



To: Members of the Planning & Regulation Committee

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

**Monday, 9 March 2020 at 2.00 pm**

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

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

Yvonne Rees  
Chief Executive

February 2020

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

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

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### **Membership**

Chairman – Councillor Jeannette Matelot  
Deputy Chairman - Councillor Stefan Gawrysiak

#### *Councillors*

Mrs Anda Fitzgerald-  
O'Connor  
Mike Fox-Davies  
Pete Handley  
Damian Haywood

Bob Johnston  
G.A. Reynolds  
Judy Roberts  
Dan Sames

John Sanders  
Alan Thompson  
Richard Webber

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#### **Notes:**

- ***A site visit is required for Item 6 (Dix Pit)***
- ***Date of next meeting: 20 April 2020***

## Declarations of Interest

### The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

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

### Whose Interests must be included?

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

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

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

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

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

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

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

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

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

### List of Disclosable Pecuniary Interests:

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

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

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

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

# AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 10)

To approve the minutes of the meeting held on 27 January 2020 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Section 73 application for the continuation of development of Planning Permission no. 16/04159/CM (MW.0141/16) (engineering operations for the restoration of former landfill and temporary provision of an area for topsoil recycling) without complying with conditions, 1, 2, 3, 4 and 13, in order to revise levels of the approved landform to reflect final contours; to provide for additional time to complete final planting and grass seeding to complete final restoration and landscaping of the site; and for consequential amendment to the aftercare details. Application No. MW.0126/19**  
(Pages 11 - 30)

Report by Director for Planning & Place (PN6).

The report considers whether permission should be granted to vary conditions 1, 3 and 4 and delete conditions 2 and 13 in order to regularise the land form that has been created contrary to the approved land form under planning permission MW.0126/19, prior to the previously approved seeding and final planting being completed.

The application is being reported to Committee because an objection from the County Councillor Charles Mathew has been received and the County Council's recent enforcement action in relation to the application site. Councillor Mathew is concerned about the request for a second revised landform when the first has not been implemented as previously approved, which was also a revision of the original restoration as approved. This was also the subject of the County Council's recent, quashed enforcement action.

The report outlines further comments received and the recommendation of the Director for Planning and Place.

The development accords with the Development Plan as a whole and with individual

policies within it, as well as with the NPPF. The proposal would not lead to any further engineering works or deposits of inert waste or top soils. The proposals are to regularise the contours as engineered prior to final seeding and planting to enable the site to be entered into the five-year after care period.

***It is RECOMMENDED that the Director for Planning and Place be authorised to approve application no. MW.0126/19 subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to the report PN6.***

## **7. Relevant Development Plan and Other Policies (Pages 31 - 38)**

Paper by the Director for Planning & Property Place (PN7)

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

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday** at **12.00 midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 27 January 2020 commencing at 2.00 pm and finishing at 3.25 pm

**Present:**

**Voting Members:** Councillor Jeannette Matelot – in the Chair

Councillor Stefan Gawrysiak (Deputy Chairman)  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Pete Handley  
Councillor Damian Haywood  
Councillor Bob Johnston  
Councillor G.A. Reynolds  
Councillor Judy Roberts  
Councillor John Sanders  
Councillor Alan Thompson

**Other Members in Attendance:** Councillor Judith Heathcoat (for Agenda Item 6)

**Officers:**

Whole of meeting G. Warrington & D. Mytton (Law & Governance); R. Wileman, D. Periam and Mrs M.Hudson (Planning & Place)

Part of meeting

**Agenda Item**                      **Officer Attending**  
6.                                      I. Marshall (Planning & Place)

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

**1/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Dan Sames Councillor Mike Fox-Davies Councillor Richard Webber	Councillor Nicholas Field-Johnson - -

**2/20 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE**

(Agenda No. 2)

Councillor John Sanders advised that he was the local member for Item 7 (Church Cowley St James CE Primary School) but confirmed that he had not expressed an opinion on the application. Therefore, he intended taking part in the discussion and voting on the application having regard to the officer report and information presented at the meeting.

**3/20 MINUTES**

(Agenda No. 3)

The minutes of the meeting were approved and signed by the Chairman.

*48/19 – Progress Report on Minerals and Waste Site Monitoring Enforcement*

Officers confirmed that the December report had in fact set out targets for 31 March 2020. As there might have been some misunderstanding at that meeting they confirmed that those targets were now expected to be met due to a considerable effort from the enforcement team particularly in the light of the problems they had faced over the year following the death of the head of the team. Members acknowledged that confirmation.

Councillor Handley took the opportunity to apologise if comments he'd made at the December meeting in respect of this report had caused offence. He assured officers that had not been his intention.

**4/20 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Glen Yarwood (Little Coxwell Parish Council) County Councillor Judith Heathcoat	) ) 6. Faringdon Quarry )

**5/20 CHAIRMAN'S UPDATES**

(Agenda No. 5)

*Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Lane, Radley*

The Agent for the operators/owners had recently submitted information regarding the site advising that matters had moved on along the lines previously discussed with details of the Heads of Terms between Curtis and Tuckwell agreed. Tuckwell advised that they would shortly re-submit the application for the conveyor and plant that would allow the Radley minerals to be taken to the Tuckwell plant site for processing. This 'first stage' was necessary as it would inform the work that was needed in preparing the Environmental Statement.

Land and Mineral Management (LMM) had been instructed to make the submission which should be before the end of February. As the Heads of Terms between the Parties needed to be confidential they could not be released but LMM had been asked to send an email confirming they had been instructed.

Regarding the Environmental Statement for the Radley conditions the Agent had advised that, allowing for updating surveys and a 12-month water monitoring period, it was expected that that would take some 12 - 18 months to prepare, which suggested a submission by Summer 2021. Allowing a reasonable time for determination and site preparation would enable the workings to recommence in late 2022 or early 2023 which fitted well with the likely completion dates for Sutton Wick. He felt that this reflected the long-standing commitment of the company to resume mineral extraction at Radley following the rundown/exhaustion of the Sutton Wick Quarry.

Officers confirmed that no further information had been received to date from the owners/operators. Work on the notice was advanced which meant that it could be served within the next 2 weeks although it could be paused until March if members wished.

On the basis of the information presented Committee confirmed that officers proceed to serve the Order in accordance with its earlier decision.

**6/20 PLANNING APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO VARY CONDITION 2 OF THE PRIOR APPROVAL LETTER (UNDER SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015 (AS AMENDED), PART 17 CLASS B) FOR THE INSTALLATION AND USE OF A CONCRETE BATCHING PLANT TO PRODUCE READY-MIXED CONCRETE FOR SALE (OCC REF MW.0068/19), TO AMEND HGV MOVEMENTS FROM 22 TO 44 PER DAY - LAND AT FARINGDON QUARRY, FERNHAM ROAD, FARINGDON, OXFORDSHIRE SN7 7LG - MW.0107/19**

(Agenda No. 6)

The Committee had before it a report (PN6) which considered whether permission should be granted to vary condition 2 which related to permitted HGV movements in connection with planning permission MW.0068/19, for a concrete batching plant to produce ready-mixed concrete at Faringdon Quarry. This was a section 73 application to amend a Prior Approval letter issued on 7 October 2019.

