWLP PE18)

12. No vehicle movements over soil shall take place except for the express purpose of soil stripping or replacement operations and then only when the soils are in a dry and friable condition.

Reason: To minimise adverse effects on the soil structure (OMWLP PE18).

13. Topsoil and subsoil shall be separately stripped to their full depth and shall wherever possible be immediately re-spread in their correct sequence to the same settled depth. If this immediate re-spreading is not practicable the topsoil and subsoil shall be stored separately for subsequent replacement.

Reason: To minimise structural damage and compaction of the soils and to aid the restoration of the site (OMWLP PE13).

14. All bunds for the storage of soils shall conform to the following criteria:

- a) Topsoils, subsoils and subsoil substitutes shall be stored separately.
- b) Where continuous bunds are used dissimilar soils shall be separated by a third material
- c) Topsoil bunds shall not exceed 3 metres in height and subsoil (or subsoil substitute) bunds shall not exceed 5 metres in height.
- d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds. Reason: To ensure restoration of a high quality can be achieved (OMWLP PE13).

15. All storage bunds intended to remain in situ for more than 6 months or over the winter period shall be grassed over and kept weed free.

Reason: To ensure restoration of a high quality can be achieved. (OMWLP PE13)

16. All stones and other materials in excess of 15 cm in any dimension shall be picked and removed from the site prior to final restoration.

Reason: To ensure restoration of a high quality can be achieved (OMWLP PE13).

17. No soils shall be stripped in any phase, or part phase other than in accordance with the approved "Soil Movement Scheme to condition 18 and 41 of planning permission MW.048/05" dated January 2017 and the approved Remedial Management Plan dated 23/01/2017. No development shall take place other than in full accordance with the approved scheme.

Archaeology

18. No development shall be carried out other than in accordance with the watching brief set out in the approved Design Brief for Archaeological Recording Action and the approved Project Specification for an archaeological recording action. The watching brief shall be carried out in full accordance with the approved documents.

Reason - To safeguard the recording of archaeological matters within the site in accordance with paragraph 136 of the NPPF (2012).

19. No development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Minerals Planning Authority, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

Reason - To safeguard the recording of archaeological matters within the site in accordance with paragraph 136 of the NPPF (2012).

Access

20. The surfacing of the plant access and the sections of Peep O' Day Lane, Bassett Lane and Stonehill Lane shown as within the application area on approved plan Boundaries of

Camas Land Drawing no. 97033/C/A dated 05.09.2005 shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until the completion of site restoration and aftercare.

Reason: In the interests of highway safety and safeguarding the local environment (OMWLP PE18).

21. No vehicles shall access the public highway from the site, or access the site from the public highway, other than using the approved route being the sections of Peep O Day Lane, Bassett Lane and Stonehill Lane, onto the B4017, shown as within the application area on approved plan Boundaries of Camas Land Drawing no. 97033/C/A dated 05.09.2005.

Reason: In the interests of highway safety and safeguarding the local environment (OMWLP PE18)

22. There shall be no storage of plant, and no mud or debris shall be deposited, on the public highway or on the access road to the public highway, as shown on approved plan Boundaries of Camas Land Drawing no. 97033/C/A dated 05.09.2005.

Reason: In the interests of highway safety (VLP DC5).

23. No development shall commence until signage has been erected on the access road to warn HGV drivers of cyclists other users of the route and also to inform cyclists and other users of the presence of HGVs. This signage shall be maintained for the duration of the development.

Reason: In the interests of the safety of other users of the access road (VLP DC5).

24. No mineral extraction shall take place until signage has been erected on the access road advising drivers that the maximum speed on the access road is 10 mph. Signage shall thereafter be maintained for the duration of the development.

Reason: In the interests of the safety of other users of the access road (VLP DC5)

25. The approved road photograph record shall be updated on an annual basis for the duration of development and an updated record submitted to the Minerals Planning Authority in writing within 14 days of the record being created.

Reason: in order to identify any future damage to the public highway as a result of turning vehicles, in the interests of highway safety (VLP DC5).

Deposit of Waste

26. Nothing other than uncontaminated inert waste and inert restoration materials shall be deposited at the site.

Reason: To prevent pollution and landfilling of recyclable wastes (OMWLP PE18).

27. There shall be no recycling of waste on the site and no inert waste or inert restoration materials shall be taken off-site.

Reason: To ensure the development and restoration is carried out as proposed and there is not an unacceptable increase in vehicle movements (OMWLP PE18).

Noise

28. Noise levels during working hours shall not exceed the maximum levels below in the locations listed.

Willowdene 55dB LAeq, 1 hour

Fairview 55 dB LAeq, 1 hour

Stonehill House 55 dB LAeq, 1 hour

Stonehill Farm 48 dB LAeq, 1 hour

Metcalfe Close 55 dB LAeq, 1 hour

Gilbourn's Farm 55 dB LAeq, 1 hour

Reason: To protect the amenities of local residents (OMWLP PE18).

29. Notwithstanding condition 28, noise levels for temporary working, such as bund formation and initial soil stripping, shall not exceed 70 dB LAeq, 1 hour at any of the locations below:

Willowdene

Fairview

Stonehill House

Stonehill Farm

Metcalfe Close

Gilbourn's Farm

Temporary working shall not be carried out for more than a total of 8 weeks in any calendar year. Records of the dates of temporary working operations shall be kept and made available for inspection by the Minerals Planning Authority within 7 days of such a request being made.

Reason: To protect local residents from noise intrusion (OMWLP PE18).

30. Within 3 months of the commencement of the development, the operator shall undertake noise monitoring and submit a noise monitoring result report to the Minerals Planning Authority within 14 days of the monitoring. Further noise monitoring shall take place at least annually for the duration of extraction operations, and additionally following the receipt of a justified complaint and the

noise monitoring results report shall be submitted to the Minerals Planning Authority within 14 days of each period of monitoring. The noise monitoring results report shall include details of the noise monitoring methodology which shall provide for:

- (i) Attended measurements by a competent person of LAeq 5 minute noise levels over 1 hour at each of the monitoring locations identified in condition 30;
- (ii) Details of equipment proposed to be used for monitoring;
- (iii) Monitoring during typical working hours with the main items of plant and machinery in operation;
- (iv) The logging of all weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including 'phased out' extraneous noise events.

Reason: To enable the effects of the development to be adequately monitored during the course of the operations (OMWLP PE18).

31. No soil stripping or mineral extraction shall take place within 100 metres of any dwelling.

Reason: To protect local residents from noise intrusion (OMWLP PE18)

32. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on any mobile plant except those that use white noise, or in accordance with details as may be submitted to and approved in writing by the Minerals Planning Authority.

Reason: To protect local residents from noise intrusion (OMWLP PE18).

33. Dewatering pumps shall not be situated within 200 metres of any dwelling.

Reason: To protect local residents from noise intrusion (OMWLP PE18).

Dust

34. The development shall not be carried out other than in accordance with the approved "Dust management scheme pursuant to condition 35 of planning permission MW.048/05" dated March 2016 in full for the duration of the development.

Reason: To ensure that there are no adverse amenity impacts as a result of dust (OMWLP PE18).

Water Environment

35. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Reference 1620/FRA-02 Version 2 (Hafren Water) October 2014) (including Appendix 1620/PC/01) dated October 2014 and the following mitigation measures detailed within the FRA:

- No excavated material shall be stockpiled or stored in Flood Zone 3, except within the area of excavation where it may be stored below surrounding (pre-excavation) ground level.
- No excavation or storage of materials shall take place with 16 (sixteen) metres of the Oday Ditches (main river).

Reason: To prevent the increased risk of flooding by avoiding the loss of floodplain storage and retaining maintenance access to along the watercourses around the site. (OMWLP PE7)

36. No development shall be carried out other than in accordance with the approved surface water drainage scheme for the site set out in the approved Hafren Water letter dated 15th April 2016, the approved Monitoring and discharge locations during working - Drawing no. 1620/PC/01 Version 1 dated April 2016, the approved Restored site and long-term discharge arrangements - Drawing no. 1620/PC/02 Version 1 dated April 2016 and section 3 and Appendix 1620/FRA-02/A10 of the approved Flood Risk Assessment reference 1620/FRA-02 Version 2 (Hafren Water) dated October 2014.

Reason: To prevent the increased risk of flooding by avoiding an increase in the rate and volume of water leaving the site (OMWLP PE7).

37. No development shall be carried out other than in accordance with the approved scheme detailing the bank and bed profile of the proposed agricultural reservoir, its hydrological regime and its connection with the existing watercourse network set out in the approved Hafren Water letter dated 15th April 2016, the approved Illustrative cross-sections

- of existing and restored reservoirs Drawing No. 97033/CL/CS/1 dated 28/06/2016 and Appendix 1620/FRA-02/A10 of the approved Flood Risk Assessment reference 1620/FRA-02 Version 2 (Hafren Water) dated October 2014 and the approved Ecological Management and Habitat Restoration Plan dated 16th November 2016 shall be fully implemented and no work shall take place other than in accordance with the approved plan.

Reason: To ensure that the detailed restoration for the site is suitable and contributes towards the protection of priority habitats (OMWLP PE4).

38. No development shall be carried out other than in accordance with the approved scheme detailing the working method statement for the construction of the shallow recharge trenches and the lining of the gravel faces, to reduce groundwater ingress during excavation set out in the approved Hafren Water letter dated 15th April 2016 and the approved Monitoring and discharge locations during working - Drawing no. 1620/PC/01 Version 1 dated April 2016.

Reason: In order to mitigate the potential for contaminated waters from the adjacent landfill being drawn into the excavations (OMWLP PE4).

39. No development shall be carried out other than in accordance with the approved scheme to secure de-watering of the site set out in the approved Hafren Water letter dated 15th April 2016 and the approved Monitoring and discharge locations during working - Drawing no. 1620/PC/01 Version 1.

Reason: To ensure that there is no adverse change in flows or levels in groundwater beneath the site or any rivers, streams, ditches, springs, lakes or ponds in the vicinity, which would impact upon water quality. (OMWLP PE4)

40. No soil storage bunds shall be constructed other than in accordance with the approved "Soil Movement Scheme to condition 18 and 41 of planning permission MW.048/05" dated January 2017 and the approved Remedial Management Plan.

Reason: To ensure that soils storage does not impede flood flows (OMWLP PE7)

Biodiversity

41. No works of site clearance or development shall be carried out other than in accordance with all the recommendations in the Ecological Management and Habitat Restoration Plan dated 16th November 2016.

Reason: to ensure the protection of flora and fauna and to ensure that the development does not result in the loss of biodiversity in accordance with OMWLP PE14 and NPPF paragraphs 9, 109 and 118.

42. If at any time during the course of the development, badgers are present closer to the site than in the approved badger survey (letter from Jonathan Adey of AD Ecology Ltd) dated 5th March 2016, then an updated survey which shall include details of any population present, potential impacts and how impacts will be avoided and mitigated, compensation and enhancement measures shall be carried out and submitted to and approved in writing by the Mineral Planning Authority. No works shall be carried out other than in accordance with the Ecological Management and Habitat Restoration Plan dated 16th November 2016. Reason: to ensure the protection of species as surveys are valid for 12 months and to ensure the development is in accordance with Oxfordshire Minerals & Waste Local Plan (1996) PE14 and NPPF paragraphs 9, 109 and 118.

43. If any of the four phases of development hereby approved do not commence (or, having commenced, is suspended for more than 12 months) within two years of the most recent ecological surveys that have been submitted to and approved in writing by the Minerals Planning Authority, the ecological measures secured through Conditions 1, 41 and 42 shall be reviewed and, where necessary amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected species, UK Priority Species and UK Priority Habitats and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Minerals Planning Authority prior to the commencement of each phase of the development. Works shall then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: to ensure the protection of biodiversity and to ensure the development is in accordance with Oxfordshire Minerals & Waste Local Plan (1996) PE14 and NPPF paragraphs 9, 109 and 118.

44. The site shall be restored in accordance with the approved Restoration Drawing No. 97033/C/R/2 dated 24/10/2016. No works shall be carried out other than in accordance with the approved Drawing.

Reason: to ensure the protection of species and that the site is restored and managed appropriately in accordance with Oxfordshire Minerals & Waste Local Plan policies PE13 and PE18 and to ensure the development results in biodiversity enhancement in accordance with NPPF paragraphs 9, 109 and 118.

45. Immediately prior to soil stripping, the area to be stripped shall be surveyed by a registered ecologist to confirm that there are no breeding birds, reptiles or other protected species on site. If breeding birds are found soil stripping will not start until the ecologist has confirmed that the birds have fledged and work may proceed. If reptiles are found no soil stripping shall commence until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Minerals Planning Authority. The Strategy shall identify how the reptiles will be

translocated from the site and the site will be kept unsuitable to prevent them returning. No works shall be carried out other than in accordance with the reptile Mitigation Strategy.

Reason: to ensure the protection of species and that the site is restored and managed appropriately in accordance with OMWLP policies PE13 and PE18 and to ensure the development results in biodiversity enhancement in accordance with NPPF paragraphs 9, 109 and 118.

46. No works of site clearance or development shall commence except in accordance with the approved Composite Operations Plan Drawing no. 97033/CO/1f dated 24/10/2016. Specifically:

- The site shall be divided into approximate quarters and extraction shall proceed in each quarter as a separate phase;
- Restoration shall commence for each quarter once extraction has been completed in that quarter;
- Only one phase of the site shall be extracted at any one time;

No single phase shall take longer than 3 years from site clearance of that phase to completion of extraction in that phase, to avoid excessive disturbance to species on the site. The applicant shall inform the Minerals Planning Authority in writing of commencement of site clearance of each phase and of completion of extraction of each phase.

Reason: To ensure that flora and fauna are protected from the effects of development in accordance with Oxfordshire Minerals & Waste Local Plan policy PE3 and PE10 and to ensure the development does not result in a loss of biodiversity in accordance with OMWLP PE14, SODC Core Strategy policy CSB1 and NPPF paragraphs 9, 109 and 118.

