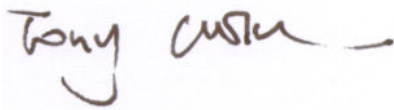


To: Members of the Planning & Regulation Committee

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

Monday, 23 November 2009 at 2.00 pm

County Hall



Tony Cloke
Assistant Head of Legal & Democratic Services

November 2009

Contact Officer: **Graham Warrington**
Tel: (01865) 815321; E-Mail:
graham.warrington@oxfordshire.gov.uk

Membership

Chairman – Councillor Steve Hayward
Deputy Chairman - Councillor Mrs Catherine Fulljames

Councillors

Alan Armitage
Anda Fitzgerald-O'Connor
Tim Hallchurch MBE
Jenny Hannaby
Ray Jelf

Peter Jones
Lorraine Lindsay-Gale
David Nimmo-Smith
Neil Owen
G.A. Reynolds

John Sanders
Don Seale
John Tanner

Notes:

- ***A site visit is required for Item 5 (Longworth) and members are asked to meet on site at 1030 am. Lunch will be available on return to County Hall at 12.30 pm.***
- ***Date of next meeting: 11 January 2010***

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Section DD of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

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 - 20)**

To approve the minutes of the meeting held on 16 October 2009 and 12 November (to follow) and to receive for information any matters arising therefrom.

4. **Extraction of sand from 28.6 hectares of land off Pinewoods Road, Longworth and restoration to agriculture at low level - Application No LWO/20319-CM (Pages 21 - 68)**

Report by Head of Sustainable Development (**PN5**)

This report considers an application to extract 1.1 million tonnes (mt) of soft sand from land off Pinewoods Road, Longworth. The restoration of the site is proposed to be to agriculture at a low level. The application site covers an area of approximately 28.6 hectares. The application site is currently in use as intensive arable agricultural land. The anticipated duration of extraction is 9 years and restoration is proposed to be fully completed within 12 months of extraction being completed.

The main issues are whether there is a need for sand extraction and the extent of that need, whether the impacts on local people and business would be acceptable, whether the transport impacts can be dealt with satisfactorily, and the impact of the proposal on local landscape and biodiversity. There have been objections at the first consultation from Longworth Parish Council, Hinton Waldrist Parish Council, Environment Agency, Food Standard Agency, OCC Transport DC team and a number of local residents although the Environment Agency and OCC Transport DC team removed their objections following the latest consultation after receiving revised schemes from the applicant. There is no pressing need for additional reserves in the short term in Oxfordshire. Although transport impacts from this development can be dealt with satisfactorily through conditions and agreements, the risk of windblown sand onto the market garden and the consequent impact that this could have on that business is a very serious concern.

It is RECOMMENDED that, planning permission for Application 07/02098/CM is refused for the following reasons:

- (a) ***The development proposed is not within an area identified for mineral working as referred to in policy PE2 of the Oxfordshire Mineral & Waste Local Plan. In addition the apportionment for soft sand identified for Oxfordshire in the South East Plan can be met from the existing permitted and resolved to be permitted sites.***

- (b) ***Policies PE3 of the Oxfordshire Mineral and Waste Local Plan requires that appropriate buffer zone should be established around the mineral extraction sites to protect nearby sensitive features from the damaging effects of mineral working. This development is proposed to be located immediately alongside a market garden. The Council, as a Local Planning Authority considers that the measures proposed to minimise the impact on the market garden are not sufficiently robust to ensure that the produce of the market garden is not contaminated. As a result it is considered that the proposal is not consistent with the aims of the policy PE3 of OMWLP.***

The Council, as a Local Planning Authority, thereby is not persuaded that the need for this development in this locality is sufficient to warrant a departure from policy PE2.