Mr Periam presented the report together with the addenda sheet setting out a revised recommendation.

Glenn Yarwood for Little Coxwell parish council spoke against the application. Having listened to the issues raised by residents at its meeting on 9 September 2019 the Planning & Regulation Committee had approved an application for installation of a concrete mixing plant but had at that time also recognised the not insignificant issues raised around noise, dust and pollution and particularly the impact of large ready mix cement trucks on the village environment together with issues around safety to and from the A420. Recognising those issues the Committee, therefore, agreed to limit movements to 22 trucks per day (11 trucks in and 11 trucks out) as the limit of acceptability. The parish council found it unacceptable that the Committee should now be asked within 4 months of that decision to consider a doubling of truck movements to 44 (22 in and 22 out). How could this change in anyway be deemed as suddenly acceptable for this site and the Committee should uphold its earlier decision irrespective of what officers were now recommending as acceptable. Overturning its earlier decision now having applied a condition of acceptability made the planning approval process a farce. The applicant would also have you believe, that this did not represent an increase in truck movements from the originally approved quarry. The truck movements that this had been based on were much smaller payloads and significantly incorporated a small volume in materials but high volume of trucks for the import of other saleable product. The approved planning application from June 2013 from the transport document had stated:

- “2.2 For the period July 2008 to the end of March 2009 the quarry imported approximately 6,587 tonnes of materials and exported approximately 20,366 tonnes of materials.
- 2.3 The imported material was carried on approximately 2,147 loads (11 per day) and the exported material was carried on approximately 2,222 loads (11 per day). The daily figures quoted were based on 194 working days.”



The applicant was, therefore, utilising the notion of truck movements to increase its business and supply much larger than previously approved volumes. The current 22 truck movements per day at today's high payloads easily matched the original volumes approved for the extraction of the quarry. Also, the original truck movements were based on the previous site access that entered the A420 at a much safer location and also had no impact on the Little Coxwell community. Therefore, the current approved concrete mixing plant with the condition of 22 truck movements per day was already a 100% increase on truck movements encountered by our community. This application represented a 200% increase now – for what – an application for a single business that was trying to increase its profits for a product that had already been shown to have sufficient capacity within the existing supply chain. How could overriding the needs of a whole community over the financial needs of one company be right? On behalf of Little Coxwell he urged that the application be rejected.

He then responded to questions from:

Councillor Field-Johnson – if this application were not approved demand for material could be met elsewhere. A balance needed to be struck against the effect on the local community.

Councillor Gawrysiak – there would be an impact on nearby facilities which included houses and stables. There were also access concerns. These issues had been reported when considering the application for the concrete works. Locally this was considered as being unnecessary and purely for financial gain.

Councillor Haywood – while the routeing agreement proposed was welcomed he fully expected lorry drivers to look for ways to short cut that route.

Councillor Heathcoat then addressed the Committee as local member. The request for prior approval of the installation and use of a concrete batching plant to produce ready-mixed concrete for sale on land at Faringdon Quarry, Fernham Road, Faringdon MW.0068/19 had been before Committee on 9 September – yet the following day, just 24 hours later a subsequent application had been made. This application doubled the amount of HGV movements from this site and thus routeing/access and safety were paramount. Much of what I said on 9 September still applied but now more so! This site stood adjacent to the A420 which ran through my Division and was also adjacent to a bridal path. Production noise could startle and frighten horses with serious consequences to riders, joggers and walkers. The A420 had a very poor reputation as recognised by the County Council in LTP4 and in "Connecting Oxfordshire" papers of 2016 and had been identified for inclusion in the Major Road Networks proposals. These issues were of great concern to me and other councillors whose divisions straddled the A420 with traffic levels which included heavy commercial, commuter, agricultural and industrial use constantly increasing as a result of the expansion of Swindon and development in the Vale district. There were numerous junctions onto the A420 and these were, of course, where most road traffic collisions occurred. The many junctions onto the A420 had a history of serious accidents with fatalities at Buckland, Little Coxwell, Littleworth and on the Faringdon stretch of this road. Local drivers now turned left out of the villages of Littleworth and Little Coxwell to join the traffic as it was too dangerous to turn right and cross

oncoming fast moving traffic. They would then do a “U” turn at the Buckland fuel station and at the Great Coxwell turn to continue their journey towards Oxford. The danger for local traffic had long been recognised by Oxfordshire County Council and a traffic light system was to be installed at Great Coxwell funded from S106 monies to make this junction safer for drivers wishing to cross the A420 traffic flow. The A420's attraction to commercial and industrial traffic was also increasing because of the rail terminal located at South Marsden near junction 15 of the M4 – just off the A419. Commercial traffic did not follow advisory notices to use the A34 to the M4 but used the A420.

Little Coxwell was effectively a “closed village” with one junction onto the A420. The exit from the Fernham Road onto the A420 had traffic moving at 60mph plus as many ignored the speed limit with the junction on the crown of a hill so traffic was unsighted, until a driver was committed to turning onto the road. Despite what was reported by officers on 9 September that the junction of Fernham Road and the A420 was deemed acceptable with sufficient splays and sightlines this was absolutely not so and the junction definitely needed to be modified. There was no filter lane provision when joining the A420. This application would introduce larger, heavier and, therefore, potentially slower moving HGV's both onto and off the existing network. There was no central reservation for pedestrians walking daily to the schools on Fernham Road on the other side of the A420. HGV's coming from the site needed to be instructed to turn right out of the Grundon site on to the Fernham Road and then to turn left in a westerly direction, onto the A420 regardless of destination and required to turn at the Watchfield Roundabout. These heavy and slow-moving HGV's should not be allowed to enter the A420 by turning right towards Oxford although I would question the ability for enforcement of such a condition. Equally, an acceleration lane was required for HGV's so that they could pick up speed before joining the flow of traffic on the A420. I would hope that members of the Committee would take on board the concerns raised by those of us living locally by a road with a poor safety history with ever increasing traffic and the serious need for the Little Coxwell junction to be improved.

Responding to Councillor Johnston Mr Mytton confirmed that it was open to the Committee to impose a condition to change the number of vehicles as long as it didn't substantially alter the proposal.

To Councillor Roberts Mr Periam confirmed that with regard to the prior approval the Committee had been limited as to what it could condition because that could only be done on amenity grounds and not highway impact. However, with the S73 application to vary conditions the Committee had a wider remit and could now consider highway aspects.