47. Buffer zones shown on the approved Composite Operations Plan Drawing no. 97033/CO/1f dated 24/10/2016 shall be a minimum of 5 metres (except where a greater distance is needed in line with other conditions) and a minimum of 16 metres along the Oday Ditch main river including to the west and north of the site as set out in the approved Ecological Management and Habitat Restoration Plan dated 16th November 2016. Post and wire fencing shall be erected to protect these areas. No access, storage of materials, vehicles or access by site personnel shall take place within the buffer zones.

Reason: To ensure the protection of habitat and species from the effects of development and that the development does not result in a loss in biodiversity in accordance with Oxfordshire Minerals & Waste Local Plan policy PE3, PE5, PE10 and PE14 and NPPF paragraphs 9, 109 and 118.

48. No development shall be carried out other than in accordance with the approved "Tree, Hedgerow and Watercourse Protection Scheme pursuant to condition 50 of planning permission MW.048/05". Post and wire fencing in each phase shall be erected, retained and maintained prior to site clearance throughout the period that the phase is being worked for minerals extraction until all plant, equipment and surplus materials have been removed from the phase. Nothing shall be stored or placed in the area protected and the ground levels within these areas shall not be altered. Upon completion of restoration in each phase the fencing shall be removed off site.

Reason: To ensure that flora is protected from the effects of development in accordance with OMWLP policies PE3 and PE10 to ensure the development

does not result in a loss of biodiversity in accordance with OMWLP PE14 and NPPF paragraphs 9, 109 and 118.

49. The existing trees, bushes and hedgerows within the site, as shown on approved Composite Operations Plan Drawing no. 97033/CO/1f dated 24/10/2016 shall be retained and shall not be felled, lopped, topped or removed in areas outside the current or succeeding phase of development. Any such vegetation removed without consent, dying, being severely damaged or seriously diseased shall be replaced with trees or bushes of the same size and species, in the planting season immediately following such occurrences.

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

50. A suitable means of escape for mammals must be present at all times for all excavations allowing access to ground level. Any excavations within or outside the main extraction area (e.g. trial pits or similar small excavations) shall be suitably profiled or ramped, or covered or backfilled overnight to minimise the risk of badgers being inadvertently killed and injured within the active quarry after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992. These actions should also reduce the risk of hedgehogs and other mammals being harmed by the development.

Reason: To ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992 and other mammals and to ensure the development is in accordance with the OMWLP PE14 and NPPF paragraphs 9, 109 and 118.

51. The approved aftercare scheme set out in the approved Ecological Management and Habitat Restoration Plan dated 16th November 2016 shall be fully implemented and no work shall take place other than in accordance with the approved plan.

Reason: to ensure that the site is managed appropriately in accordance with OMWLP policies PE13 and PE18 and that the development results in biodiversity enhancement in accordance with NPPF paragraphs 9, 109 and 118.

52. Before 1st June of every year during the aftercare period, a site meeting shall be arranged by the occupier of the land, to which the Minerals Planning Authority and the landowners shall be invited to monitor the management over the previous year and to discuss and agree future aftercare proposals. The meeting shall also be attended by the person(s) responsible for undertaking the aftercare steps. Any proposals that are agreed shall be set out in writing and shall be implemented in the timescales agreed.

Reason: To ensure the effective restoration of the site to nature conservation (biodiversity) after use in accordance with OMWLP policies PE13 and PE18 and NPPF paragraphs 9, 109 and 118.

53. Before 1st August every year during the aftercare period, a detailed annual aftercare review and programme shall be submitted in writing to the Mineral Planning Authority for approval: This shall include:

- Proposals (for the forthcoming 12 months) for managing the land in accordance with the biodiversity management objectives for the site;
- A record of aftercare operations carried out on the land during the previous 12 months.

Any scheme that is approved in writing by the Mineral Planning Authority shall be implemented for the duration of the time period to which it relates.

Reason: To ensure the effective restoration of the site to nature conservation (biodiversity) after use in accordance with OMWLP policies PE18, PE13 and NPPF paragraphs 9, 109 and 118.

54. The approved ecological monitoring for the aftercare period set out in the approved Ecological Management and Habitat Restoration Plan dated 16th November 2016 shall be fully implemented and no work shall take place other than in accordance with the approved plan.

Reason: to ensure that the site is managed appropriately in accordance with OMWLP policies PE13 and PE18 and that the development results in biodiversity enhancement in accordance with NPPF paragraphs 9, 109 and 118.

55. New Zealand pigmyweed (*Crassula helmsii*) shall be managed/controlled as set out in the approved Ecological Management and Habitat Restoration Plan dated 16th November 2016.

Reason: to ensure that the *Crassula helmsii* recorded on site and any other invasive species that may occur on the site are controlled appropriately to avoid a net loss in biodiversity in accordance with OMWLP policies PE13 and PE18 and NPPF paragraphs 9, 109 and 118.

56. Within 3 months of the date of this consent any remaining disturbed soils adjacent to the hedgerow/tree-line along Bassett Lane shall be replaced and re-profiled such that the post settlement level is to the original ground level. Replaced soils shall not to be heavily compacted during replacement, shall be protected at all times from future compaction by site operations and, allowed to naturally revegetate after which they shall be managed in accordance with the aftercare plan.

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

Annex 6 – Existing conditions for MW.0124/13 (Plant Site)

1. The development hereby granted shall be for a limited period. The processing plant shall be removed by 31st December 2025, extraction of sand and gravel from this site shall cease on or before 31st December 2027 and any buildings, plant and equipment to which this permission relates shall be removed, and the site shall be fully restored in accordance with the plan approved under condition 7 by 31st December 2028.

Reason: To minimise the duration of disturbance from the development hereby permitted and to ensure the site is restored within an appropriate timescale.

Policy OMWLP PE13

2. The development hereby permitted shall be carried out in complete compliance with the approved plans and particulars except as they are modified by conditions of this permission. The approved plans and particulars comprise planning application dated 10th September 2009, planning application forms dated 14th September 2009, Section 73 application form dated 21st August 2013, Site Plan Plan 97033/PS/A dated 29.11.2005, Location Plan 97033/PS/L, Covering Letter dated 21st August 2013, Planning Statement dated August 2013, Drawing 97033 PS E v1 Limit of Extraction, Ecological Phase 1 Assessment October 2014, Drawing 97033/PS/R/1 Plant Site Restoration Scheme.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

Policy OMWLP PE18

Working Hours

3. No operations, (including HGVs entering and leaving the site) other than water pumping or environmental monitoring, shall be carried out at the site except between the following hours:

0700 and 1800 hours Mondays to Fridays;

0700 hours to 1300 hours on Saturdays.

No operations other than water pumping or environmental monitoring, shall take place on Sundays or bank or public holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: In the interests of the amenities of the area.

Policy : OMWLP PE18

Working Areas and Restoration

4. No extraction of sand and gravel shall commence until the details of an updated Extended Phase 1 ecological survey (including assessment of potential for protected species) and any protected species surveys recommended in the results, together with any necessary mitigating measures have been submitted to and approved in writing by the Mineral Planning Authority. Any details that have been approved shall be implemented prior to the extraction of sand and gravel.

Reason: To protect the biodiversity resource of Oxfordshire (NPPF)

5. No mineral extraction shall take place outside the line marked 'maximum boundary of extraction' on approved plan 97033/PS/E/1.

Reason: To ensure that development is carried out as proposed and that there is no harm to the biodiversity interest of the site (NPPF)

6. Notwithstanding condition 5, no extraction of sand or gravel shall take place to the east of the line marked 'expected limit of extraction' on approved plan 97033/PS/E/1, unless an Extended Phase 1 survey and protected species surveys (including water vole, great crested newt, breeding birds and reptiles) have been submitted to the Minerals Planning Authority and approved in writing and the Minerals Planning Authority have also confirmed in writing that on the basis of that information mineral extraction can take place in this area. No mineral extraction shall take place in the area to the east of the line marked 'expected limit of extraction' other than in complete accordance with mitigation measures contained in the approved ecological surveys required by this condition.

Reason: To ensure that there is no harm to the biodiversity interest of the site (NPPF)

7. No extraction of sand and gravel shall commence in any area until a detailed restoration plan has been submitted to the Minerals Planning Authority and approved in writing. This plan shall show restoration to nature conservation incorporating the proposed route of the Wilts and Berks canal and shall detail the proposals in Plan Number 97033/PS/R/1. This plan shall reflect the results of the ecological surveys required by condition 4. Any scheme that is approved must be fully implemented and no work shall take place other than in accordance with the approved plan.

Reason: To ensure satisfactory and prompt restoration of the site (OMWLP PE 13)

Noise

8. Except for those temporary operations defined in condition 10, the equivalent continuous noise level (L_{Aeq}) shall not exceed 47 dB L_{Aeq} (1 hour) as measured free field at the nearest noise sensitive premises.. Any measurement taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: To safeguard the amenity of the area and of local residents. Policy OMWLP PE18

9. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant, other than beepers whose noise levels adjust automatically to surrounding noise levels or are white noise beepers.

Reason: To safeguard the amenity of the area and of local residents.
Policy OMWLP PE18

10. For temporary operations of soil stripping, bund formation and restoration, the equivalent continuous noise level (LAeq) shall not exceed 70 dB LAeq (1 hour) as measured free field at the nearest noise sensitive premises. Temporary operations which exceed the noise levels permitted by condition 8 shall be limited to a total of eight weeks in any twelve month period.

Reason: To safeguard the amenity of the area and of local residents.
Policy OMWLP PE18

Dust

11. No vehicle shall exceed 25 kph on Stonehill Lane, Peep O' Day Lane or Basset Lane.

Reason: To aid in dust suppression and prevent damage to the surface of the road Policy OMWLP PE18

12. A scheme to minimise the emission of dust from the development hereby authorised shall be submitted to and approved in writing by the Mineral Planning Authority within 6 months of the date of this permission. Such a scheme shall include the water spraying of plant access and those sections of Peep O' Day Lane, Basset Lane and Stonehill Lane shown as within the application area on approved plan 97033/PS/A, so as to suppress dust in periods of prolonged dry weather. Any scheme approved in writing by the Minerals Planning Authority shall be implemented in full and the suppression equipment thereafter maintained in accordance with the manufacturer's instructions for the duration of the permission.

Reason: To protect the amenities of local residents and users of the SUSTRANS Route. Policy OMWLP PE18

Soil Handling

13. Handling and movement of soil shall not be carried out other than when the soil is in a dry and friable condition. No vehicle movements over soil shall take place except for the express purpose of soil stripping or replacement operations.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site. Policy OMWLP PE18

14. No operations or stockpiling shall take place within a distance of twice the radius of the crown spread of any tree from its trunk and within 5m of any hedge.

Reason: To protect the health and stability of the trees and hedgerows to be retained on site Policy OMWLP PE18, PE10

15. Topsoils and subsoils shall be handled separately and where necessary stored separately in bunds until they are required for restoration.

Reason: To ensure restoration of a high quality can be achieved. Policy PE18

Access

16. The surfacing of the plant access and the sections of Peep O' Day Lane, Basset Lane and Stonehill Lane shown as within the application area on approved plan 97033/PS/A shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times for the duration of the development.

Reason: In the interests of highway safety and safeguarding the local environment. Policy OMWLP PE18

17. The means of access and haul roads shall not be other than as shown on approved plan 97033/PS/A and shall be maintained in a condition free of potholes and safe for cyclists for the duration of the development.

Reason: In the interests of the safety of users of the Sustrans cycle route and the access roads Policy OMWLP PE18

18. The wheels and chassis of loaded vehicles leaving the site shall be sufficiently clean as to prevent the deposit of material onto the sections of Peep O' Day Lane, Basset Lane and Stonehill Lane shown as within the application area on approved plan 97033/PS/A.

Reason: In the interests of highway safety and to prevent mud and dust getting on the highway. Policy OMWLP PE18

19. No materials, plant or temporary structures of any kind shall be deposited on or adjacent to Peep O' Day Lane that may obstruct the public from using the route

Reason: In the interests of highway safety and the safety of users of the Sustrans Route. Policy: OMWLP PE11

20. No further works shall commence until a sign has been erected at the site exit, advising drivers to have due regard to users of the Sustrans Route and two additional signs have been erected on Peep O' Day Lane (20 metres to the north and south of the site exit), to warn users of the Sustrans route of HGVs. All three signs shall be maintained in good order for the duration of the development.

Reason: In the interests of highway safety and the safety of users of the Sustrans Route. Policy OMWLP PE11

Landscaping and Restoration

21. Materials to be used in the restoration of the site shall be wholly inert, uncontaminated naturally occurring material generated from the mineral workings within the Sutton Wick complex.

Reason: To prevent pollution of the water environment. Policy OMWLP PE4

Aftercare

22. No extraction of the remaining sand and gravel deposit shall commence in any area until an aftercare scheme (to include monitoring and management details of the open water, reed bed, hedges and low-nutrient grassland habitats and bats, badgers, otters, water voles, reptiles, amphibians, breeding birds, over-wintering birds and invertebrate species) has been submitted to and approved in writing by the Mineral Planning Authority. Any scheme that is approved shall be fully implemented and no work shall take place other than in accordance with the approved plan

Reason: To ensure that the site is managed appropriately in accordance with Oxfordshire Minerals & Waste Local Plan policy PE13 and that the development results in biodiversity enhancement in accordance with OMWCS policy C7.

Drainage and Water Protection

23. No pumping from the excavations shall take place whilst the adjoining watercourses are running bank full.

Reason: To prevent the increased risk of flooding. Policy OMWLP PE7

24. No sand and gravel extraction shall be commence until a survey point marking ground level has been approved in writing by the Mineral Planning Authority. The approved survey point shall be established and maintained for the duration of the development. Ground levels shall not be raised above this height throughout the duration of the development or on completion of restoration.