5. **Proposal to temporarily allow the use of the existing haul road running to the south and east of the site for the transport of minerals and waste materials to and from the site without disturbing schedule 1 protected species currently present on the site for a period of up to 12 months or until the little plovers have left the site and the construction of the new haul road through the centre of the site is completed, whichever is soonest - Shipton-on-Cherwell Quarry, Oxfordshire (Pages 69 - 82)**

Report by Head of Sustainable Development (PN6)

This application flows from development permitted by Planning & Regulation Committee in January 2008 to allow comprehensive redevelopment of the site at Shipton-on-Cherwell Quarry. The application seeks to allow the temporary use of an existing haul road at Shipton-on-Cherwell Quarry. The use of this haul road is currently precluded by an existing condition attached to an existing planning permission. The applicant wishes to use this haul road on a temporary basis since Little Ringed Plovers (Schedule 1 protect species) have delayed construction of a new haul road. The applicant has proposed reduced working hours to alleviate the impact of the existing haul road on the residents of Shipton-on-Cherwell village which is in close proximity to this haul road.

There would be no increase in the existing permitted vehicle movements to and from the site of 318 per day. The use of the existing haul road would cease when either the new haul road is completed, the Little Ringed Plovers are no longer present, or after the period of 12 months from the date of any permission given, whichever is the sooner.

The main issues are development in the Green Belt, ecological impacts and impacts on residential amenity. The development is not considered to be major development that would harm the openness of the Green Belt and is therefore consistent with Green Belt policies. The development would prevent harm to Schedule 1 protected species. This proposal is likely to have an impact on residential amenity due to the close proximity of Shipton on Cherwell village. However, the proposal includes reduced working hours and no working at weekends and is temporary in nature. No objections have been

received at the time of writing this report.

It is RECOMMENDED that planning permission for the development outlined in Application 09/01180/CM be approved subject to conditions to be determined by the Head of Sustainable Development but to include those matters set out in Annex 1 to this report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Thursday 19 November 2009** at **10.00 am** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 19 October 2009 commencing at 10.00 am and finishing at 5.15 pm

Present:

Voting Members:

Councillor Steve Hayward – in the Chair
Councillor Mrs Catherine Fulljames (Deputy Chairman)
Councillor Alan Armitage
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Jenny Hannaby
Councillor Ray Jelf
Councillor Peter Jones
Councillor Lorraine Lindsay-Gale
Councillor David Nimmo-Smith
Councillor Neil Owen
Councillor G.A. Reynolds
Councillor John Sanders
Councillor Don Seale
Councillor Dr Peter Skolar (In place of Councillor Tim Hallchurch MBE)
Councillor John Tanner

Officers:

Whole of meeting R. Hanson (Corporate Core); C. Cousins, R. Dance, J. Duncalfe, J. Hamilton, A Divall, M. Thompson and (Environment & Economy)

Part of meeting S. Whitehead and G. Warrington (Corporate Core)

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 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.

53/09 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apologies for absence and temporary appointments were received as follows:

Apology from	Temporary Appointment
Councillor Timothy Hallchurch, MBE	Councillor Peter Skolar

54/09 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Item	Councillor	Interest
5. Planning Applications For Energy From Waste Incinerators - Covering Report	Hannaby	Personal. Member of Vale of White Horse District Council Planning Committee and as a member of the Oxfordshire Waste Partnership (OWP). She advised that she had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
	Mrs Catherine Fulljames	Personal and prejudicial. Member of Cherwell District Council but had taken no part in the planning decision. However she had accepted on the advice of legal officers that she had a personal and prejudicial interest by reason of proximity. She left the meeting during discussion of this item and took no part in the discussion or voting thereon.
	Reynolds	Personal. Member of Cherwell District Council, with portfolio

		responsibility for rubbish and OWP member. He advised that he had not expressed an opinion on the application and therefore intended to participate in discussion and voting thereon.
6. Dean Pit Waste recycling Centre, Chadlington. Application R3.0125/09	Seale	Personal. Local member and in respect of West Oxfordshire Conservative Association.
	Hayward	Personal. In respect of West Oxfordshire Conservative Association.
7. Site at East Quarry, Duns Tew - Application 09/01105/CM (Cherwell) and 09/0996/P/CM (West Oxfordshire)	Catherine Mrs Fulljames	Personal. Member of Cherwell District Council.
8. Clanfield CE Primary School, Main Street, Clanfield, Bampton, Oxfordshire OX18 2SP - Application R3.0109/09	Seale	Personal. Local member.
9. Bampton CofE Primary School, Bowling Green Close, Bampton - Application R3.0179/09	Seale	Personal. Local member.