Again to Councillor Roberts who had expressed concern regarding safety on the Oxford side of the junction as a result of traffic continuing on towards Swindon and overtaking vehicles in the deceleration lane Mr Marshall confirmed that it was not considered reasonable to seek provision for an acceleration lane and that the mitigation measures proposed were considered acceptable having regard to the scale of the site.

To Councillor Fitzgerald-O'Connor he confirmed that there had been 4 recorded accidents between January 2012 and November 2019 but records of near misses were not kept. No junction was completely safe but there were visibility splays in both directions and the highway authority were limited in what it could ask for.

To Councillor Handley who had suggested a roundabout could be a safer option he advised that any roundabout provision on a high speed classified road would not be appropriate as the roundabout arms would be unbalanced and the land take would be significant. The estimated cost of such a scheme would be in the region of £100,000 to £200,000 which was not considered appropriate for this scale of operation.

Councillor Gawrysiak referring to Councillor Heathcoat's submission that lorries accessing and egressing the site were bigger and therefore needed more time to build up enquired whether a slip road was an option onto A420 going left.

Mr Marshall confirmed that visibility left and right met national standards.

Councillor Gawrysiak appreciated the concerns expressed locally but as access was being taken onto a major A road he felt the county council as planning authority could not reasonably be expected to refuse the application particularly so having regard to the advice given by officers regarding the need to consider the harm and amenity impact, that the junction met visibility requirements and was safe or as safe as any junction could be. He considered the increase from 22 movements to 44 to be a small percentage and with a routeing agreement in place could be managed effectively with any breach dealt with through enforcement action. He moved the revised recommendation as set out on the addenda sheet.

Councillor Field-Johnson, however, was not convinced about the business case put forward by the applicant and felt that current vehicle numbers should be retained, the situation monitored and then, if justified, numbers increased incrementally as required.

The motion was put to the Committee and carried by 6 votes to 3 (with 2 recorded abstentions)

**RESOLVED:** subject to:

- (a) a routeing agreement being signed to require all ready mix concrete HGVs to turn right onto Fernham Road and then left onto the A420,
- (b) the amendment of condition 2 of the Prior Approval (MW.0068/19) as follows:  

“The number of HGVs entering and leaving the site, in connection with the mobile batching plant and all other operations at the quarry, shall be limited to 44 per day (22 movements in/ 22 movements out”;

and
- (c) an additional condition that “No heavy goods vehicles under the control of the operator shall turn right on to the A420 from Fernham Road”

that application no. MW.0107/19 be approved along with any necessary minor changes to the wording of the conditions to ensure they were precise and enforceable.

**7/20 PROPOSED RETENTION AND CONTINUED USE OF PREFABRICATED UNITS T1 AND T3 FOR A FURTHER TEMPORARY PERIOD OF FIVE YEARS - CHURCH COWLEY ST JAMES CE PRIMARY SCHOOL, BARTHOLOMEW ROAD, COWLEY, OXFORD - R3.0105/19**

(Agenda No. 7)

The Committee considered a report (PN7) on whether permission should be given to allow for the retention and continued re-use of temporary, prefabricated units T1 and T3 at Church Cowley St James CE Primary School, Oxford for a further period of five years. This was a renewal of temporary permission for the buildings last granted on 17 December 2012.

Presenting the report together with additional information set out in the addenda Mrs Hudson confirmed that the buildings had been surveyed to confirm safety.

Members recognised the desirability for provision of permanent buildings at schools but with financial constraints temporary accommodation was unfortunately needed.

**RESOLVED:** (on a motion by Councillor Haywood, seconded by Councillor Sanders and carried unanimously) that Application R3.0105/19 be approved subject to conditions to be determined by the Director of Planning and Place, to include the following:

- i. Detailed compliance;
- ii. Temporary 5 year consent.

**8/20 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER LAND AT WILDING PARK ROAD, WALLINGFORD AS A TOWN OR VILLAGE GREEN**

(Agenda No. 8)

The Committee considered a report (PN8) setting out the terms of an application to register land at Wilding Park Road, Wallingford as a Town or Village Green (TVG) under section 15 of the Commons Act 2006 which the County Council through its Planning & regulation Committee were required to process as Commons Registration Authority having applied the legislative tests contained in the Commons Act.

Mr Smith presented the report summarising the reasons put forward by Counsel in reaching a decision to reject the application and advised that the local member, Councillor Pete Sudbury had expressed disappointment that parties were not working together to protect this green space.

Having regard to the clear legal evidence Councillor Reynolds moved that the recommendation as set out in the officer's report be approved. Seconded by Councillor Johnston it was put to the Committee and –

**RESOLVED:** (10 votes to 0 with one recorded abstention) to reject the Application to register land at Wilding Park Road, Wallingford as a Town or Village Green, for the reasons outlined in Counsel's Opinion dated 29 November 2019 and included at Annex 3 to the report PN8.

..... in the Chair

Date of signing .....

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**For: PLANNING AND REGULATION COMMITTEE – 9 MARCH 2020**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Development Proposed:**

**Section 73 application for the continuation of development of Planning Permission no. 16/04159/CM (MW.0141/16) (engineering operations for the restoration of former landfill and temporary provision of an area for topsoil recycling) without complying with conditions, 1, 2, 3, 4 and 13, in order to revise levels of the approved landform to reflect final contours; to provide for additional time to complete final planting and grass seeding to complete final restoration and landscaping of the site; and for consequential amendment to the aftercare details.**