Reason: to prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. Policy OMWLP PE7

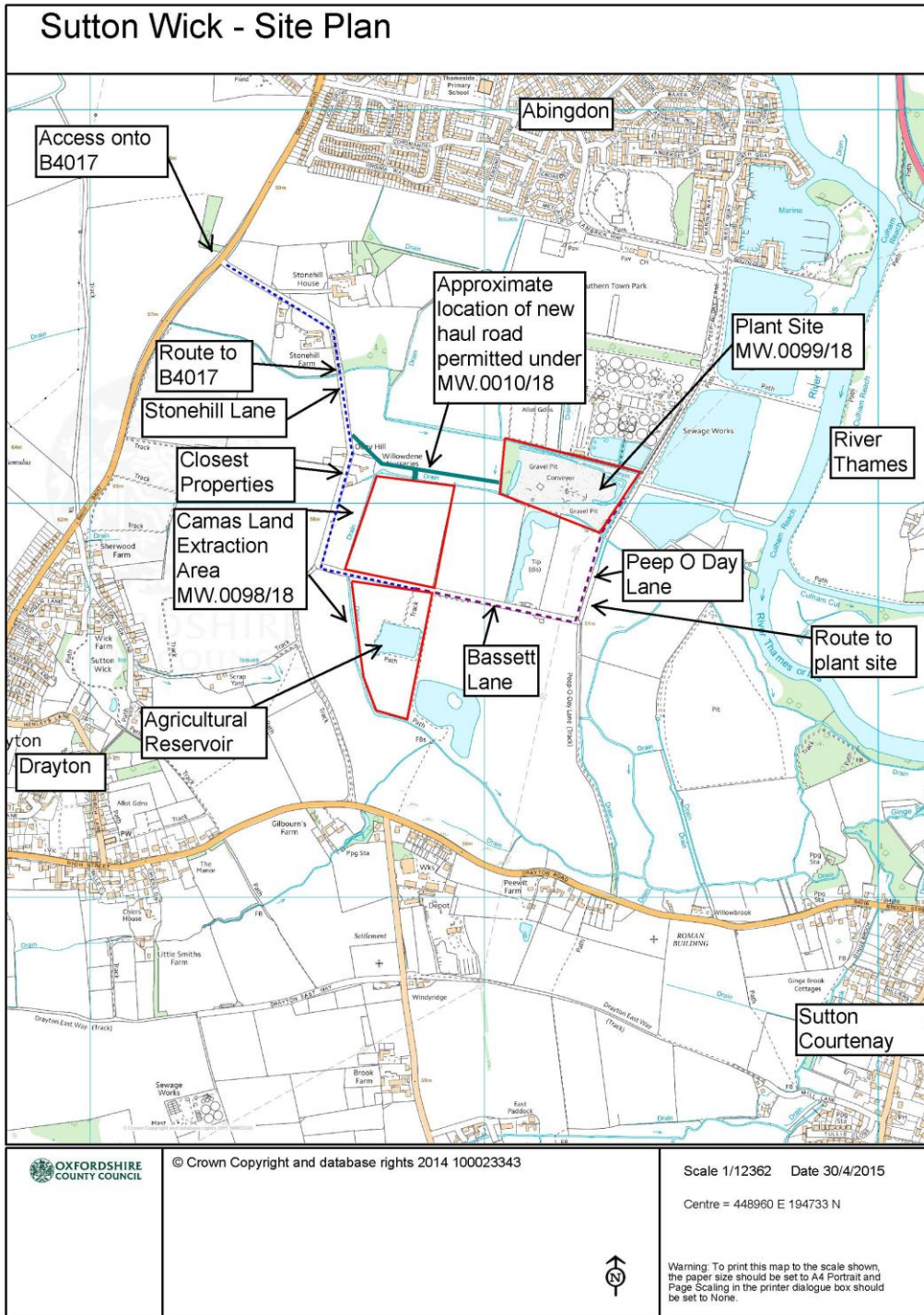
25. No temporary bunding shall be constructed unless it provides gaps at 15-20m intervals

Reason: to prevent the increased risk of flooding due to impedance of flood flows. Policy OMWLP PE7

26. Any above ground oil storage tanks shall be sited on an impervious base and surrounded by bund walls capable of retaining at least 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges shall be enclosed within its curtilage. The vent pipe shall be directed towards the bund.

Reason: To prevent pollution of the surrounding land, water and groundwater. Policy OMWLP PE4

of the properties on Stonehill Lane.



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For: PLANNING AND REGULATION COMMITTEE – 10 December 2018

By: Director for Planning and Place

| |
|--|
| PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT |
|--|

Division Affected: All

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

Recommendation

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

Introduction

1. This report updates members on the regular monitoring of minerals and waste planning permissions for the period 1 April 2018 to 30 October 2018 and on the progress of planning enforcement cases.

Compliance Monitoring Visits

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

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

4. Annex 1 provides a schedule of all the sites we monitor. It includes two columns, one which sets out the target visits for the fiscal year 1 April 2018 to 31 April 2019, the second column sets out the number of compliance monitoring visits that have been carried out for 7 months from 1 April 2018 to 30 October 2018.
5. To try and achieve good environmental standards countywide, officers have committed to monitoring planning permissions across all the mineral and waste related sites in Oxfordshire. However, you will see that some sites have a zero target, these are minimal risk, small scale or dormant sites (such as sewage treatment works) which we record but will only visit every other year.
6. Of all the 115 sites, 48 are within the remit of Government Regulations that allow the council to charge a fee for conditions monitoring, in that they relate directly to the winning and working of mineral permissions or directly to land filling permissions. These 'Chargeable Sites' are shaded grey in Annex 1.
7. The remaining non-chargeable sites include scrap yards, recycling operations, waste transfer stations, sewage works and composting operations.
8. The current charges are £397 for an active site and aftercare visits. £132 is chargeable for a dormant site where no activity is taking place.
9. Officers determine the target number of visits for each site on a "risk assessment" basis for each site drawing on the following points:
 - I. sensitivity of location
 - II. size and type of development
 - III. number and complexity of planning conditions
 - IV. number of issues requiring monitoring input
 - V. the stage and pace of development
 - VI. whether the operator carries ISO 14001 (recognised best practice)
 - VII. breaches of planning control that are or have been observed
 - VIII. complaints received for the site.
10. There is an opportunity for operators to enter discussions on how the Council has reached its decision for the number of visits scheduled per year. Having set a target for the number of visits per annum, officers keep the frequency of actual visits under review and adjust the frequency particularly taking account of IV, VII and VIII above.

Enforcement

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

Monitoring and Enforcement Service

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

RECOMMENDATION

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

SUE HALLIWELL

Director for Planning & Place
December 2018

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|--|-------------------------|--------------------------|-----------------------------|--------|--|---|
| Alkerton CA & Landfill, Alkerton, Nr. Banbury, Oxon. | Alkerton Landfill | W | Aftercare | Full | 1 | 1 |
| | Alkerton CA | W | Active | Nil | | |
| Barford Road Farm, Barford Road, South Newington, Banbury OX15 4JJ | | W | Active | Nil | 1 | 1 |
| Blackstone Farm, Bicester Road, Blackthorn, Bicester OX25 1HX | | W | Active | Nil | 1 | 1 |
| Hornton Grounds, Stratford Road, Hornton, Banbury, OX15 6AH. | Alkerton Quarry | M | Active | Full | 3 | 2 |
| | Hornton Grounds Quarry. | M | Active for stone processing | | | |
| | Wroxton | M | Active | Full | | |
| Ardley Quarry, Ardley, Bicester, Oxon, OX27 7PH. | Ardley Landfill | W | Active | Full | 3 | 1 |
| | Ardley EfW | W | Active | Nil | | |
| | Ardley Quarry | M | Active | Full | | |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|--|----------------------|--------------------------|-----------------|--------|--|---|
| Ardley Composting Site, Ashgrove Farm, Upper Heyford Road, Ardley, OX27 7PJ. | In-vessel Composting | W | Active | Nil | 1 | 1 |
| Belle Isle Farm, Sibford Road, Hook Norton | | W | Active | Nil | 1 | 2 |
| Dewar's Farm, Ardley Road, Middleton Stoney. | | M | Active | Full | 3 | 1 |
| Horsehay Quarry, Middle Barton Road, Duns Tew. | | M | Active | Full | 3 | 1 |
| Ferris Hill Farm, Sibford Road, Hook Norton, Banbury, OX15 5JY. | | W | Active | Nil | 4 | 2 |
| Finmere Quarry, Banbury Road, Finmere, Oxfordshire, MK18 4AJ. | Finmere (Landfill) | W | Active | Full | 3 | 5 |
| | Widmore | W | Aftercare | Nil | | |
| | MRF | W | Dormant | Nil | | |
| | Sand & Gravel | M | Not Implemented | Full | | |
| Greenhill Farm Quarry, Bletchingdon. | | W | Aftercare | Full | 1 | 1 |

Minerals & Waste Compliance Monitoring Sites in Cherwell District.

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|--|--------------|---------------------------------|---------------|---------------|---|--|
| Heneff Way - Batching, Heneff Way, Banbury. | | M | Active | Nil | 1 | 0 |
| Heneff Way - Tarmac, Heneff Way, Banbury. | | M | Active | Nil | 1 | 0 |
| L.C. Hughes Scrap Yard, London Road, Bicester. | | W | Active | Nil | 1 | 0 |
| Manor Farm - Biomass Gen, Twyford, Banbury. | | W | Active | Nil | 1 | 1 |
| Old Brickworks Farm, Bletchingdon, Oxon. | | W | Active | Full | 1 | 0 |
| Spittle Farm WTS, Thorpe Road, Overthorpe Industrial Estate, Banbury | | W | Active | Nil | 3 | 1 |
| Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire. | | W | Active | Full | 4 | 2 |
| Smiths of Bloxham - WTS. Milton Road, Bloxham, Banbury. | | W | Active | Nil | 2 | 1 |
| Stratton Audley, Elm Farm Quarry, Stratton Audley. | Landfill | W | Dormant | Low | 1 | 3 |

Minerals & Waste Compliance Monitoring Sites in Cherwell District.

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

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|---|----------------------|---------------------------------|----------------|---------------|---|--|
| Ambrose Quarry, Ewelme, Oxon. | | M | Dormant | Low | 1 | 2 |
| Battle Farm, Crowmarsh, Oxon, OX10 6SL. | | W | Active | Nil | 2 | 1 |
| Caversham, Sonning Eye, Reading. | Caversham Main | M | Active | Full | 5 | 3 |
| | Caversham Triangle | M | In restoration | Full | | |
| | Caversham Extension | M | Active | Full | | |
| Chinnor Quarry. | | M | Active | Full | 1 | 0 |
| Culham UKAEA | | W | Active | Nil | 0 | 0 |
| Ewelme Landfill. Goulds Grove, Ewelme, Wallingford, Oxon. | Ewelme I (Buildings) | W | Active | Nil | 3 | 2 |
| | Ewelme I WTS | W | Active | Nil | | |
| | Ewelme II MRF | W | Active | Nil | | |
| | Ewelme II Landfill | W | Active | Full | | |
| Eyres Lane Waste Transfer Site, Ewelme. | | W | Active | Nil | 2 | 1 |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|--|-------|--------------------------|-----------|--------|--|---|
| Greenwoods of Garsington, Scrap Yard, Pettiwell, Garsington, Oxford. | | W | Active | Nil | 2 | 0 |
| Main's Motors Ltd, Woodside, Old Henley Road, Ewelme, Oxon | | W | Active | Nil | 1 | 0 |
| Hundridge Farm, Waste Transfer, Hundridge Farm, Ipsden, Oxon | | W | Active | Nil | 1 | 0 |
| Menlo Industrial Park - Scrap Yard, Roycote Lane, Thame, Oxfordshire, OX9 2JB. | | W | Active | Nil | 1 | 0 |
| Moorend Lane, Thame | | M & W | Active | Full | 3 | 1 |
| Oakley Wood, Old Icknield Way, Crowmarsh | | W | Aftercare | Nil | 1 | 1 |
| Playhatch Quarry - WTS, Dunsden Green Lane, Playhatch, Caversham, Reading. | | W | Active | Nil | 2 | 1 |
| Woodeaton Quarry, Woodeaton, OXON. | | M | Active | Full | 3 | 3 |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|--|-------|--------------------------|--------|--------|--|---|
| Aasvogel, Waste Transfer Station, Grove Business Park, Grove. | | W | Active | Nil | 1 | 1 |
| Bowling Green Farm, Stanford Road, Faringdon, Oxon. | | M | Active | Full | 3 | 2 |
| Childrey Quarry, Childrey, Wantage, Oxon. | | W | Active | Full | 2 | 1 |
| Prospect Farm, Chilton, Didcot, Oxfordshire, OX11 0ST. | | W | Active | Full | 2 | 2 |
| Drayton CA Site, Drayton, Oxon. | | W | Active | Nil | 1 | 1 |
| Composting Facility, Church Lane, Coleshill, Swindon, SN6 7PR. | | W | Active | Nil | 1 | 1 |
| Farringdon Quarry, Fernham Road, Little Coxwell, Oxfordshire. | | M | Active | Full | 4 | 3 |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|--|--------------------------------|--------------------------|---------|--------|--|---|
| Glebe Farm Composting, Glebe Farm, Hinton Waldrist, Oxfordshire. | | W | Active | Nil | 1 | 1 |
| Haynes of Challow, East Challow, Wantage, Oxon, OX12 9TB. | | W | Active | Nil | 1 | 0 |
| Hatford Quarry, Sandy Lane, Hatford, Oxon, SN7 8JH. | | M | Active | Full | 3 | 1 |
| Hill Farm - Woodchipping, Nr Didcot, Oxfordshire. | | W | Active | Nil | 2 | 1 |
| Quelchs Orchard, Scrap Yard, Charlton, Wantage. | | W | Active | Nil | 1 | 0 |
| Redbridge CA, Old Abingdon Road, Oxford. | | W | Active | Nil | 1 | 1 |
| Radley Sand and Gravel Plant, Thrupp Lane, Radley. | Curtis Yard & Tuckwell's Plant | M & W | Dormant | Nil | 1 | 0 |

Minerals & Waste Compliance Monitoring Sites in Vale of the White Horse District.

Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.

Tel: 07899 065518

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|---|---------------------------------|--------------------------|-----------------|--------|--|---|
| Harwell, UKAE, Harwell, Didcot, OX11 ORA. | Business Park | | Active | Nil | 0 | 0 |
| | Catapult Pit | | Active | Nil | | |
| | Southern Storage | | Active | Nil | | |
| | Waste Management Complex (B462) | W | Active | Nil | | |
| | Western Storage | | Active | Nil | | |
| Radley Ash Disposal Scheme | Lake E | W | Not Implemented | Nil | 1 | 1 |
| | Phase I | W | Aftercare | Full | | |
| | Phase II | W | Aftercare | Full | | |
| | ROMP area | M | ROMP | Full | | |
| Sandhill Quarry, Sands Hill, Faringdon, Oxon, SN7 7PQ. | | M | Dormant | Low | 1 | 0 |
| Shellingford Quarry, Shellingford Crossroads, Stanford In The Vale, Faringdon, Oxon, SN7 8HE. | | W | Active | Full | 3 | 1 |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|--|-------------------|--------------------------|-------------|--------|--|---|
| Stanford in the Vale Waste Disposal and Civic Amenity Site | | W | Active | Nil | 1 | 0 |
| Stone Pitt Barn, Kingston Road, Frilford, Abingdon, OX13 5HB | | W | Active | Nil | 2 | 0 |
| Sutton Courtenay (Hanson), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW. | Batching Plant | W | Active | Nil | 4 | 2 |
| | Bridge Farm | W | Active | Full | | |
| | Rail Head | W | Active | Nil | | |
| | Tarmac plant | W | Active | Nil | | |
| Sutton Courtenay (FCC), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW. | Composting | W | Active | Nil | 4 | 3 |
| | Landfill | W | Active | Full | | |
| Sutton Wick Landfill, Bassett Lane, Oday Hill, Abingdon. | | W | Aftercare | Full | 1 | 0 |
| Sutton Wick Sand and Gravel, Peep-O-Day Lane, Abingdon, Oxon. | Allen Land | M | Restoration | Full | 4 | 3 |
| | Sutton Wick Plant | M | Active | Nil | | |
| | CAMAS | M | Active | Full | | |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|---|--------------|---------------------------------|---------------|---------------|---|--|
| Swannybrook Farm, Kingston Bagpuize | | W | Active | Nil | 1 | 0 |
| Tubney Woods Sand Quarry and Landfill Site, Besselsleigh, Oxfordshire. | | M | Restoration | Full | 1 | 0 |
| Upwood Park Sand Quarry and Landfill Site, Besselsleigh, Oxfordshire. | | M | Active | Full | 3 | 2 |
| Whitecross Metals, Whitecross, Abingdon, Oxon. | | W | Active | Nil | 1 | 1 |
| Wicklesham Quarry, Faringdon, Oxfordshire. | | M | Active | Full | 4 | 3 |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|---|-----------------|--------------------------|-----------|--------|--|---|
| B & E Skips, 115 Brize Norton Road, Minster Lovell, Oxon, OX29 0SQ. | Minster Lovell | W | Active | Nil | 2 | 1 |
| Burford Quarry, Burford Road, Brize Norton, Oxfordshire. | Quarrying | M | Active | Full | 3 | 1 |
| | Manufacturing | | | | | |
| Castle Barn Quarry, Sarsden | | M | Active | Full | 3 | 1 |
| City Farm, Eynsham. | City Farm I | W | Aftercare | Full | 1 | 1 |
| | New Wintle Farm | W | Active | Nil | | |
| | City Farm II | W | Aftercare | Nil | | |
| Controlled Reclamation, Dix Pit, Stanton Harcourt, Oxon. | | W | Active | Full | 2 | 2 |
| Sheehan Recycled Aggregates, Dix Pit, Stanton Harcourt, Oxon. | Wash Plant | W | Active | Nil | 2 | 2 |
| Cornbury Park, (Quarrying) Charlbury, Oxon. | | M | Active | Full | 1 | 0 |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|---|-------------------------|--------------------------|----------|--------|--|---|
| Crawley Scrap Yard | | W | Active | Nil | 1 | 0 |
| Deans Pit CA Site, Chadlington. | | W | Closed | Nil | 1 | 1 |
| Dix Pit, Stanton Harcourt, Oxon. | Conblock | W | Dormant | Nil | 3 | 1 |
| | Dix Pit CA | W | Active | Nil | | |
| | Dix Pit Landfill Site | W | Active | Full | | |
| | North Shore | M | Complete | Full | | |
| | Premix - Hanson | M | | Nil | | |
| Duns Tew Quarry | | M | Active | Full | 3 | 1 |
| Enstone Airfield Waste Transfer. Unit 1, Enstone Airfield, Enstone, Oxon. | Waste Transfer (Unit 1) | W | Dormant | Nil | 3 | 2 |
| | Sound Attenuation Bunds | W | Active | Full | | |
| Ethos Waste Transfer Lakeside Industrial Estate, Standlake, Oxon | | W | Dormant | Nil | 1 | 1 |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|---|------------------|--------------------------|-----------|--------|--|---|
| Fraser Evans & Sons, Worsham Quarry, Minster Lovell, Oxon. | Tyre Recycling | W | Active | Nil | 1 | 1 |
| | Landfill | W | Aftercare | Full | | |
| Gill Mill, Tar Farm, Gill Mill Complex, Ducklington, Oxfordshire. | Rushey Common | M | Aftercare | Full | 4 | 2 |
| | Gill Mill Quarry | M | Active | Full | | |
| Great Tew Quarry, Butchers Hill, Great Tew, Oxon. | | M | Active | Full | 4 | 2 |
| Hardwick Batching Plant, Adj. B4449, Hardwick, Oxon. | CEMEX | M | Active | Nil | 1 | 0 |
| Hardwick Recycling, Adj. B4449, Hardwick, Oxon. | Fergal Yard | W | Active | Nil | 1 | 0 |
| Hickman Bros Landscapes, Burford | | W | Active | Nil | 1 | 0 |
| Alder & Allen, Lakeside Industrial Estate, Standlake | | W | Active | Nil | 1 | 0 |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|---|---------|--------------------------|-----------|--------|--|---|
| Manor Farm - Waste Transfer, Kelmscott, GL7 3HJ. | | W | Active | Nil | 1 | 1 |
| Ubico, Downs Road WTS, Witney, Oxon. | | W | Active | Nil | 2 | 0 |
| Mick's Skips (Hackett's Yard), Lakeside Industrial Estate, Standlake, Oxon. | | W | Active | Nil | 1 | 0 |
| Sandfields Farm, Over Norton, Oxfordshire. | | W | Active | Nil | 2 | 1 |
| Rollright Quarry, Chipping Norton. | Phase 1 | M | Active | Full | 2 | 2 |
| | Phase 2 | M | Active | Full | | |
| Showell Farm, Chipping Norton, Oxon OX7 5TH. | | W | Active | Nil | 1 | 1 |
| Slape Hill Quarry, Glympton. | | W | Active | Nil | 2 | 1 |
| Old Railway Halt, Grt Rollright | | W | Active | Nil | 1 | 1 |
| Old Quarry, Hatching Lane, Leafield | | W | Aftercare | Nil | 0 | 0 |

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

| Address | Sites | Type - Mineral or Waste. | Status | Charge | Target Visits for year 01/04/18 to 31/03/19. | Visits completed for the period 01/04/18 to 31/10/18. |
|---|-------------------|--------------------------|-----------|--------|--|---|
| Hardwick IDO | | M | ROMP | Low | 0 | 0 |
| Steve Claridge Motor Salvage, Carterton | | W | Active | Nil | 1 | 0 |
| Sturt Farm, Units 2A, 4 Sturt Farm Ind, Burford. | | W | Active | Nil | 1 | 0 |
| Watkins Farm, Linch Hill, Stanton Harcourt, OXON. OX29 5BJ. | ROMP area | M | Aftercare | Full | 5 | 3 |
| | Stonehenge Farm | M | Dormant | Full | | |
| | Ireland Land | M | Dormant | Full | | |
| Whitehill Quarry, Adj. A40, Burford, OXON. | | M | Active | Low | 1 | 0 |
| Whitehill Quarry, Tackley, OXON. | | M | Dormant | Low | 1 | 0 |
| Worton Rectory Farm, Cassington, OXON. OX29 4SU. | Cassington Quarry | M | Active | Full | 4 | 1 |
| | Worton Composting | W | Active | Nil | | |
| | M&M WTS | W | Active | Nil | | |

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Progress of Enforcement Cases

Contact Officer: Chris Hodgkinson, Senior Planning Enforcement Officer.

Mobile Tel: 07899 065518

| Location | Alleged Breach of Planning Control | Progress |
|--|---|--|
| South Oxfordshire District Council | | |
| Grundons Ewelme #1 | Unauthorised development of Welfare Facilities in HGV car-parking area. | Routine compliance monitoring established that a 'porta-cabin' type welfare building was being developed adjacent to the Hazardous Waste Transfer Station outside of the consented area and without planning permission. Retrospective conditional planning permission (Application No: MW.0026/18 District Ref: P18/S1320/CM) was granted on 6 th July 2018. The enforcement case is now closed and the planning permission will continue to be scrutinised as part of the continuing compliance monitoring schedule. Case Closed. |
| Land adj. Sewage Works, Clifton Hampton | Unauthorised deposit of waste | Large amount of waste soils; construction and demolition waste and wood deposited on hardstanding adjacent to the Culham Science Park. Planning Contravention Notice (PCN) has been served. Enforcement proceedings continuing. |
| Former MOD Warehouse, Pyrton Lane, Watlington | Unauthorised deposit of waste | An amount of waste wood and carpet has been brought to the site, stored and processed (chipped) without planning permission. A PCN has been served and activity subsequently ceased. EN required to clear the land of residual wastes. Enforcement proceedings continuing. |

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Progress of Enforcement Cases

Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.

Mobile Tel: 07899 065518

| Location | Alleged Breach of Planning Control | Progress |
|--|--|--|
| Vale of White Horse District Council | | |
| Wicklesham Quarry, Sandshill, Faringdon, Oxon, SN7 7PQ | Breach of Planning Conditions - Failure to restore the site to plan. | A BCN was served in December 2016 which required the proper restoration of the quarry by 30 June 17. Soils had been imported and a majority of works complete, however, some matters were not finished to plan and a retrospective planning application P17V2812/CM (MW.084/17) was submitted to remedy the continuing breach and allow an extended period to 30 September 2018 to complete the restoration of the quarry. A visit in mid-October and subsequent topographical surveys have confirmed that the gradient of the quarry floor still does not match the contours approved in the restoration plan with the consequential potential impacts on satisfactory site drainage unknown. Expediency report required prior to formal enforcement proceedings. |
| Bridge Farm Quarry, Sutton Courtenay, Abingdon, OX14 4PP | Unauthorised development | Bridge Farm extension has not been properly implemented as extraction has begun in Phase 7A/B, contrary to the planning permission P16/V2694/CM (MW.0127/16) issued on 1st June 2018. PCN required before considering formal enforcement proceedings. Investigations continuing. |
| Sutton Wick Quarry, Oday Hill, Bassett Lane, Abingdon, Oxon, OX14 4AB | Breach of Conditions – development not to plan | Mineral extraction has commenced without provision of necessary recharge trench which may affect hydrology. Operator is seeking advice and guidance on an alternative solution with their hydrologists. Investigations continuing. |

Progress of Enforcement Cases

Contact Officer : Chris Hodgkinson, Senior Planning Enforcement Officer.

Mobile Tel: 07899 065518

| Location | Alleged Breach of Planning Control | Progress |
|---|---|--|
| West Oxfordshire District Council | | |
| Con Rec, Dix Pit, Stanton Harcourt. | Extending Height of Landfill | Breach of conditions – non-compliance with Condition 1 (to complete in accordance with plans and particulars), Condition 2 (to complete restoration to contours by 18th April 2018), Condition 3 (landscape planting) and Condition 4 (sowing of grass seed) of planning permission reference 16/04159/CM (MW.0141/16). The site remains over-tipped and unrestored. Expediency report completed and approved. Planning Enforcement Notice to be served to formally require works to be completed to plan. |
| Manor Farm, High Street, Great Rollright. | Unauthorised deposit of inert waste | A farm quarry has been substantively filled with inert waste without planning permission or environmental permit. PCN served. |
| Land adj. to Grove Lane, Dean, Chipping Norton. | Unauthorised deposit of inert waste | Waste imported to farm to create hardstanding. However, unclear on the volumes and extent of development. Investigations continuing. |
| New Wintles Farm, Eynsham, Witney, OX29 4EG | Breach of Conditions – Mud on the road. | 17/00055/CM – Condition 1 & 5. Requires that a wheel wash be installed and that mud not be tracked onto the highway. Spot checks confirmed breach of planning control. Operator has commissioned necessary works and deployed road sweeper. Expediency report required prior to service of a BCN. |

Progress of Enforcement Cases

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

| Location | Alleged Breach of Planning Control | Progress |
|--|--|---|
| Cherwell District Council | | |
| Ferris Hill Farm Hook Norton Oxfordshire | Unauthorised picking station plant fixed to the land. | Site monitoring visit established that a waste transfer picking station has been erected on the land but not in accordance with the most recent planning permission - 15/01829/CM (MW.0132/15). The operator has advised that this is a temporary arrangement whilst the ground works to implement the approved planning permission are completed. Maintain a watching brief. |
| Hill Farm, Grt, Tew - Land off Barford Road, South Newington, Oxfordshire, OX15 4JJ | Deposit of Waste | Landowner has imported a large quantity of waste soils from a development site in Hook Norton to fill a lake on agricultural land south of Barford Road in South Newington. PCN served. The landowner asserts that the import of material is required to provide for an area of hard surface (for the storage of hay and straw), which is permitted development under Class A of Part 6 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. OCC have requested that the landowner's agent submit a certificate of lawfulness of proposed use or development (CLOPUD) application for a formal decision of the council as to whether they do benefit from these permitted development rights. |
| Stratton Audley Quarry. | Unauthorised deposit of waste and on-going breach of planning conditions – failure to restore. | The site was required to be restored by 31st December 2008. OCC has ten years from that date in which to bring enforcement proceedings for the on-going breach of planning control as reported to Planning & Regulation Cttee on 29 th October 2018. Planning enforcement notice to be served no later than 31st December 2018. |