55/09 MINUTES

(Agenda No. 3)

The Minutes of the meeting of the Committee held on 14 September 2009 were approved and signed,

56/09 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

The following requests to address the meeting had been agreed:-

Name	Item
Mark Stevenson	5. Covering Report
Professor Stephan Jefferis	)
John O'Neill	)
Brian Wilson	)
C R J Anstey	)
<i>Bucknell Parish Council (3)</i>	)
Mark Gammond	)
Hazel Watt	) 5(a) – Energy from Waste,
John Kightley	) Ardley
Patrick Woodrow	)
<i>Middleton Stoney PC (1)</i>	)
Mrs Catherine Allmond	)
<i>Ardley with Fewcott PC (3)</i>	)
Brian Steventon	)
Chris Thornton	)
Ian Corkin	)
Terry Joslin	)
Chris Herbert, Agent Viridor	)
County Councillor Norman Bolster	)
(Bicester)	)
Roger Rance (Petition)	)
Angela Jones	)
Robin Draper	)
Edmund Rowley-Williams	)
David McKenzie	) 5(b) – Energy from Waste,
Dr Nick Hards	)Sutton Courtenay
Dominic Jarman	)
Sue Dorrington	)
<i>Culham PC (1)</i>	)
Paul Gibbs	)
<i>Sutton Courtenay PC (2)</i>	)
David Hignell	)
Dr Rita Atkinson	)
County Councillor Stewart Lilly (Sutton	)
Courtenay & Harwell)	)
Adrian Tremlett – Chadlington PC	) 6.Dean Pit, Chadlington
Lord Chadlington	)
Simon Turner	)
Bryn Torrington	)
John Keeling	) 8. Clanfield CE Primary School
James Fitzpatrick	)
Jill Kewley	)
Mike Freeman	)

Jane Brown

57/09 PLANNING APPLICATIONS FOR ENERGY FROM WASTE INCINERATORS - COVERING REPORT

(Agenda No. 5)

The Chairman advised that all of the speakers for Item 5 would be taken at this point.

Covering report

Mark Stevenson, warned that in the absence of a framework the Council was in danger of making a decision prematurely. He drew attention to PPS10 and to the increasing levels of recycling.

(a) Ardley Landfill Site, Ardley Fields farm, Ardley – Application 08/02472/CM

Professor Stephan Jefferis spoke against the application expressing the view that there were flaws both in the technology and the process. He felt that it was the wrong technology, on the wrong scale in the wrong place. There was no use of heat at Ardley. He alleged that large incinerators were no longer being built in the US and that it would not promote recycling. The proposed plant was grossly oversized for the expected waste levels. He suggested that should it go ahead then a smaller facility was better and that there be no weekend traffic and restricted daytime hours on week days.

John O'Neill played a video to members setting out local opposition to the application on the grounds of increased traffic, increased emissions, a detrimental effect on the village, increased risk for children from the traffic and uncertainty over health implications. He added that the Committee had a responsibility to the electorate where 19 parishes were not in favour. Councillor Seale asked that members receive a list of the speakers included on the video.

Brian Wilson referred to the statement that he had submitted that listed concerns over the application. He emphasised the traffic concerns and that recycling rates were increasing reducing the amount of residual waste.

C. Anstey spoke against the application referred to the impact of emissions from the plant on farms and local residents. He felt that the testing would be inadequate and that not enough was known to rule out health risks.

Mark Gammond, Hazel Watt and John Kightley spoke on behalf of Bucknell Parish Council expressing strong objections on the grounds that it was an industrial building that would dominate the countryside; the decision would be premature as the Mineral & Waste Framework was not in place; the site was not satisfactory and it was negligent to choose a site that could not make use of the heat generated; there would be extra traffic miles and

emissions with the implication of the import of waste into the County; there was a great deal of feeling against the application and public concern should be considered as a material consideration; the concern was supported by Cherwell District Council and Parish Councils.

Patrick Woodrow, spoke on behalf of Middleton Stoney Parish Council, referring to the impact on air quality. He referred to the importance of the decision to be taken and asked members to think of the legacy that they would be leaving.

Mrs Catherine Allmond, objected strongly to the application. She felt the greatest concern was the transport implications, particularly for the B430. This was the only access road and she disputed the traffic figures set out in the report feeling that the Committee should be asking why an environmental impact report for traffic was not made available to them.