**Division Affected:** Eynsham

**Contact Officer:** Emma Bolster      **Tel:** 07775 824954

**Location:** Controlled Reclamation Landfill Site, Dix Pit,  
Stanton Harcourt, Witney OX29 5BB

**Applicant:** Controlled Reclamation (Oxford) Ltd

**Application No:** MW.0126/19      **District Ref:** P19/V2603/CM

**District Council Area:** West Oxfordshire

**Date Received:** 20 November 2019

**Consultation Period:** 19 December 2019 – 13 January 2020

**Recommendation:**      **Approval**

The report recommends that the applications 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 application site sits within the wider Dix Pit complex and lies approximately 0.5 mile (1 km) south west of the centre of Stanton Harcourt village and approximately 120m west of Stanton Harcourt Lakeside (Oasis) industrial estate. The closest town is Witney, approximately 4 miles (6 km) north-west. The village of Eynsham is approximately 3 miles (5 km) north-east. The city of Oxford is approximately 7 miles (11 km) to the east.
2. The wider Dix Pit complex includes commercial and household recycling and other dormant and restored landfill. These operations are almost all to the south east of the application site, other than the aggregate recycling facility immediately adjacent to the application site. In addition, there are a former concrete block making works (Conbloc), batching plant and various workshops and small-scale industrial units.
3. The closest residential properties to the application site are located approximately 200m north-east of the site off Barlin Close in Stanton Harcourt. Other residential properties of a similar distance are the Grade II listed Beard Mill, approximately 460m north west of the site, Keppel Cottage approximately 200m north east and The Old Vicarage is approximately 175m north east from the site. These three properties all lie on the northern side of the B4449.
4. The West Oxfordshire Local Plan 2031 (WOLP) landscape character assessment places the site within the Lower Windrush Valley and Eastern Thames Fringes Landscape Character Area. In addition to this, the Oxfordshire Wildlife and Landscape Study (OWLS) identifies the site as falling within the landscape area of Lowland Village Farmlands and the particular local landscape character of Stanton Harcourt. The site is within an identified Conservation Target Area (CTA).
5. The site is 15.4 hectares in total, a former sand and gravel working, which was landfilled with waste material when the mineral was worked out. To the north of the site is largely open countryside and agricultural fields. To the east is the Local Wildlife Site of Dix Pit Lake and to the south and west are the 'Linear fisheries' and other recreational lakes, all former mineral workings. The River Windrush is between 225m and 245m to the south west of the site.
6. The site is in Flood Zone 1, which is the area of least flood risk.
7. Public bridleway 362/12/40 follows the route of the River Windrush, following a permanent Diversion Order from the original legal line which ran along the south-western edge of the application site and so to the north-eastern boundary of the adjacent aggregate recycling facility.



8. The site access is via the main Dix Pit landfill haul road. This road runs from the B4449, via Blackditch to serve the Lakeside (Oasis) industrial estate before running around the western edge of Dix Pit Lake. The haul road serves the overall landfill site, Waste Transfer Station (WTS) and public access for the Household Waste Recycling Centre (HWRC).

**Planning History**

9. There has been sand and gravel extraction at the Controlled Reclamation site since at least 1948, when application W123/48 (MW.008/48) was issued in September 1948, for an extension to the existing gravel workings. Planning application W98/0207 (MW.015/98) was submitted in January 1998 to consolidate the extant permissions for mineral extraction and landfilling with imported materials. This was issued on 27 July 2000. This permission also allowed for recycling of waste material, with operations to be completed by 31 December 2004 and restoration to be completed by 31 December 2005. This application has now expired.
10. Planning application 09/0440/CD3 (MW.0100/09) was submitted in February 2009, to allow for waste materials to continue to be processed on site, which would provide soils for the final restoration of the landfill and some waste to be used to complete the landfilling. Permission was issued on 28 September 2009. Operations and restoration were to be completed by 30 September 2012, with aftercare to finish by 30 September 2017. This permission has now been superseded.
11. The County Council had concerns regarding the overall restoration. This included an overtip of materials in excess of the approved contours, which were raised with the Controlled Reclamation (Oxford) Ltd from at least November 2005. A topographical survey was carried out at the application site in October 2013 to address these concerns, as raised by the Council's monitoring officers. This survey confirmed that the site had been overtipped in excess of the approved restoration contours by approximately 375,000 m<sup>3</sup> of material. This had led to the landform being up to 6m above the approved contours in some places.
12. Enforcement Notice EN/0003/13/B was served on the land on 30 June 2014. This required, in summary for the cessation of importation and deposit of waste, the removal of the excess material with the production of the waste transfer notes or other evidence and the removal, where necessary of any soils to facilitate the excess material to be removed from the site. The notice also required the subsequent return of any removed soils with supporting waste transfer notes or other evidence to enable for site restoration to the approved contours. A Stop Notice was also served on the application site.
13. There was no appeal made by the applicant, Controlled Reclamation (Oxford) Ltd against Enforcement Notice EN/0003/13/B and it came into effect. A second Enforcement Notice, EN/0003/13/A was also served.

This was for a breach of condition on the 2009 permission, with similar requirements to which an appeal was made. The County Council subsequently withdrew this notice.

14. Application 15/02045/PDC (MW.0150/14) was submitted in December 2014. This was a stand-alone application submitted by the applicant to resolve the overtipping which was the subject of EN/0003/13/B. The application allowed for the overtipped material to be retained but re-graded to achieve revised contours within a 12-month period, with no further importation of waste to be permitted. The application was approved at the meeting of the Planning and Regulation Committee in July 2015. Following the signing of a Section 106 legal agreement to secure the provision of the proposed permissive bridleway and financial contributions to the Lower Windrush Valley Project, the permission was issued on 14 September 2015. The re-grading to the approved contours for the landform was to be completed by 31 October 2016, with the restoration and planting to be completed by 31 March 2017. The landform re-grading and restoration planting was not completed by the specified date. This permission has now been superseded.
15. Application 16/04159/CM (MW.0141/16) was submitted in December 2016. This was a Section 73 application, to revise the approved contours of the landform to a lower level due to a lack of material on site to achieve what had previously been approved. The application was also to allow for the import of additional top soils for final restoration, adjust the hedge-line and aftercare details and to extend the time period for this to be carried out. This application was approved and issued on 18 April 2017. There were conditions attached to the permission for the final contours and restoration to be as per the approved restoration and aftercare scheme, including the approved pre-settlement contours. The restoration was to be completed by 18 April 2018, with the planting and grass-seeding to be completed within the first planting and sowing seasons following final restoration.
16. The County Council continued to have concerns regarding the overall revised restoration and a compliance monitoring inspection on 29 June 2018 identified that the contours of the landform did not comply with the approved planning permission. A level survey was provided to the County Council by Controlled Reclamation (Oxford) Ltd. The survey confirmed that the achieved landform was not in accordance with the approved planning permission (16/04159/CM: MW.0141/16) and in places was approximately 2-3m higher than the approved contours. In addition, the surface that had been created on the landfill had not been sown with the approved diverse species diverse grass mix and the approved hedgerow running across the site had not been implemented.
17. Enforcement Notice EN/0007/18 was served on the land on 28 November 2018. This required, in summary for the restoration of the land, and to the approved contours including the hedge-planting and grass-seeding to be carried out in accordance with the approved

restoration and aftercare scheme approved under 16/04159/CM (MW.0141/16). The serving of Enforcement Notice EN/0007/18 was appealed by Controlled Reclamation (Oxford) Ltd. The appeal (APP/U3100/C/18/3218191) was allowed and EN/0007/18 quashed 31 October 2019, on ground e) that the notice was not served correctly on all owners/ occupiers. The planning merits of the enforcement action taken were therefore not considered by the inspector appointed by the Secretary of State.