Progress of Enforcement Cases

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

| Location | Alleged Breach of Planning Control | Progress |
|--|--|--|
| Cherwell District Council (Continued) | | |
| Finmere Landfill & Quarry, Finmere, OXON. Page 143 | Unauthorised deposit of waste & Breach of conditions | 17/02083/CM (Sand Gravel and Clay) - Phase 2 has been backfilled with a higher quantity of overburden and quarry waste (largely derived from the preparation of landfill Cell 10) than the approved 84,510m ³ , required to restore the phase to agriculture. This has resulted in an extensive and substantial stockpile, above the whole phase, without planning consent. Also, a breach of planning conditions 3, 7, 9 and 29 of planning permission no. 17/01189/CM which relate to the completion of capping in cells 3, 6 and 9 and the further restoration of cells 1, 2, 3, 6 and 9 and the deposit of a topsoil mound not used as part of the restoration. An expediency report has been completed and is approved. A planning enforcement notice is to be served. Requiring the cessation of the deposit of material and the removal of any material in excess of that approved. Four (4) separate breach of condition notices are to be served to address each of the above planning conditions requiring the capping works to be completed, the restoration works to be carried out and removal of any excess topsoil. The detailed wording of the notices to be agreed with the County Solicitor |

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Planning Enforcement – Glossary of Terms

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

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PLANNING AND REGULATION COMMITTEE – 10 DECEMBER 2018

DIRECTOR FOR PLANNING AND PLACE

Development proposed:

New single storey three classroom teaching block, including withdrawal room, toilets, stores, ancillary rooms together with minor modifications to hard and soft landscaping and modified parking arrangements.

Division Affected: Benson and Cholsey

Contact Officer: Mary Hudson **Tel:** 07393 001 257

Location: Benson CE School, Oxford Road, Benson, Oxfordshire

Application No: R3.0114/18

District Reference: P18/S3366/CC

Applicant: Oxfordshire County Council

District Council: South Oxfordshire District Council

Date Received: 28 September 2018

Consultation Period: 11 October – 1 November 2018

Contents:

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

Recommendation

The report recommends that the applications MW.0114/18 be approved subject to the completion of a Unilateral Undertaking.

Site Location

1. Benson CE School is in Benson, in the south east of Oxfordshire, approximately 12 miles (19 km) south east of Oxford and 1.5 miles (2.5 km) north east of Wallingford. The school is in the west of the village.
2. The main school building is located in the eastern part of the application site. The proposed new building would be located in the middle of the site, west of the existing building, partly on an existing hard play area and partly on the existing playing field. The western part of the school site comprises playing fields.
3. The main entrance to the school is from Oxford Road, between the existing building and the proposed new building. There are three further pedestrian accesses; to the north onto Littleworth Road, to the east onto Horseshoe Lane and to the west to Benson Youth Hall. The school has 21 parking spaces including two disabled spaces and two informal spaces.
4. The site is entirely located in flood zone 1, the area of least flood risk. The school is surrounded by residential development. The closest residential properties to the proposed new building include properties on the south side of Littleworth Road, approximately 30 metres from the proposed new building, and properties on the south side of Oxford Road, a similar distance from the building but separated by the proposed new car parking area and Oxford Road. There are residential properties to the north, east and south and Benson Youth Hall lies to the west.
5. The boundary of Benson Conservation Area cuts through the school site and the area proposed for the new teaching block falls within this. Trees along the school site boundaries to the north, north east and south have Tree Preservation Orders. There are no listed buildings in close proximity to the site. The closest is the Three Horseshoes public house (Grade II) on the corner of Oxford Road and Horseshoes Lane, approximately 90m from the proposed new building, and a residential property opposite (Grade II).

Details of the Development

6. It is proposed to construct a new teaching block including three new classrooms and associated withdrawal room, storage areas, toilets and plant room. This is to meet the additional demand for school places from housing growth in and around the village.
7. The three new classrooms proposed would help to facilitate the expansion of the school from 1 form entry with an admission number of 30 to 1.5 form entry with an admission number of 45, in order to

provide enough school places for additional housing proposed in Benson.

8. The new building would be single storey with dual pitched roofs creating 288m² of additional internal floorspace with a footprint of approximately 360 m2. It would have buff coloured facing brick with large windows and a metal roof. The new building would be approximately 8m high at the ridge and 3.5 metres high at the eaves. There would be high level windows on the eastern elevation for lighting and ventilation. With the additional tarmac areas around the building and the proposed car park, the total developed area would be approximately 1,059 m2.
9. As part of the development, the existing parking area would be relocated to the south of the new block adjacent to the southern boundary of the school site. The school currently has 23 full-time equivalent members of staff and a pupil capacity of 210. It is anticipated that over time the new classrooms would accommodate 9 full-time additional members of staff and bring the pupil capacity to 315. Six additional car parking spaces are proposed as part of the car park relocation. The school has existing arrangements for the use of the car parks at the Three Horseshoes Pub and the Parish Council for pupil picking-up and dropping-off times. It is anticipated that around 50 additional vehicle trips could be generated during these times should the development be carried out but these could be reduced due to the use of after-school clubs and car-sharing. At present 48% of the pupils travel to school by foot, scooter, cycle or public bus.
10. External lighting mounted on the building would be provided around external doorways. The roof would overhang the new entrance to provide shelter when entering.
11. The area on which it is proposed to construct the new building and relocated car park is currently a grassed area. The site area contains playing field markings that would need to be adjusted to accommodate the new building and car park. The application states the school would be provided with a new off-site playing field under a Section 106 agreement associated with a housing development. Planning permission P16/S1139/O was granted in January 2018 and permits 241 dwellings north of Littleworth Road. The development includes a piece of land that would be provided to OCC as part of a Section 106 legal agreement, to provide a playing field for Benson Primary School. This lies approximately 200 metres north west of the proposed block, on the north side of Littleworth Road.
12. The relocated parking area would be located largely on the grassed area and partly on the existing hardstanding used for parking. Most of the existing parking area would be used as surfaced open space between the existing building and the new teaching block.
13. In terms of sustainability, the applicant has stated that:

- Photovoltaics can be added if future funding becomes available.
- The building has been thermally modelled to ensure maximum performance.
- Daylight penetration and natural cross ventilation have been maximised helping reduce the demand for artificial lighting and mechanical ventilation minimising energy consumption and creating a healthy teaching environment.
- The proposed use of high energy low NOx gas fired boilers will reduce emissions.
- The proposed installation of low energy LED lighting with passive infrared sensors and daylight dimming will be energy saving.
- The use of higher thermally performing materials will enhance the energy rating of the new building.
- Where possible materials will be locally sourced with a robust waste management plan in place - the contractor operates a Smartwaste policy with a 90% target of all materials taken away as waste being recycled.
- The contractor aims to employ 80% of sub-contractors from within a 40 miles radius of site.

Representations

14. Seven objections have been received by members of the public. An objection has also been received from Sue Cooper, SODC councillor for Benson & Crowmarsh. The points raised are set out at Annex 1. The main concerns were related to the impact on the playing field, design and traffic on Oxford Road. Many people who wrote felt that a better solution could be found to accommodate the forecasted growth in pupil numbers, either by expanding the existing school without affecting the playing field, or providing a new school.

Consultations

15. South Oxfordshire District Council Planning – Object. The overly large scale and prominent location of the classroom block and the prominent location of the proposed car park would erode the openness of the site failing to respect the distinctive character and appearance of the conservation area in the locality. The development would be contrary to policies CSEN3 and CSQ3 of the SOCS and policies CON7 and D1 of the SOLP. A revised scheme could be brought forward involving some vegetative screening, less obtrusive buildings design and relocated car park. The general principle of the development is supported by policy. The development would improve school facilities within Benson, although the loss of part of the playing field is undesirable. It is unfortunate to locate the car park where it would have the most severe visual impact. This could possibly be mitigated by alternative materials. The proposals are considered unacceptable having regard to the harm to the character and appearance of the conservation area. Support the provision of the new playing field prior to the development commencing. Additional off-street parking should be provided if possible to meet demand.

Appreciate that the proposed extension to the school does not offer significant opportunities for the provision of drop off areas. There should be a condition for a construction management plan to mitigate impacts on amenity but not concerned about harm to amenity post construction due to separation distance.

16. South Oxfordshire District Council Conservation Officer – The siting is within an important open space in the conservation area. The supporting statement does not identify which steps have been taken to address the existing character or mitigate the impact. The scheme would be much improved by siting the block much closer to the existing building to keep the built form contained within the site. The architectural style is consistent with modern extensions at the school and is not in itself objectionable.
17. South Oxfordshire District Council Environmental Health – No objection. Concerned that construction works could cause disturbance to local residents by means of noise and dust. Conditions should be used to control noise and limit construction and demolition hours to 8am-6pm Monday to Friday and 8am-1pm on Saturdays with no works on Sundays or bank holidays. Conditions should also be used to control dust.
18. Benson Parish Council – Strongly object. The design is not in keeping with the surroundings in a conservation area. There would be a loss of public amenity space. The car parking provision is too large. The proposal would not satisfy the long-term needs of the village. Traffic congestion outside of the school would increase.
19. Sport England – First response 09.10.18 – Holding objection. Request further information to show that the site will still be able to accommodate a football pitch of the same size of that currently on the site and also a consideration of paragraph 97 of the NPPF. Final Response – No objection, subject to a condition to ensure that the new playing field permitted under the District consent (P16/S1139/O) is delivered and available for use before there is any development on the existing school playing field. Final response – no requirement for condition following confirmation of continued availability of the remainder of the existing playing field pending completion of the replacement.
20. Historic England – Responded, no comments.
21. Natural England - Responded, no comments.
22. OCC Transport Development Control/School Travel Team - A full travel plan is required for this expansion to mitigate the travel impact of the increase in staff and pupil numbers. A travel plan should be produced prior to occupation of the new build because the school is already operating and has an existing community in-situ. A travel plan monitoring fee of £1,240 is required to enable the travel plan to be monitored for a period of five years. Please could consideration be

given to increasing cycle and scooter parking on site as part of the expansion. Reason – to increase the potential for staff and families to travel to school by bike or scooter. Condition - Prior to first occupation of the new build a full school travel plan shall be submitted to and approved by the Local Planning Authority.

23. OCC Rights of Way – Responded, no comments
24. OCC Biodiversity – No comments. The proposed new building and parking area will be located on existing amenity grassland and as such will not affect any potential protected species habitat.
25. OCC Lead Local Flood Authority – No objection.
26. The Environment Agency – No comments.

Policy Background

27. The relevant Development Plan policies include:

South Oxfordshire Local Plan 2011 (SOLP 2011) (saved policies):

- G2 – Protection and enhancement of the environment
- C6 – Biodiversity conservation
- CON7 – Conservation areas
- EP2 – Noise and vibration
- EP3 – Light pollution
- CF1 – Safeguarding recreational facilities
- D1 – Good design
- D2 - Parking

South Oxfordshire Core Strategy (adopted 2012) (SOCS)

- CSS1- Overall strategy
- CS1 – Presumption in favour of sustainable development
- CSQ3 - Design
- CSM1 – Transport
- CSEN3 – Historic Environment
- CSB1 – Biodiversity

28. Benson Parish Council’s Neighbourhood Plan (BNP) was made by South Oxfordshire District Council in August 2018 and, therefore, is now part of the Development Plan for this area. The final version of the plan has not yet been published but the referendum version of the plan is available.

- NP6 – Conservation and Heritage
- NP7 – Design
- NP22 – New Green Space
- NP23 – Biodiversity
- NP30 – Sustainable Drainage Systems

29. The Government's National Planning Policy Framework (NPPF) was published in 2012 and updated in 2018. This is a material consideration in taking planning decisions. Paragraph 94 states that LPAs should give great weight to the need to create, expand or alter schools through decisions on applications and work with school promoters to identify and resolve key planning issues prior to submission of applications.
30. South Oxfordshire District Council is developing a Local Plan 2033 and are currently in the process of reassessing the main housing sites proposed in that plan. This draft plan has not yet been submitted for examination. Therefore, although this plan is a material consideration, it has not been adopted and its policies can only be given limited weight.

Planning Analysis

31. The CLG letter to the Chief Planning Officers dated 15th August 2011 set out the Government's commitment to support the development of state funded schools and their delivery through the planning system. The policy statement states that:

"The creation and development of state funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations." State funded schools include Academies and free schools as well as local authority maintained schools.

It further states that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools;
- Local Authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions;
- Local Authorities should make full use of their planning powers to support state-funded school applications;
- Local Authorities should only impose conditions that clearly and demonstrably meet the tests as set out in Circular 11/95;
- Local Authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school or the imposition of conditions, will have to be clearly justified by the Local Planning Authority.

This approach is endorsed in paragraph 94 of the National Planning Policy Framework which states that great weight should be given to the need to expand or alter schools through decisions on applications.

Design

32. SOCS policy CSQ3 seeks to secure high quality design, including development which responds positively to and respects the character of the site and its surroundings, creates a sense of place and uses appropriate materials.
33. SOLP policy D1 also seeks good design and the reinforcement of local distinctiveness, through good quality site and building design with appropriate materials. BNP policy NP7 states that all new development should be of a high-quality design that respects the distinctive character of the locality. New development should be in accordance with the Principles set out in the Design Statement that accompanies the BNP.
34. Some concerns have been raised about the design of the building. Representations have suggested that the design should be improved and solar panels, cycle parking and electric car charging points added. SODC have stated that they are concerned about the scale of the block and its separation from the main building.
35. In my view the design and materials are consistent with the school setting and the construction would be sustainable. I note comments that additional classrooms would have a lesser impact on open space if built as an extension to the main school building, rather than a standalone building. However, the applicant has explained that extending the existing school building would cause disruption and cause problems in maintaining adequate sunlight and ventilation to existing classrooms and so to the pupils and staff. In any case, the application that has been submitted must be determined on its merits. Overall, I consider that the new building is acceptable in design terms and complies with SOLP policy D1 and SOCS policy CSQ3.