Ian Corkin, spoke on behalf of Ardley with Fewcott Parish Council, feeling that the decision was premature; that there had been a non-compliant site selection process as the company did not meet all requirements and that there were concerns over emissions and concern that the environmental assessment was inadequate particularly in terms of traffic and air quality.

Terry Joslin spoke in support of the application referring to the support of waste authorities for the technology and its widespread use across Europe. He referred to the very small levels of particulates. He also noted that other technologies could not deal with card, paper and plastic. He commented on the Scrutiny report that had been produced and that he had visited plants and that his conclusions were based on research.

Robert Ryan, on behalf of Viridor stated that they were confident of delivering an effective reliable energy from waste facility that would give a long term alternative. The company would be investing in the site to give a technologically advanced and future proofed solution. They were committed to the green economy and the facility would produce local jobs. They had sought to engage with local people and feedback had resulted in changes to the scheme. He pointed out that there had been no objections from any statutory bodies.

Responding to questions from members of the Committee, Mr Ryan stated that he did not believe that a biological or smaller facility would satisfy requirements over time. He was confident that there would inevitably be enough burnable waste. He confirmed the figures in Paragraph 48. He disputed comments in letters that the company was not competent and not using a most safe and proven technology. The site near Basingstoke had been built by the same contractors that would be used here. The footprint of the building had been used to reduce the height of the building. The height of the chimney was the result of detailed modelling. The committee was advised that the full traffic implications had been assessed using independent data, verified by the Highways Authority. This was set out for consideration in the report. Mr Ryan clarified the electricity generation from

the facility that would be used by the national grid. There would be significant heat generation but currently it would not be used.

Councillor Norman Bolster, spoke on behalf of local member Councillor Charles Shouler who was ill. He referred to the increased traffic on the B430. He felt that members of the public would perceive that the Committee was in a prejudiced position. The location was against PPS10 and if the Committee were minded to approve should insist on a 50mph limit between villages. The hours should be restricted to 8.00 am rather than 7.00 am and should not include Saturday afternoons.

Councillor Mrs Catherine Fulljames spoke against the application referring to the level of local opposition. She drew attention to the comments from Cherwell District Council and the Parish Councils. She asked members to consider the impact of the proposals on near by villages who would suffer large lorries passing through. Councillor Mrs Catherine Fulljames then left the meeting and took no part in the discussion or voting thereon.

(b) Sutton Courtenay Recovery Park

Roger Rance spoke against the application stating that the incinerator was not popular. He asked that the County Council look at other options. He did not believe that waste from other Counties should be brought into Oxfordshire. He submitted a petition against the application.

Angela Jones spoke against the application on the grounds that it was in contravention of regional plans. She felt that it needed to be considered alongside the zero waste initiatives and expressed concern about hazardous waste landfill. The proposals needed more scrutiny against the mineral waste framework and she was concerned at the proximity of the hazardous waste to the flood plain.

Robin Draper spoke against the application. He believed that neither America nor France was building new incinerators. He felt that the application was incomplete and that it was based on a brown field site when in fact the site was green field for planning purposes. The number of conditions set out in the report should give rise to some doubts. He felt the application was materially incomplete, for example, around flooding issues.

Edmund Rowley-Williams referred to the environmental impact of the application and stated that in his view screening was insufficient. In the longer term one power station was to be demolished.

David McKenzie explained his background as a chemical engineer. He believed that there were substantial grounds for rejection. Local people had long experience of pollution from power stations and landfill and 17,000 had signed petitions. There were a large number of objections on health grounds. He referred to judicial precedent to refuse on the need for greater detail. He was aware that a large number of cities were adopting alternative technologies.

Dr Nick Hards raised traffic concerns particularly when the application was considered along side other developments such as housing. He felt that there was a risk of contaminating the River Thames. The environmental statement showed that the application was not ready.

Dominic Jarman referred to the local nature area 'The Clumps' from where the tower would be visible. He believed that the application was against policies NE9, NE10 and NE11.