### **Details of the Development**

18. This application seeks to amend the existing restoration scheme and aftercare management as approved under 16/04159/CM (MW.0141/16). This is to reflect the contoured landform and existing planting that has been created at the application site to complete the restoration of the former landfill and which is not as per the approved plans.
19. The current landform remains higher in places by up to 3 metres than the previously approved contours, which were revised down from the original contour levels to take into account the applicant's assertion that there was insufficient material to create the original restoration contours.
20. The application seeks to vary conditions 1, 2, 3, 4 and 13 of planning permission 16/04159/CM (MW.0146/16), so that the final restoration contours are reflected prior to the final planting and grass seeding of the extant restoration scheme.
21. To reflect the restoration contours as achieved, condition 1 requires the list of approved drawings to be amended to include the Proposed Pre-Settlement landform drawings (DIX001) and Post-Settlement landform drawings (DIX001 REV E), submitted as part of this application. The wording of conditions 3 and 4 require the date to be removed and replaced with "*within the first planting season following the date of this permission*" and "*within the first sowing season following the date of this permission*" respectively.
22. Condition 2 requires deletion as it specifies the site to be restored in accordance with approved Restoration and Aftercare Scheme 187CRLR/11 REV D and approved Proposed Pre-Settlement Landform drawing DIX001 Rev C, which has not and cannot be achieved but rather recognises the completion of restoration to the pre-settlement contours as they exist on the ground other than the required planting and grass seeding. Condition 13 requires deletion of the cross-reference to condition 2.

• **Part 2 – Other Viewpoints**

**Representations**

23. No third-party representations have been received.

**Consultations**

24. *Stanton Harcourt Parish Council* – No response

25. *West Oxfordshire District Council* – No objection

26. *Environment Agency* – No comment

The application is in Flood Zone 1 and upon Secondary and Unproductive Aquifers. The proposal was assessed in relation to its potential environment impact on groundwater quality.

The proposal may require a revision of the site's environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. The applicant is advised to contact the Local Environment Agency office for advice.

27. *Natural England* – No objection

There is no objection to the application with regard to impacts on Best and Most Versatile agricultural land or minerals and waste reclamation, or the change in landform proposed in this application. However, the comments made in response to permission MW.0141/16 continue to apply.

28. *OCC Transport Development Control* – No objection

The application proposals are acceptable from a highway safety and traffic movement point of view.

29. *OCC Fire and Rescue Service* – No comment/ concern.

30. *OCC Rights of Way* – No objection

Stanton Harcourt Bridleway 12 runs along the western boundary of the site, having been diverted by Sheehan Haulage & Plant Hire Ltd in July 2017, which has not been reflected in the site plans included in the application. The bridleway as it now legally stands on the Definitive Map & Statement will not be affected by the proposals.

31. *OCC Countryside Access* – No comment.

32. *OCC Planning Policy Team* – No objection.

33. *OCC Lead Local Flood Authority* – No response.
34. *OCC Biodiversity* – No objection.
35. *OCC Landscape Specialist* – No objection

The overall height of the landfill is largely the same as previously approved, but the southwestern section has been filled with little care resulting in a noticeably lumpier and uneven landform than originally agreed. The contouring is of a lesser quality than approved, but these changes don't cause significant adverse landscape or visual effects.

The agreed restoration has been implemented in parts, but has yet to be completed. Where planting has taken place, it has not always been successful. It is important that the restoration scheme is implemented at the earliest opportunity in order to deliver the envisaged landscape and biodiversity benefits.

It is disappointing that only five years of aftercare is in place and no long-term management. The lack of long-term management could jeopardise landscape and ecological benefits in the long-term. The applicant is encouraged to consider options to ensure the ongoing management of the landscape areas.

36. *County Councillor* – Objection

I remain concerned that the changes to the restoration and previous decision is being changed for the second time, as the first revision has not been honoured and this application requests a further change of levels.

I strongly believe that earlier decisions should only be reversed or changed for good reason, if at all. If this is not so, I fear that the decisions of OCC's Planning and Regulation Committee will otherwise be a matter of considerable ridicule.

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

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

37. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise. The relevant development plan documents are:
  - Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS)
  - Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) saved policies

- West Oxfordshire Local Plan 2031 (WOLP).
38. The OMWCS (Part 1) was adopted in September 2017 and covers the period to 2031. The Core Strategy set out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire. The Part 2: Site Allocations Plan (upon adoption) will set out those mineral and waste sites needed to deliver the Core Strategy and may include further development management policies. The Site Allocations Plan is currently being prepared, and further consultation was carried out January – March 2020. At the current time only limited weight can be given to the Part 2 Plan.
  39. The OMWLP was adopted in July 1996 and covered the period to 2006. Of the 46 ‘saved’ policies, 16 remain saved following the adoption of the OMWCS. These 16 policies are non-strategic and site-specific, which will remain saved until the adoption of the Part 2 Plan.
  40. The WOLP 2031 was adopted in September 2018. This sets out the details of policies, sites and considerations for development within West Oxfordshire.
  41. The Government’s National Planning Policy Framework (NPPF) 2019 and National Planning Policy for Waste (NPPW) are also material considerations.

**Relevant Policies**

42. Oxfordshire Minerals and Waste Core Strategy (OMWCS):
  - M10 Restoration of mineral workings
  - C1 Sustainable development
  - C5 Local environment, amenity and economy
  - C7 Biodiversity and geodiversity
  - C8 Landscape
  - C10 Transport
  - C11 Rights of way.
43. Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP):
  - SH2 Transport impact in Sutton
  - SH3 Routeing agreements.
44. West Oxfordshire Local Plan 2031 (WOLP):
  - OS1 Presumption in favour of sustainable development
  - CO14 Conservation and enhancement of the environment
  - EH2 Landscape character
  - EH3 Biodiversity and geodiversity
  - E8 Environmental protection.

• **Part 4 – Analysis and Conclusions**

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

45. This application has arisen due to the applicant's continued failure to carry out the restoration of this landfill site in accordance with the planning permissions granted by the County Council, the most recent being the 2016 planning application referenced above. Both this and previous permissions have been for applications freely submitted by the applicant and to proposed pre- and post-settlement contour drawings which the applicant has proposed, most latterly after their then agent had entered into negotiations with your officers as a means of achieving an alternative to the enforcement action taken by the County Council in 2014, which required the removal of a large amount of over-tipped waste material. The permissions granted have therefore been to the applicant's benefit and it is extremely disappointing that the applicant has not complied with them and that no explanation for this failure to comply has been advanced.
46. The National Planning Policy Framework (NPPF) – Paragraph 58 states  
*Effective enforcement is important to maintain public confidence in the planning system.*
47. The National Planning Practice Guidance (NPPG) - Paragraph 005 Reference ID: 17b-005-20140306 advises that effective enforcement is important to:
- *tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;*
  - *maintain the integrity of the decision-making process;*
  - *help ensure that public acceptance of the decision-making process is maintained.*
48. The background to this application is therefore that the County Council has taken enforcement action in line with national policy and guidance. The application must still be considered on its merits against the development plan and other material considerations. The site's history of significant breaches of planning control which have led to enforcement action being taken is a material consideration along with the other matters discussed below.