Historic Environment

36. SOLP 2011 policy CON7 states that that planning permission will not be granted for development which would harm the character or appearance of a conservation area. It also sets out things which should be considered when determining applications for development in conservation areas, including that the design and scale of new work should be in sympathy with the established character of the area and traditional materials should be used when this is appropriate to the character of the area.
37. SOCS policy CSEN3 states that conservation areas will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place through the determination of planning applications. BNP policy NP6 seeks also to conserve and enhance the special interest, character and appearance of the Benson conservation area, with regard for its setting and context as part of a longer linear historic settlements and for the wider relationship with the River Thames, the Ewelme Stream (Benson Brook), and the agricultural landscape.

38. The application is within the conservation area and both the District Council and Parish Council have objected to it on this ground. Comments have been received from the Conservation Officer at SODC. They have commented that the site is located on an important area of open space within the conservation area and it would be better if the building was closer to the existing building. The Conservation Officer considers that the concern is related to the siting and the design is not objectionable.
39. There have also been representations objecting to development within the conservation area and the design of the building in this context.
40. It is acknowledged that the proposed building would extend the built form of the school into an area of open space which is within the conservation area and that it clearly does impact on its character and appearance. It is unfortunate that it was not possible to locate the additional classrooms closer to the existing school building. However, the school site would still have open grassed areas at its western end and so although the area of open space would be reduced, a substantial proportion of it would be retained. Whilst the concerns raised by the District Council and Parish Council are noted, the expansion of the school is intended to serve the local growth in population through local housing developments. The impact on the character and appearance of the conservation area has to be weighed against the strong national policy support for the expansion of schools. In the Design and Access Statement included with the application, the applicant has set out that other options were explored but that this was the considered the best option for the following reasons:
- The proposed new teaching block is positioned close enough to the existing school, such that it will have minimal impact upon the setting or character of these assets whilst reflecting some of the dominant characteristics of the main school.
 - The proposed positioning of the new block does not impact upon the existing nature of the approach to the school entrance with minimal impact upon the existing sports and soft play facilities found within the site.
 - The proposed positioning of the new block avoids the removal of existing trees on the site.
 - The proposed building is located within the secure site boundary with new entrances located to connect with existing routes within the school site.
 - It would allow for future expansion should the educational needs of the school change.
41. The impact on the character and appearance of the conservation area is a key consideration in the determination of this application. However, unfortunately it does not seem that there is anywhere else within the

existing school site where the required extension could be practically accommodated without having an impact on the existing school environment.

Amenity

42. SOLP policy G2 states that the district's countryside, settlements and environmental resources will be protected from adverse developments.
43. SOLP policy EP2 states that proposals which would have an adverse effect on existing occupiers, by reason of noise, will not be permitted until there are effective mitigation measures.
44. SOLP policy EP3 states that proposals for external lighting that would have an adverse effect on neighbours or biodiversity will not be permitted, unless effective mitigation measures will be implemented.
45. It is not considered that the proposed new building and car park would result in unacceptable light or noise impacts for neighbouring properties, because of its central location within the school site. However, it is proposed that a condition requiring details of external lighting be attached to any planning permission prior to first occupation of the development. There is the potential for some nuisance arising during construction works and therefore, it is recommended that a condition is added for a construction management plan to ensure that appropriate mitigation is in place. Subject to this, the development is considered to be in accordance with SOLP policy EP3.

Transport

46. SOCS policy CSEN3 states that the use of sustainable modes of transport will be encouraged and traffic management measures and environmental improvements which increase safety and improve air quality will be promoted and supported.
47. The Benson Neighbourhood Plan refers to Oxford Road as a bottle neck and states that it always has parked cars during school times making progress difficult and it is particularly dangerous during school drop off and pick up. There is parking overspill onto adjacent roads. The plan includes a parking strategy, which includes ensuring that new developments provide sufficient on-site parking. Elsewhere the plan states that consideration should be given to lowering the speed limit to 20mph in the vicinity of the school when the school is active.
48. A number of objections have referred to concerns about traffic, including the increase in traffic on Oxford Road, the fact that pupils from new developments are more likely to travel by car as they live further from the school and that positive steps must be taken to deter car transport to the school.
49. The Transport Development Control/School Travel Plan team has not objected but has requested that a condition be attached requiring a

School Travel Plan to be provided prior to occupation of the building and that a travel plan monitoring fee of £1,240 is required to enable the travel plan to be monitored for a period of five years. A School Travel Plan would clearly seek to encourage sustainable modes of transport in line with the aims of policy CSEN3. This would need to be provided for through a Unilateral Undertaking prior to the grant of any planning permission. A condition should also be attached requiring the provision of additional cycle and scooter parking.

Parking

50. SOLP policy D2 states that permission will not be granted for developments that fail to incorporate adequate, safe and secure parking for vehicles. Vehicle parking should be provided in a discreet and sensitive manner. The application proposes the relocation of the existing car park and the addition of six extra spaces. It is considered that this additional provision is satisfactory in the context that staff journeys will also be included as part of the School Travel Plan.
51. A number of concerns have been raised about the location of the car parking area on the southern boundary of the school site where it would be prominent from Oxford Road and take up open space in the conservation area. This is noted, although there are existing mature trees planted along the school's southern boundary and these serve to break up views into the school site, albeit that the screening value will be reduced in the winter months. The impact on the character and appearance of the conservation area has been addressed above.

Biodiversity

52. SOLP 2011 policy C6 and SOCS policy CSB1 protect biodiversity and require that there is no net loss. BNP policy NP23 states that development proposals should maintain and enhance existing on-site biodiversity assets, and provide for wildlife needs on site, where possible. Where appropriate on-site biodiversity enhancements such as new roosting features for bats or nesting features for birds should be incorporated into the fabric of the development.
53. This proposal is not considered to have any adverse impacts on ecology due to the location of the building on an existing amenity grassland area. The applicant has agreed to provide bird boxes as an enhancement to biodiversity and this can be provided for through a condition should planning permission be granted. Therefore, the proposal is in accordance with these policies.

Playing fields/green space

54. A main concern raised in representations on this application is the site location on existing open space which is used as playing fields. They state that this is well used open green space which is important to the village. The school playing field is not however designated as green space to be protected in the Benson Neighbourhood Plan. BNP policy

NP22 seeks to see the creation of new areas of green space as part of new developments.

55. NPPF paragraph 97 states that existing open space, including playing fields should not be built on unless a) an assessment has been undertaken showing that the open space is surplus to requirements, b) the loss would be replaced by equivalent or better provisions in terms of quality and quantity in a suitable location or c) the development is for alternative sports and recreational provision, the benefits of which outweigh the loss of the former use.
56. SOLP policy CF1 states that proposals that result in a loss of a recreational facility will not be permitted unless suitable alternative provision is made or it is not needed. In this case the applicant is proposing suitable alternative playing field provision in an off-site location and this is already secured through an existing legal agreement related to a planning permission for housing. Sport England has no objection to the application.
57. The development would not lead to the creation of additional green space. However, it would not be practicable within the school site to do so. The existing playing field, other than that required for the development will remain as an open area and in recreational use.
58. The development is considered to be in accordance with the aims of SOLP policy CF1 and NPPF paragraph 97.

Other Issues

59. One representation has questioned the urgency of the need for the development and stated that the rate of occupation of new housing is less than expected. Representations have also suggested that a new school would be a better solution to the need for new classrooms. A number of other alternative solutions have been proposed in representations including other buildings close to the school, upwards expansion of the school, an extension rather than a new block. As set out above, the application that has been submitted must be determined on its merits and there is strong central government policy support for the expansion of existing schools.
60. BNP Policy NP30 seeks to see Sustainable Drainage Systems provided as part of new development. The application includes a drainage scheme which is satisfactory to the Lead Local Flood Authority.
61. SOCS policy CS1 sets out a general presumption in favour of sustainable development, in line with the NPPF. SOCS policy CSS1 contains the overall strategy for the district and states that the strategy will support and enhance the larger villages, including Benson as local service centres. It is considered that the proposed development is in accordance with the aims of these policies.

Conclusion

62. The proposal seeks to expand an existing village school in one of the larger villages in South Oxfordshire where future growth is planned.
63. There is some conflict with relevant development plan policy including with regard to the impact on the character and appearance of the conservation area. However, it is considered that the proposed development is needed in order to help meet local housing growth and the NPPF requirement to give great weight to the need to expand schools is considered on balance to outweigh these concerns.

RECOMMENDATION

64. **Subject to the applicant first providing a Unilateral Undertaking for the payment of the School Travel Plan monitoring fee of £1240 it is RECOMMENDED that planning permission for R3.0114/18 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:**
 - i. **Detailed compliance;**
 - ii. **Permission to be implemented within three years;**
 - iii. **Provision of a School Travel Plan prior to the first occupation of the development;**
 - iv. **Provision of additional scooter and cycle parking;**
 - v. **Submission, approval and implementation of a Construction Management Plan;**
 - vi. **Provision of external lighting scheme;**
 - vii. **Provision of bird boxes.**

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 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. For example, in this case the applicant agreed to provide bird boxes as a biodiversity enhancement.

Annex 1- Representations

Development on school playing field

- Playing fields are much valued green space presented to the school by the village to be used as a playing field
- Less green space for community use
- Loss of playing field space for children
- Remote playing field not satisfactory due to journey time to get there and busy road
- Benson Neighbourhood Plan notes the need for more green space to compensate for the loss of part of the playing field, this should form part of the application
- An extension to the existing school building would mean less loss of green space
- There should be no development on the green space until replacement is provided
- Contrary to NPPF paragraph 97 as new playing field would not be provided until after the new classrooms are needed.
- Playing field was already reduced in size when the infant and junior schools merged.
- Construction stage will disrupt use of the field
- Not clear that this would benefit school children

A new school is needed

- The current school site cannot accommodate the level of growth needed for the proposed new housing in Benson
- If permission is given for this, another 3-classroom block will be needed in future leading to further loss of open space
- The current school hall is inadequate and no additional office, kitchen or staff space is proposed in relation to the additional pupils.
- This development would not provide enough capacity for all spaces needed if the existing housing permissions in Benson are taken up
-

Alternative provision should be made at school site

- Ruined house to the north could be ideal for new classrooms, youth hall could be moved, caretaker's cottage could be used, land at Keable Cottage could be used
- Distance between main building and proposed new block will cause hazards in bad weather – extension preferable
- The school should expand upwards
- Staff car parking should be remote and this area used
- Construction of a pedestrian/cycle bridge over Littleworth Road to encourage pupils from the Hopefield Grange development to walk or cycle to school

Development within the Conservation Area

- Proposed block not in keeping with the buildings of local note bordering the northern side of the field.

Car park

- Large car parking area adjacent to Oxford Road would be prominent and take up green space and should be moved

Traffic

- Transport Statement is flawed and does not appreciate that pupils from new housing are more likely to arrive by car than children living closer
- Should only be permitted if positive steps are taken to deter car transport
- Increase in traffic on Oxford Road

Fencing

- Oxford Road fencing would be unattractive and spoil view across field

Urgency

- Rate of occupation of new housing is less than expected and therefore it is unlikely that the extra accommodation will be necessary by September 2019

Improvements to the scheme are required

- Design of the teaching block should be improved
- Solar panels should be added to the roof
- Cycle parking and electric car charging points should be included

Environment and amenity impacts

- Security lighting would have adverse impacts on properties adjacent to the field
- The development would lead to the destruction of trees and wildlife.

Annex 2 - European Protected Species

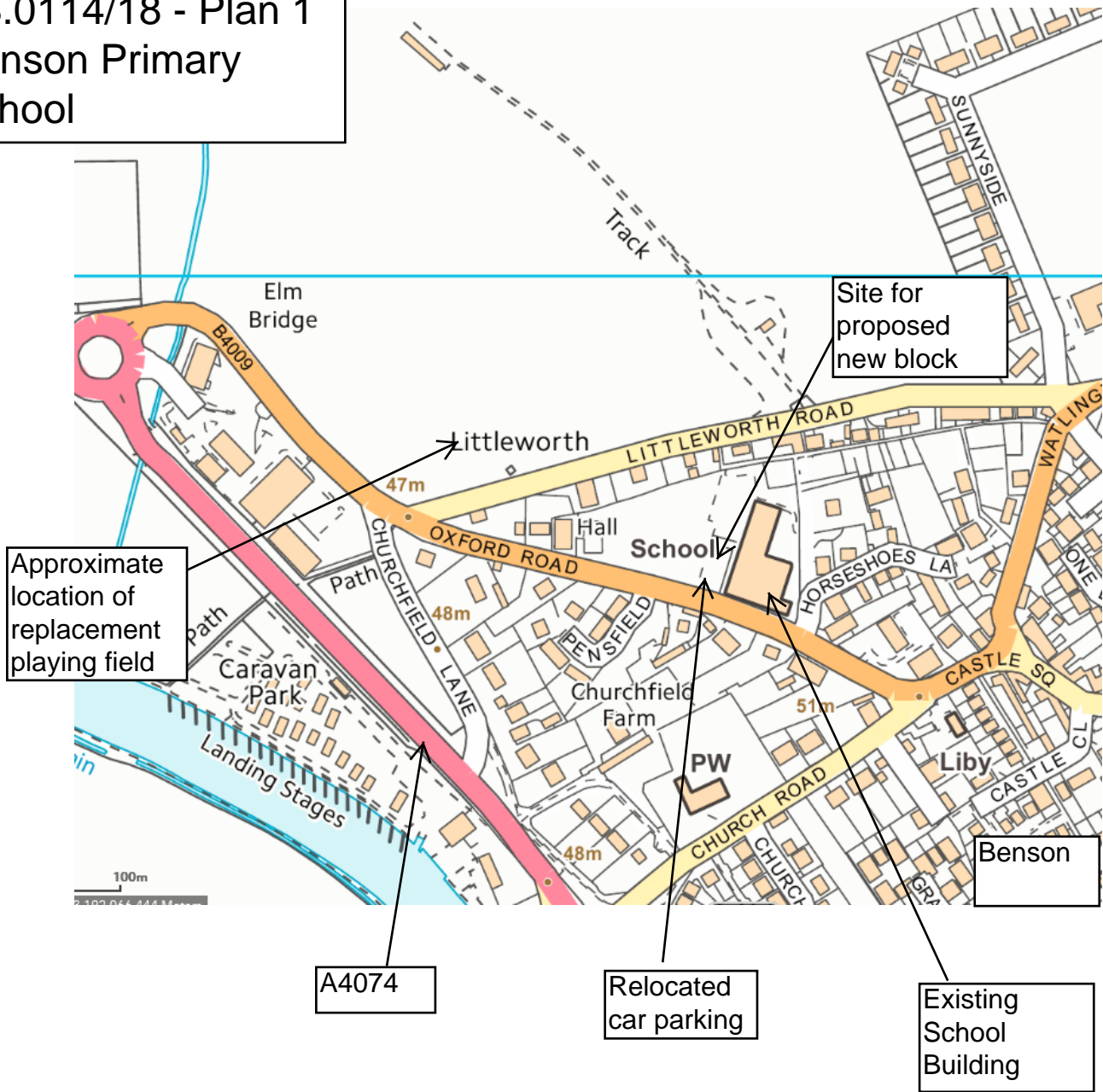
The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely a) to impair their ability –
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
 - 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
4. Damage or destruction of an EPS breeding site or resting place.