**Landscape and Biodiversity**

49. OMWCS policy C7 states that proposals for minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity. Development should not cause significant harm, except where the need for and benefits of development at that location clearly outweigh the harm.

50. OMWCS policy C8 states that proposals for minerals and waste development should demonstrate they respect and where possible enhance local character. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape.
51. WOLP policy CO14 states that development should conserve and enhance the character and significance of West Oxfordshire's high quality natural, historic and cultural environment. It should also recognise and promote a wider contribution to people's quality of life and social and economic wellbeing, within the District and beyond.
52. WOLP policy EH2 states that development should conserve and enhance the quality, character and distinctiveness of West Oxfordshire's natural environment, including its tranquillity, geology, countryside soil and biodiversity. Proposals which would result in the loss of features, important for their visual amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures which can be secured. Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project Area.
53. WOLP policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity, including promoting the conservation, restoration and re-creation of priority habitats, including the Conservation Target Areas (CTAs) and taking all opportunities to enhance the biodiversity of the site or locality and ensuring that development incorporates biodiversity improvements.
54. The overall restoration contours of the former landfill are of a lower quality than the approved contours and there is a difference of up to 3 metres in parts. The south-west corner of the application area has been filled with less care than the remainder of the site, and there is a lumpy and uneven appearance to the landform which is contrary to the approved contours on both previous permissions to address the overall restoration.
55. The approved restoration scheme has been partially implemented but has not been completed as approved. Although the alternative landform that has been created has been seeded with grass, this does not appear to be the species-diverse mix as specified as part of the previously approved restoration. The planned hedge to be planted across the landfill has also not been implemented as per the approved plans, therefore the original biodiversity net gain currently required under the existing planning permission has not yet been achieved.
56. The lack of long-term management for the landfill once restored could mean that the ecological and biodiversity benefits long-term could be



reduced and impact on the landscape and landform which has been created on the application site. However, the landscape adviser has not raised objection to the application proposals. Despite what is a lower-quality landscape and current biodiversity planting, as the seed mix has not been sown as approved, taken together with the overall landform which differs from the approved plans, she does not consider that these lead to significant adverse landscape or visual impacts.

57. There are no new engineering works proposed by this application, as the application is to regularise the existing contours as carried out as an alternative to the previously approved restoration landform. The previously approved grass seeding and planting is still to be implemented, which would complete the overall restoration. Any permission granted should therefore be subject to conditions requiring the previously approved grass seeding and planting to be completed. Subject to this, it is considered that the restoration which would then be achieved and so the application proposal is broadly in accordance with OMWCS policies C7 and C8 and WOLP policies CO14, EH2 and EH3.

#### Site Restoration

58. OMWCS policy M10 states that minerals workings will be restored to a high standard and in a timely, phased manner to an after-use which is appropriate to the location and delivers a net gain in biodiversity. The restoration and after-use of the minerals workings needs to take into account various factors. This includes a site's characteristics, landscape, local amenity, water-quality, biodiversity, geodiversity and historic environment.
59. This application is to regularise the contours as already carried out and to gain further time in which to then complete the grass seeding and planting to then move into the aftercare period.
60. This is the fourth restoration scheme submitted for the overall restoration of the former landfill, where active landfill and restoration should have been originally completed by 2005, then by 2012 with aftercare finished by 2017. The subsequent permissions granted as an alternative to the enforcement action taken by the County Council in 2014 against the significant overtipping of the site then required restoration to be completed by April 2018 with planting and grass seeding in the subsequent planting and sowing seasons. If the development had been carried out as permitted, then these would have been completed by now. Therefore, the restoration of the site as carried out to date arguably does not comply with policy M10 as being timely restoration; it is still not complete or to a high standard. The planting and grass seeding as approved has also not been completed to date. This is extremely disappointing given the good faith that was shown by the County Council in granting the further planning applications which were freely brought forward by the applicant at the time, as an alternative to requiring

compliance with the 2014 enforcement notice which required the removal of a substantial amount of waste material.

61. Nonetheless, given the unsuccessful further enforcement action taken in 2018, it is considered that it is desirable to bring this matter to a close through the restoration of the site at the earliest opportunity. The application for the restoration of the site to the currently tipped contours together with the completion of the outstanding planting and grass seeding within the next planting and sowing seasons would achieve this. To this extent it would now therefore be timely, given the current position on site. To this extent the restoration and so the application proposals would be broadly in accordance with the aims of OMWCS policy M10.

#### Amenity

62. OMWCS policy C5 states that proposals for waste development shall demonstrate that there would be no adverse impact on the local environment, human health or residential amenity and the local economy.
63. WOLP policy EH8 states that proposals likely to cause pollution or risk to safety will only be permitted if measures can be implemented to minimise these to a level which provides a high standard of protection for health, environmental quality and amenity. Specifically, any waste development needs to accord with the OMWLP.
64. There are no further engineering or landfilling works being proposed as part of this application, as the existing landform contours would be retained. There would be some further planting and sowing to be carried out, but this would not be on the same scale as the previous engineering and contouring operations, so should have a minimal impact on the amenity of the local residents whilst being implemented, as noise and visual intrusion should be limited.
65. There would be minimal impact on the closest residences and the development is considered to be in accordance with OMWCS policy C5 and WOLP policy EH8 with regards to impacts on amenity.

#### Transport and Rights of Way

66. OMWCS policy C10 states that waste development will be expected to make provision for safe and suitable access to the advisory lorry routes as shown on the Oxfordshire Lorry Routes Map. Development should maintain and, where possible, improve the efficiency and quality of the network, residential and environmental amenity and improve safety for all road users. Development which generates significant amounts of traffic should provide mitigation measures where appropriate.
67. Policy C11 of the OMWCS sets out that the integrity and amenity value of the rights of way network shall be maintained and if possible, retained

in situ in safe a useable condition. Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored minerals workings, especially if this can be linked to wider provision of green infrastructure

68. OMWLP saved policy SH2 states that development for intensifying existing waste disposal will not be permitted where this would lead to a significant increase in traffic in Sutton, unless the Sutton bypass has been constructed and brought into use.
69. OMWLP saved policy SH3 states that the county council will seek routeing agreements with operators in order to limit the use of the A415 through Standlake and southwards over Newbridge. The preferred routes will be the A415 north of Standlake to the Ducklington bypass, or the B4449 via the Blackditch, Sutton and Eynsham bypasses.
70. There are no further HGV movements being proposed as part of this development, as no further engineering or contouring work is being proposed. There could be some very limited vehicle movements connected to the outstanding planting to be carried out and with any aftercare requirements, but these are unlikely to be vehicles of a sufficient weight or intensity that would require to be subject to a routeing agreement.
71. There are no changes to the extent of the application area, and the re-routed bridleway is now to the west of the application site and would not be affected by any further planting on site.
72. There are no further engineering works proposed with this application and no significant vehicle movements. Therefore, the application is in accordance with OMWCS policies C10 and C11 and OMWLP saved policies SH2 and SH3.

#### Other Issues

#### Sustainable Development

73. The NPPF (2019) contains a presumption in favour of sustainable development. This has environmental, economic and social roles, reflected in OMWCS policies C1 and C2 and WOLP policy OS1.

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 to improve economic, social and environmental conditions, unless other material considerations dictate otherwise.

74. Policy OS1 of the WOLP states that applications that accord with the Local Plan 2031 and, where relevant, Neighbourhood Plans will be approved, unless material considerations indicate otherwise.

75. The final completion of the restoration of the former landfill would improve the environmental impact of the site as the remaining grass-seeding and planting would add to the biodiversity of the immediate area.
76. This application does not propose any further engineering works and would complete the outstanding planting and grass seeding as has already been approved, facilitating the effective completion of the landfill's restoration, which accords with OMWCS policy C1 and WOLP policy OS1.

### **Conclusion**

77. The landform contours as proposed are the fourth revision, having subsequently been lowered from the contours proposed most recently in the 2016 application as being unachievable due to the lack of material to do so, as stated by the applicant at the time. The landform contours have now been created up to 3 metres higher in places to what was previously proposed, in contradiction to the reasoning to reduce the overall landform. It is not at all clear therefore how this situation came about. However, this change to the approved landform is not deemed as causing a significant adverse impact in landscape and visual terms although the restoration of the former landfill is still not completed to a satisfactory standard. The biodiversity planting and seeding completed to date is not the species-mix as previously approved. However, subject to the planting and grass seeding still being completed as is proposed in the application, the development broadly conforms to policies M10, C7 and C8 of the OMWCS, and policies CO14, EH2 and EH3 of the WOLP.
78. The impacts of the landform and any further restoration work which needs to be completed would only impact marginally visually as the planting, once completed, should improve the appearance of the landform slightly. As no further engineering works are proposed to change any of the achieved, currently unapproved contours, there should be minimal noise or dust to impinge on local residents and the development would therefore conform to policies C5 of the OMWCS and policy EH8 of the WOLP.
79. There is no anticipated increase in HGV movements, as no further engineering works or material importation is proposed. There would be no direct impact on the public rights of way adjacent to the site and the application would therefore conform to policies C10 and C11 of the OMWCS and saved policies SH2 and SH3 of the OMWLP.
80. The proposal would allow for final restoration of a former landfill, reducing overall development impacts locally and eventually improving the environmental and biodiversity impacts. This would be in line with policy C1 of the OMWCS and policy OS1 of the WOLP.

81. It is extremely disappointing that the applicant did not complete the restoration of the site to the lesser contours previously permitted which had been the subject of previous negotiation with your officers which was undertaken in good faith. The reasons for why it transpired that in fact higher contours have been worked to than were proposed and approved in the 2016 planning application have not been explained. The planning merits for the enforcement action taken by the council in 2018 were not considered by the inspector appointed by the Secretary of State and it would be legitimate for the committee to draw the conclusion that the situation had been unsatisfactory, that it had undermined the integrity of the decision-making process and the public acceptance of it, but that further enforcement action should now be reserved for failure by the applicants to complete the restoration currently proposed swiftly. It is considered that on balance, it is now in the best interest of the local environment and community for the long and unfortunate history of this site to now be brought to final closure and that planning permission should be granted to the application.

**RECOMMENDATION**

82. It is **RECOMMENDED** that the Director for Planning and Place be authorised to approve application no. MW.0126/19 subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to this report.

SUSAN HALLIWELL  
Director of Planning and Place

February 2020

**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. In this case the application was straight forward and there were no issues beyond clarification of some points of detail.

## **Annex 1 - 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.

## **Annex 2 – MW.0126/19 – Conditions**

1. The development shall not be carried out other than in accordance with the drawings approved pursuant to condition 1 and the approved plans and particulars listed below other than to the extent that the contours shown on any drawing conflict with those set out on the drawings approved pursuant to condition 1:
  - Planning Application form dated 13 November 2019
  - Planning Statement dated 11 November 2019
  - Appendix A – Decision Notice MW.0141/16
  - Appendix B – Appeal Decision
  - Appendix C – Landscape and Visual Appraisal
  - Restoration and Aftercare scheme reference 187CRLR/11 Rev D dated October 2016;
  - Location Plan drawing reference no. 187CRLR/1 dated November 2014;
  - Working Plan drawing reference no. 187CRLR/13 dated May 2015;
  - Proposed pre-settlement landform, drawing number DIX001Rev D
  - Proposed post-settlement landform, drawing number DIX001 REV E
  - Aftercare Plan drawing reference no. 187CRLR/12 rev D dated October 2016;
  - Rights of Way Plan drawing reference no. 187CRLR/10 Rev A dated 16/07/15.
2. All landscape planting shall be completed within the first planting season following the date of this permission.
3. All grass seeding shall be completed within the first sowing season following the date of this permission.
4. Other than vehicles necessary for the carrying out of the landscape planting, grass seeding and any maintenance, there shall be no further vehicle movements.
5. All vehicles, plant and machinery operated within the site shall be fitted with and use effective silencers.
6. No reversing beepers or other means of audible warning of reversing vehicles, other than those which use white noise, shall be fixed to or used on any vehicle operating at the site other than those transporting any plant required for the development to be completed.
7. No operations on site shall exceed 50 dBA LAeq 1 hour (free field) when measured at properties in Stanton Harcourt, The Old Vicarage or Beard Mill.