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

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

R3.0114/18 - Plan 1
Benson Primary
School



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PLANNING & REGULATION COMMITTEE - 10 DECEMBER 2018

Policy Annex (Relevant Development Plan and other Policies)

Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

POLICY M2: PROVISION FOR WORKING AGGREGATE MINERALS

Provision will be made through policies M3 and M4 to enable the supply of:

- sharp sand and gravel - 1.015 mtpa giving a total provision requirement of 18.270 million tonnes
- soft sand - 0.189 mtpa giving a total provision requirement of 3.402 million tonnes
- crushed rock - 0.584 mtpa giving a total provision requirement of 10.512 million tonnes

from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive.

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

- at least 7 years for sharp sand and gravel;
- at least 7 years for soft sand;
- at least 10 years for crushed rock;

in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.

POLICY M3: PRINCIPLE LOCATIONS FOR WORKING AGGREGATE MINERALS

The principal locations for aggregate minerals extraction will be within the following strategic resource areas, as shown on the Policies Map:

Sharp sand and gravel

in northern Oxfordshire (Cherwell District and West Oxfordshire District):

- The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton;

in southern Oxfordshire (South Oxfordshire District and Vale of White Horse District):

- The Thames and Lower Thame Valleys area from Oxford to Cholsey;
- The Thames Valley area from Caversham to Shiplake.

Soft sand

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

Crushed rock

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

Specific sites (new quarry sites and/or extensions to existing quarries) for working aggregate minerals within these strategic resource areas will be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, in accordance with policy M4.

Specific sites for extensions to existing aggregate quarries (excluding ironstone) outside the strategic resource areas may also be allocated in the Minerals & Waste Local Plan: Part 2 – Site Allocations Document provided they are in accordance with policy M4.

Sites allocated for sharp sand and gravel working (including both new quarry sites and extensions to existing quarries, including any extensions outside the strategic resource areas), to meet the requirement in policy M2 will be located such that approximately 25% of the additional tonnage requirement is in northern Oxfordshire and approximately 75% of the additional tonnage requirement is in southern Oxfordshire, to achieve an approximately equal split of production capacity for sharp sand and gravel between northern and southern Oxfordshire by 2031.

POLICY M5: WORKING OF AGGREGATE MINERALS

Prior to the adoption of the Minerals & Waste Local Plan: Part 2 – Site Allocations Document, permission will be granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided that the proposal is in accordance with the locational strategy in policy M3 and that the requirements of policies C1 – C12 are met.

Permission will be granted for the working of aggregate minerals within the sites allocated further to policy M4 provided that the requirements of policies C1 – C12 are met.

Permission will not be granted for the working of aggregate minerals outside the sites allocated further to policy M4 unless the requirement to maintain a steady and adequate supply of aggregate in accordance with policy M2 cannot be met from within those sites and provided that the proposal is in accordance with the locational strategy in policy M3 and the requirements of policies C1 – C12 are met.

Permission will exceptionally be granted for the working of aggregate minerals outside the sites allocated further to policy M4 where extraction of the mineral is required prior to a planned development in order to prevent the mineral resource being sterilised, having due regard to policies C1 –C12.

Permission will exceptionally be granted for borrow pits to supply mineral to associated construction projects, having due regard to policies C1 – C12, provided that all of the following apply:

- the site lies on or in close proximity to the project area so that extracted mineral can be conveyed to its point of use with minimal use of public highways and without undue interference with footpaths and bridleways;
- the mineral extracted will only be used in connection with the project;

- it can be demonstrated that supply of the mineral from the borrow pit would have less environmental impact than if the mineral were supplied from an existing source;
- the borrow pit can be restored without the use of imported material, other than that generated by the project; and
- use of the borrow pit is limited to the life of the project.

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

POLICY M10: RESTORATION OF MINERAL WORKINGS

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

- the characteristics of the site prior to mineral working;
- the character of the surrounding landscape and the enhancement of local landscape character;
- the amenity of local communities, including opportunities to enhance green infrastructure provision and provide for local amenity uses and recreation;
- the capacity of the local transport network;
- the quality of any agricultural land affected, including the restoration of best and most versatile agricultural land;
- the conservation of soil resources
- flood risk and opportunities for increased flood storage capacity;
- the impacts on flooding and water quality of any use of imported material in the proposed restoration;
- bird strike risk and aviation safety;
- any environmental enhancement objectives for the area;
- the conservation and enhancement of biodiversity appropriate to the local area, supporting the establishment of a coherent and resilient ecological network through the landscape-scale creation of priority habitat;
- the conservation and enhancement of geodiversity;
- the conservation and enhancement of the historic environment; and
- consultation with local communities on options for after-use.

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

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

POLICY W6: LANDFILL AND OTHER PERMANENT DEPOSIT OF WASTE TO LAND

Non-hazardous waste

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

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

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

Inert waste

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

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

General

Proposals for landfill sites shall meet the requirements of policies C1 – C12.

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

POLICY W7: MANAGEMENT AND DISPOSAL OF HAZARDOUS WASTE

Permission will be granted for facilities for the management and disposal of hazardous waste where they are designed to manage waste produced in Oxfordshire. Facilities that are likely to serve a wider area should demonstrate that they will meet a need for waste management that is not adequately provided for elsewhere.

Proposals for new waste management facilities shall meet the requirements of policies W4, W5 and 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 C2: CLIMATE CHANGE

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

POLICY C3: FLOODING

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

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

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

POLICY C4: WATER ENVIRONMENT

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

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

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

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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

- the local environment;
- human health and safety;
- residential amenity and other sensitive receptors; and
- the local economy;
including from:
 - noise;
 - dust;
 - visual intrusion;
 - light pollution;
 - traffic;
 - air quality;
 - odour;
 - vermin;
 - birds;
 - litter;
 - mud on the road;
 - vibration;
 - surface or ground contamination;
 - tip and quarry-slope stability;
 - differential settlement of quarry backfill;
 - subsidence; and
 - the cumulative impact of development.

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

POLICY C6: AGRICULTURAL LAND AND SOILS

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

Significant development leading to the permanent loss of best and most versatile agricultural land will only be permitted where it can be shown that there is a need for the development which cannot reasonably be met using lower grade land and where all options for reinstatement without loss of quality have been considered taking into account other relevant considerations.

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

POLICY C7: BIODIVERSITY AND GEODIVERSITY

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

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

In all other cases, development that would result in significant harm will not be permitted unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity). In addition:

- (i) Development that would be likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other development) will not be permitted except where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the Site of Special Scientific Interest and any broader impacts on the national network of Sites of Special Scientific Interest.
- (ii) Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will not be permitted except where the need for and benefits of the development in that location clearly outweigh the loss.
- (iii) Development shall ensure that no significant harm would be caused to:

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

except where the need for and benefits of the development in that location clearly outweigh the harm.

All proposals for mineral working and landfill shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity (including fossil remains and trace fossils),

including contributing to the objectives of the Conservation Target Areas wherever possible. Satisfactory long-term management arrangements for restored sites shall be clearly set out and included in proposals. These should include a commitment to ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

POLICY C8: LANDSCAPE

Proposals for minerals and waste development shall demonstrate that they respect and where possible enhance local landscape character, and are informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape, including careful siting, design and landscaping. 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 C9: HISTORIC ENVIRONMENT AND ARCHAEOLOGY

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

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

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

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

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

POLICY C10: TRANSPORT

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

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

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

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

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

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

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

POLICY C11: RIGHTS OF WAY

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

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate,

operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.

POLICY C12: GREEN BELT

Proposals that constitute inappropriate development in the Green Belt, will not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Conditions may be imposed on any permission granted to ensure that the development only serves to meet a need that comprises or forms an 'other consideration' in the Green Belt balance leading to the demonstration of very special circumstances.

Oxfordshire Minerals & Waste Local Plan (OMWLP) 1996

POLICY SW2: ACCESS TO SUTTON WICK AREA

The County Council will not permit access onto the B4016 between Sutton Courtenay and Sutton Courtenay, or to south Abingdon via Peep O'Day Lane.

POLICY SW3: STONEHILL LANE

Access will be via Stonehill Lane and particular attention will be paid to the needs of the other users of the lane.

POLICY SW4: RATE OF PRODUCTION IN SUTTON WICK AREA

Because of the access difficulties, future planning permissions will seek to limit the rate of production from the area.

Cherwell Local Plan 2011-2031 (CLP)

POLICY ESD 8: WATER RESOURCES

The Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use.

Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.

Development will only be permitted where adequate water resources exist, or can be provided without detriment to existing uses. Where appropriate, phasing of development will be used to enable the relevant water infrastructure to be put in place in advance of development commencing.

POLICY ESD 9: PROTECTION OF THE OXFORD MEADOWS SAC

Developers will be required to demonstrate that:

- During construction of the development there will be no adverse effects on the water quality or quantity of any adjacent or nearby watercourse
- During operation of the development any run-off of water into adjacent or surrounding watercourses will meet Environmental Quality Standards (and where necessary oil interceptors, silt traps and Sustainable Drainage Systems will be included)
- New development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality
- Run-off rates of surface water from the development will be maintained at greenfield rates.

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

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

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

should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity

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

POLICY ESD 11: CONSERVATION AREA TARGETS

Where development is proposed within or adjacent to a Conservation Area Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, the design and layout of the development, planning conditions or obligations will be used to secure biodiversity enhancement to help achieve the aims of the Conservation Target Area.

POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT

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

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

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

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

POLICY ESD 15: THE CHARACTER OF THE BUILT AND HISTORIC ENVIRONMENT

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions
- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting
- Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages
- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features

- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation
- Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout
- Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1-5 on climate change and renewable energy)
- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy EDS 17: Green Infrastructure). Well designed landscape scheme should be an integral part of development proposals to support improvements to biodiversity, the micro climate and air pollution and provide attractive places that improve people's health and sense of vitality
- Use locally sourced sustainable materials where possible.

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site.

POLICY PSD 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the

National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

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

POLICY SLE 4: IMPROVED TRANSPORT AND CONNECTIONS

The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth.

We will support key transport proposals including:

- Transport Improvements at Banbury, Bicester and the Former RAF Upper Heyford in accordance with the County Council's Local Transport Plan and Movement Strategies
- Projects associated with East-West rail including new stations at Bicester Town and Water Eaton
- Rail freight associated development at Graven Hill, Bicester
- Improvements to M40 junctions

Consultation on options for new link and relief roads at Bicester and Banbury will be undertaken through the Local Transport Plan (LTP) review process. Routes identified following strategic options appraisal work for LTP4 will be confirmed by the County Council and will be incorporated in Local Plan Part 2.

New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.

All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.

Vale of White Horse Local Plan 2011 (VLP 2011)

POLICY DC5: ACCESS

Proposals for development will only be permitted provided that:

- i) safe and convenient access will be provided both within the site and to and from the adjoining highway network for all users including those with impaired mobility, and for all modes of transport;
- ii) the road network can accommodate the traffic arising from the development without causing safety, congestion or environmental problems;
- iii) adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning;
- iv) adequate and safe provision will be made for parking vehicles and cycles;
- v) off-site improvements to the highway infrastructure (including traffic management measures), cycleways, footpaths and the public transport network can be secured where these are not adequate to service the development; and
- vi) the scheme is designed to minimise the impact of vehicles and give priority to the needs of pedestrians, cyclists, the users of public transport and those with impaired mobility.

POLICY 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.

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.

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

DEVELOPMENT POLICY 16: ACCESS

All proposals for new development will be required to be of high quality design in accordance with Core Policy 37: Design and Local Distinctiveness. In addition to those criteria set out in Core Policy 37 and other relevant Local Plan policies, proposals for development will also need to provide evidence to demonstrate that:

- i. adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning, and
- ii. acceptable off-site improvements to the highway infrastructure (including traffic management measures), cycleways, public rights of way and the public transport network can be secured where these are not adequate to service the development.

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.

DEVELOPMENT POLICY 25: NOISE POLLUTION

Noise-Generating Development

Noise-generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation that should take account of:

- i. the location, design and layout of the proposed development
- ii. existing levels of background noise
- iii. measures to reduce or contain generated noise, and
- iv. hours of operation and servicing.

Development will not be permitted if mitigation cannot be provided within an appropriate design or standard¹.

Noise-Sensitive Development

Noise-sensitive development in locations likely to be affected by existing sources of noise² will be expected to provide an appropriate scheme of mitigation to ensure appropriate standards of amenity are achieved for future occupiers of the proposed development, taking account of:

- i. the location, design and layout of the proposed development
- ii. measures to reduce noise within the development to acceptable levels, including external areas, and
- iii. the need to maintain adequate levels of natural light and ventilation to habitable areas of the development.

In areas of existing noise, proposals for noise-sensitive development should be accompanied by an assessment of environmental noise and an appropriate scheme of mitigation measures.

Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design.

¹ Currently set out in British Standards 4142:2014 and 8233:2014. The Council is currently developing guidance relating to noise mitigation

² Busy roads, railway lines, aerodromes, industrial/commercial developments, waste, recycling and energy plant, and sporting, recreation and leisure facilities.
Development Policy 24: Noise Pollution

DEVELOPMENT POLICY 26: AIR QUALITY

Development proposals that are likely to have an impact on local air quality, including those in, or within relative proximity to, existing or proposed Air Quality Management Areas (AQMAs) will need to demonstrate measures/mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Where sensitive development is proposed in areas of existing poor air quality and/or where significant development is proposed, an air quality assessment will be required.

The council will require applicants to demonstrate that the development will minimise the impact on air quality, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or,

where this is not possible or sufficient, through appropriate mitigation in accordance with current guidance.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the council's Air Quality Action Plan.

Mitigation measures will be secured either through a negotiation on the scheme, or via the use of a planning condition and/or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

South Oxfordshire Core Strategy December 2012 (SOCS)

POLICY CSS1: THE OVERALL STRATEGY

Proposals for development in South Oxfordshire should be consistent with the overall strategy of:

- (i) focusing major new development at the growth point of Didcot so the town can play an enhanced role in providing homes, jobs and services with improved transport connectivity;
- (ii) supporting the roles of Henley, Thame and Wallingford by regenerating their town centres through measures that include environmental improvements and mixed-use developments and by providing new houses, employment, services and infrastructure;
- (iii) supporting and enhancing the larger villages of Berinsfield, Benson, Chalgrove, Chinnor, Cholsey, Crowmarsh Gifford, Goring, Nettlebed, Sonning Common, Watlington, Wheatley and Woodcote as local service centres;
- (iv) supporting other villages in the rest of the district by allowing for limited amounts of housing and employment and by the provision and retention of services; and
- (v) outside the towns and villages, and other major developed sites, any change will need to relate to very specific needs such as those of the agricultural industry or enhancement of the environment.

POLICY CS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications which accord with the policies in the Development Plan (including, where relevant, Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Planning permission will also be granted where relevant policies in the Development Plan are out of date or silent unless:

- any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in the Framework or other material considerations indicate that development should be restricted.

POLICY CSEM4: SUPPORTING ECONOMIC DEVELOPMENT

Planning permission will be granted for:

- (i) employment on identified allocated employment sites⁵⁶ in accordance with the policy;
- (ii) the redevelopment of employment sites where this improves the quality and choice of business premises available;
- (iii) the reasonable extension of premises on existing sites;
- (iv) appropriate forms of working at home, where permission is needed;
- (v) new premises or the conversion of existing buildings on suitable sites within the built-up area of settlements;
- (vi) the re-use of rural buildings where the proposals accord with other policies in the development plan.

POLICY CSEN1 LANDSCAPE

The district's distinct landscape character and key features will be protected against inappropriate development and where possible enhanced.

- (i) Where development is acceptable in principle, measures will be sought to integrate it into the landscape character of the area.
- (ii) High priority will be given to conservation and enhancement of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs) and planning decisions will have regard to their setting. Proposals which support the economies and social well being of the AONBs and their communities, including affordable housing schemes, will be encouraged provided they do not conflict with the aims of conservation and enhancement.
- (iii) The landscapes and waterscapes of the River Thames corridor will be maintained and where possible enhanced as will the setting and heritage of the river for its overall amenity and recreation use.

POLICY CSQ3: DESIGN

Planning permission will be granted for new development that is of a high quality and inclusive design that:

- responds positively to and respects the character of the site and its surroundings, particularly the historic significance and heritage values of the historic environment, enhancing local distinctiveness and ensuring that new development is of a scale, type and density appropriate to the site and its setting;
- improves the quality of the public realm with well designed external areas, and, where appropriate a clear structure of open spaces;
- provides and/or links into green infrastructure where available;
- is designed to create safe communities and reduce the likelihood and fear of crime;
- creates a distinctive sense of place and is easy to understand through the use of vistas, landmarks and focal points;
- ensures high levels of accessibility and ease of use by all modes of transport both within the site and with the wider area, also making sure that any new development is properly integrated with existing development ensuring accessibility to local services; and
- is adaptable to changing requirements and constructed with materials appropriate to the area.

All proposals for new development should be accompanied by a design and access statement to show how they have responded to the above criteria.

POLICY CSG1: GREEN INFRASTRUCTURE

A net gain in green infrastructure including biodiversity will be sought through developer works, developer contributions and the targeted use of other funding sources. Proposals for new development must demonstrate that they have taken into account the relationship of the proposed development to existing green infrastructure. Where appropriate, proposals will be required to contribute to the delivery of green infrastructure and/or the improvement of existing assets including Conservation Target Areas in accordance with the standards in the South Oxfordshire Green Infrastructure Strategy and Didcot Natural Greenspaces Study.

A net loss of green infrastructure including biodiversity through development proposals will be avoided.

CSM1: TRANSPORT

The council will work with Oxfordshire County Council and others to:

- (i) in partnership with the Vale of White Horse District Council, actively seek to deliver the transport infrastructure and measures which improve movement in Didcot and within the Didcot/ Wantage and Grove corridor, in particular linking Didcot with the major employment sites at Harwell and Milton Park as identified in the County Council's LTP3 SVUK Area Strategy and Southern Central Oxfordshire Transport Study;
- (ii) actively seek to ensure that the impact of new development on the strategic and local road network, in particular the Milton, Chilton and Marcham junctions of the A34 and the road links and junctions identified in the Council's Evaluation of Transport Impact and County Council's Southern Central Oxfordshire Transport Study is adequately mitigated (see Policy CSM2);
- (iii) support improvements for accessing Oxford;
- (iv) work with the authorities affected by cross Thames travel in the Reading area to ensure that traffic and environmental conditions in South Oxfordshire are improved by the implementation of measures which also improve access to Reading;
- (v) support measures which enable modal shift to public transport, cycling and walking particularly where these support the network of settlements in the district;
- (vi) promote and support traffic management measures and environmental improvements which increase safety, improve air quality, encourage the use of sustainable modes of transport and/or make our towns and villages more attractive;
- (vii) adopt a comprehensive approach to car parking aimed at improving the attraction of our town and village centres;
- (viii) encourage the use of sustainable modes of transport;
- (ix) promote electronic communications allowing businesses to operate throughout the district and to provide services and information which reduce the need to travel and encourage sustainable modes of transport; and
- (x) cater for the needs of all users.

CSEN3 – HISTORIC ENVIRONMENT

The district's designated historic heritage assets, both above and below ground such as:

- nationally designated assets including listed buildings, historic parks and gardens, historic battlefields and Scheduled Ancient Monuments;
- conservation areas; and
- their settings

will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place.

This will be carried out through:

- conservation area appraisals/reviews;
- management plans;
- designating new conservation areas where appropriate;
- the determination of planning, listed building consent and other relevant applications.

Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.

CSB1: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY

A net loss of biodiversity will be avoided, and opportunities to achieve a net gain across the district will be actively sought.

Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be sought for all types of habitats, with a primary focus on delivery in the Conservation Target Areas.

The highest level of protection will be given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species).

Damage to nationally important sites of special scientific interest, local wildlife sites, local nature reserves, priority habitats, protected or priority species and locally important geological sites will be avoided unless the importance of the development outweighs the harm and the loss can be mitigated to achieve a net gain in biodiversity.

South Oxfordshire Local Plan 2011 (SOLP 2011) (saved policies)

G2: PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT

The district's countryside, settlements and environmental resources will be protected from adverse developments.

C6: BIODIVERSITY CONSERVATION

In considering proposals for development, the maintenance and enhancement of the biodiversity resource of the district will be sought. Full account of the effects of development on wildlife will be taken. Where there is any significant loss in biodiversity as part of a proposed development, the creation and maintenance of

new landscape features, habitats, habitat links and wildlife corridors of appropriate scale and kind will be required to ensure there is no net loss in biodiversity resources.

CON7: CONSERVATION AREAS

Planning permission will not be granted for development which would harm the character or appearance of a conservation area.

The following will be required when considering proposals for development in conservation areas:

- (i) the design and scale of new work to be in sympathy with the established character of the area; and
- (ii) the use of traditional materials, whenever this is appropriate to the character of the area.

The contribution made to a conservation area by existing walls, buildings, trees, hedges, open spaces and important views will be taken into account. Proposals for development outside a conservation area which would have a harmful effect on the conservation area will not be permitted.

EP2: NOISE AND VIBRATION

Proposals which would by reason of noise or vibrations have an adverse effect on existing or proposed occupiers will not be permitted, unless effective mitigation measures will be implemented. In addition, noise sensitive development will not be permitted close to existing or proposed sources of significant noise or vibrations.

EP3: LIGHT POLLUTION

Proposals for new floodlighting and other external lighting that would have an adverse effect on neighbouring residents, the rural character of the countryside or biodiversity will not be permitted, unless effective mitigation measures will be implemented.

CF1: SAFEGUARDING RECREATIONAL FACILITIES

Proposals that result in the loss of a recreation facility or an essential community facility or service, through change of use or redevelopment, will not be permitted unless:

- (i) suitable alternative provision is made for the facility (or similar facilities of equivalent community value) on a site elsewhere in the locality, or
- (ii) in the case of recreational facilities, it is not needed, or
- (iii) in the case of commercial services, it is not economically viable.

D1: GOOD DESIGN

The principles of good design and the protection and reinforcement of local distinctiveness should be taken into account in all new development through:

- (i) the provision of a clear structure of spaces;
- (ii) respecting existing settlement patterns;
- (iii) providing for a choice of routes and transport modes to, from and within the

development;

(iv) providing a development that users find easy to understand through the use of landmarks, vistas and focal points;

(v) providing landscape structure as a framework for new development;

(vi) respecting the character of the existing landscape;

(vii) respecting distinctive settlement types and their character;

(viii) providing good quality site and building design and appropriate materials; and

(ix) providing well-designed external areas.

D2: PARKING

Planning permission will not be granted for developments that fail to incorporate adequate, safe and secure parking for vehicles and cycles. Vehicle parking should be provided in a discreet and sensitive manner.

The Benson Neighbourhood Plan (BNP)

NP6: CONSERVATION AND HERITAGE

Development should respect the history and heritage of Benson in accordance with national and local policy by:

- Conserving and enhancing the significant special architectural and historic interest of listed buildings and their settings;
- Conserving and enhancing the special interest, character and appearance of the two conservation areas at Benson and Preston Crowmarsh, with regard for their setting and context as parts of longer linear historic settlements, and for their wider relationships with the River Thames, the Ewelme Stream (Benson Brook), and the agricultural landscape. Development that would restore traditional design details and window styles or route cables and services underground, and that accords with other policies in the Plan, will be supported;
- Conserving and respecting, in proportion to their importance, the significant character and setting of historic buildings that are not listed but are of local note for their heritage value. This shall apply to buildings included in the Schedule of Buildings of Local Heritage note set out in Appendix E . Developers should assess the significance of these buildings prior to application, and should provide a public record of any significance that is lost. Demolition of these buildings, or major alterations that would destroy or obscure their historic interest, will not be supported where it is judged that the significance of the building outweighs the scale of harm or loss;
- Where appropriate taking account of the high potential within the Plan area for discoveries of significant archaeological note, and ensuring that proposals reflect the outcome of an appropriate range of prior investigations including field evaluation. Any impact on archaeological remains should be mitigated to reflect the significance of those remains, by maximising potential for preservation, recording any loss and including provision for the preservation in situ of important remains where the loss is not outweighed by the public benefits of the development.

NP7: DESIGN

All new development, including infill development, should be of a high-quality design that respects the distinctive character of the locality. New development should be in accordance with the Principles set out in the Design Statement that accompanies this Plan.

NP22: NEW GREEN SPACE

New development should make appropriate provision of green space in accordance with South Oxfordshire District Council standards in place at the time of the determination of the application. The design of green spaces shall take account of the needs identified in Benson's 'People and Nature Strategy and this plan's biodiversity policies, and must link where practicable via public footpaths to other public footpaths/bridleways connecting to the rest of the village and the wider countryside. Where possible, pedestrian links should be positioned to provide separation from road traffic.

NP23: BIODIVERSITY

Development proposals should maintain and enhance existing on-site biodiversity assets, and provide for wildlife needs on site, where possible. Where appropriate on-site biodiversity enhancements such as new roosting features for bats or nesting features for birds should be incorporated into the fabric of the development.

NP30: SUSTAINABLE DRAINAGE SYSTEMS

Where it is appropriate development proposals should include Sustainable Drainage Systems within their boundaries designed to manage the risk of surface water flooding and foul water sewer overload, and that they will not increase flood risk elsewhere in Benson.

Sustainable Drainage Systems should be designed to maximise the benefits of the features, taking account where possible of the Benson's Strategy for Nature and People.

Chilterns AONB Management Plan 2014 – 2019 (CMP)

L1 - The overall identity and character of the Chilterns should be recognised and managed positively.

L5 - Developments which detract from the Chilterns' special character should be resisted.

L6 - Degraded aspects of the landscape should be enhanced including the removal or mitigation of intrusive development and features.

D11 - Enhancement of the landscape of the AONB should be sought by the removal or mitigation of intrusive developments.