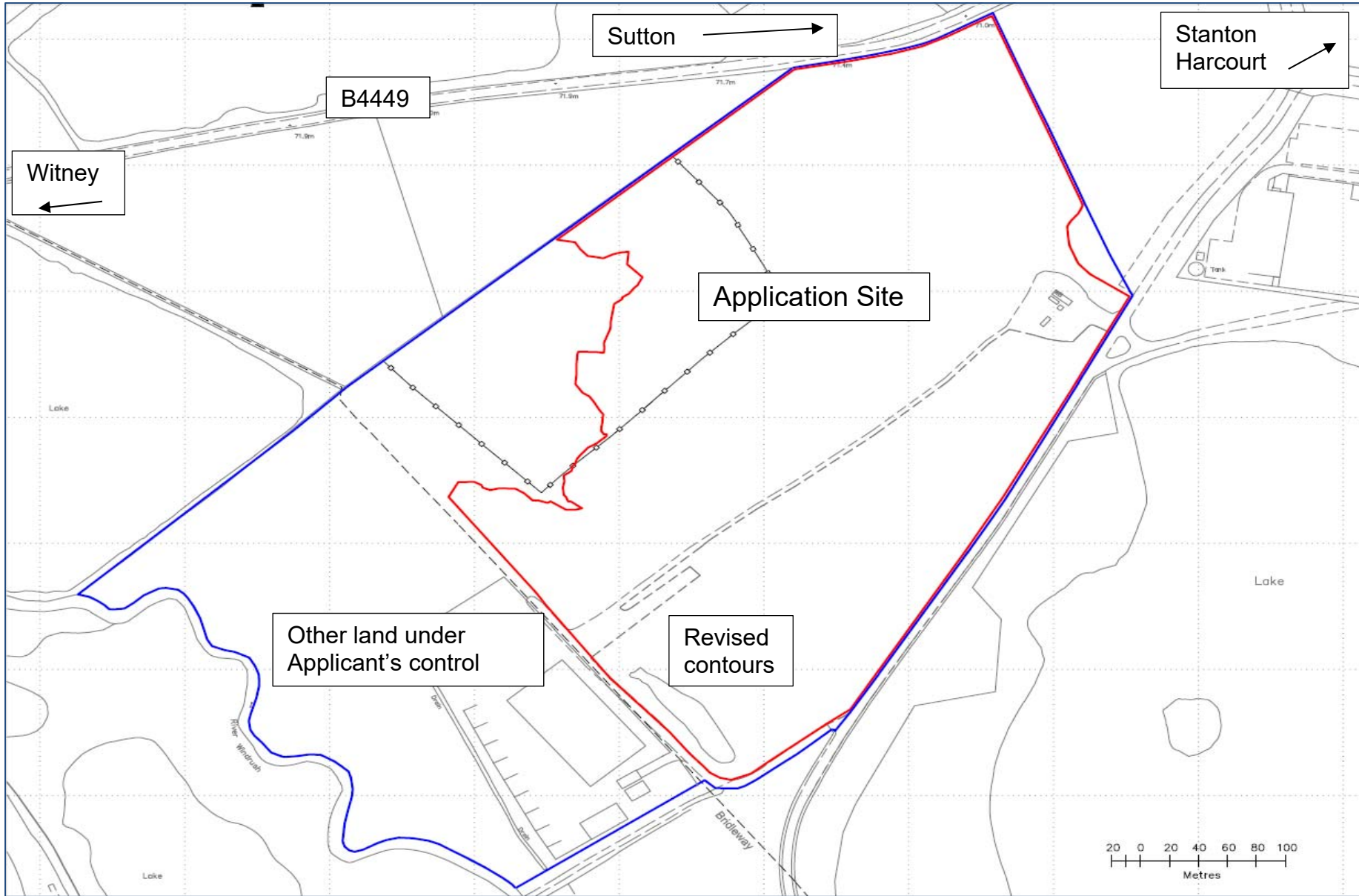
8. No operations authorised by this permission, shall take place except between the following times:

7:00 am to 6:00 pm Mondays to Fridays  
7:00 am to 1:00 pm Saturdays

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

9. No further topsoil or other soil materials shall be imported to the site.
10. A five years period of aftercare shall be carried out in accordance with the approved Restoration and Aftercare scheme reference 187CRLR/11 Rev D and the approved Aftercare Plan drawing reference no. 187CRLR/12 rev D including the the provision of the annual aftercare meeting at which the provision of under-drainage shall be reviewed. Should it be determined that under-drainage is required, a detailed scheme which shall include a programme for its implementation shall be submitted to and approved in writing by the Waste Planning Authority no later than three months from the date of the aftercare meeting. The approved scheme shall be implemented no later than six months from the date of its approval.





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## PLANNING & REGULATION COMMITTEE – 9 MARCH 2020

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

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

##### 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 C1: SUSTAINABLE DEVELOPMENT

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

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

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

#### POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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

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

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

#### POLICY 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 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.

**Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP):**

**POLICY SH2: TRANSPORT IMPACT IN SUTTON**

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

**POLICY SH3: ROUTEING AGREEMENTS**

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

**West Oxfordshire Local Plan 2031 (WOLP):**

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

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

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

**POLICY CO14: CONSERVATION AND ENHANCEMENT OF THE ENVIRONMENT**

Conserve and enhance the character and significance of West Oxfordshire's high quality natural, historic and cultural environment – including its geodiversity, landscape, biodiversity, heritage and arts – recognising and promoting their wider

contribution to people's quality of life and social and economic well-being both within the District and beyond.

## POLICY EH2: LANDSCAPE CHARACTER

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

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

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

Proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality, reversing existing pollution where possible.

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

## POLICY EH3: BIODIVERSITY AND GEODIVERSITY

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

- giving sites and species of international nature conservation importance and nationally important sites of special scientific interest the highest level of protection from any development that will have an adverse impact;
- requiring a Habitats Regulations Assessment to be undertaken of any development proposal that is likely to have a significant adverse effect, either alone or in combination, on the Oxford Meadows SAC, particularly in relation to air quality and nitrogen oxide emissions and deposition;
- protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network;



- avoiding loss, deterioration or harm to locally important wildlife and geological sites and sites supporting irreplaceable habitats (including ancient woodland, Plantations on Ancient Woodland Sites and aged or veteran trees), UK priority habitats and priority species, except in exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm and the harm can be mitigated through appropriate measures and a net gain in biodiversity is secured;
- ensuring development works towards achieving the aims and objectives of the Conservation Target Areas (CTAs) and Nature Improvement Areas (NIAs);
- promoting the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, particularly within the CTAs and NIAs;
- taking all opportunities to enhance the biodiversity of the site or the locality, especially where this will help deliver networks of biodiversity and green infrastructure and UK priority habitats and species targets and meet the aims of CTAs;
- ensuring that all applications that might adversely affect biodiversity are accompanied by adequate ecological survey information in accordance with BS 42020:2013 unless alternative approaches are agreed as being appropriate with the District Council's ecologist;
- all major and minor applications demonstrating a net gain in biodiversity where possible. For major applications this should be demonstrated in a quantifiable way through the use of a Biodiversity Impact Assessment Calculator (BIAC) based on that described in the DEFRA Biodiversity Offsetting guidance or a suitably amended version. For minor applications a BIAC will not usually be required but might be requested at the Council's discretion;
- all development incorporating biodiversity enhancement features.

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

#### POLICY EH8: ENVIRONMENTAL PROTECTION

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

##### Air quality

The air quality within West Oxfordshire will be managed and improved in line with National Air Quality Standards, the principles of best practice and the Air Quality Management Area Action Plans for Witney and Chipping Norton. Where appropriate, developments will need to be supported by an air quality assessment.

### Contaminated land

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

### Hazardous substances, installations and airfields

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

### Artificial light

The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where:

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

### Noise

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

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

### Water resources

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

### Waste

Proposals for development that make provision of the management and treatment of waste will need to be in accordance with the Oxfordshire Minerals and Waste Local Plan.