Sue Dorrington, expressed her concern at the cumulative effect of various facilities which she felt that not been thoroughly researched. Fine particulates could affect children and there was already a high incidence of bronchial infections. Local farmers and allotment holders were worried. Ash was already found on clothes and surfaces. Her village had flooded badly in the past and toxic flooding was a real concern. She was also concerned at the company's safety record. There was a lack of transparency about land fill extensions. She referred to the effect that the application was having on her and her neighbours who were finding it stressful and depressing.

Paul Gibbs, spoke against the application on behalf of Culham Parish Council. In particular he referred to the size of the development; the public perception of environmental and health risks; the cumulative effect of the various facilities and a continuing need was uncertain. He suggested that the hazardous waste element should be dealt with as a separate application.

David Hignell referred to his statement that members had received. He expressed concern at the officer's report, noting that there was little reference to the consultants report provided to the Council. He felt that the report dismissed the concerns about a massive development on a green field site and queried why if there were no health concerns there was such a tall chimney.

Dr Rita Atkinson referred to the work commissioned by the parish council and felt that the response in the addenda was insufficient. She felt that the decision was premature when detailed questions from the Environment Agency remained unanswered.

Councillor Stewart Lilly, spoke as a local member, expressing the concerns of local residents of Appleford. He referred to the differences between Cherwell District Council and Oxfordshire County Council planning policies with Cherwell DC refusing applications on the basis of out of scale. He referred to his experience in planning matters and raised highway issues. He queried the reliability of the technology, referring to technical problems faced by a site he had visited where machinery was not fixed in 18 months. He raised environmental problems faced by an adjacent site to the one he visited and referred to comments of local councillors there who had been dissatisfied with their decision to go ahead. He referred to other incinerators he had visited and felt that even the cleanest had environmental problems.

At 12.10 pm the Chairman proposed and it was agreed to adjourn the meeting for a short break. The meeting reconvened at 12.20 pm.

The Committee noted a report (PN5) setting out some common background between the two planning applications, set out in reports 5(a) and 5(b) for energy from waste incinerators by Viridor at Ardley and by Waste Recycling Group at Sutton Courtenay in terms of the reasons why the applications had been submitted now, the drivers behind the need to divert residual waste from landfill, the planning policy context and in terms of the regulatory process involved.

Responding to questions from Members Chris Cousins advised:

- 1) That the waste projections envisaged a very significant increase in recycling rates. Referring to the levels obtained in South Oxfordshire and the impact should their success be reflected across the County he referred to the high levels of recycling sustained in other European countries where incinerators were in use
- 2) He confirmed that Didcot A power station was due to close in 2015 and that currently there were no intention from the owners to build a nuclear power station there.
- 3) He clarified the position in respect of the consideration by the Committee of aspects affecting human health. He outlined the role of the Environment Agency who were a consultee on the planning application and would give detailed consideration to health matters through the environment permit. Their view was that a modern, well regulated incinerator posed no health threat. They were modelling the cumulative effect at Didcot.
- 4) He confirmed that there were sound policies in place including the South east Plan and local plans.

(a) The Construction and Operation of an Energy from Waste (EfW) Facility together with Associated Office, Visitor Centre and Bottom Ash Recycling Facilities, New Access Road and Weighbridge Facilities and the Continuation of Non Hazardous Landfill Operations and Landfill Gas Utilisation with Consequent Amendments to the Phasing and Final Restoration Landform of the Landfill, Surface water Attenuation Features and Improvements to the Existing Household Recycling Facility at Ardley Landfill Site, Ardley Fields farm, Ardley – Application 08/02472/CM

The Committee considered (PN5a) which related to the application for an Energy from Waste Facility at Ardley Landfill Site, Ardley Fields Farm, Ardley.

John Duncalfe drew attention to the information contained in the addenda and added that a further 17 letters/emails had been received since its preparation. One new point arising from those additional comments was that local residents were seeking advice as to whether house prices would be affected by the proposal particularly given public perception of health

concerns. The Committee were advised that house prices were not a material consideration.

Responding to questions from Members, Mr Duncalfe noted that the building had been placed on the quarry floor and to sink it lower could affect the aquifers. Appropriate conditions would prevent the use of Junction 9 in the event of problems on the M40. A weight restriction was not possible. The plant was not dependent on lorries keeping to a regular schedule as there would be a storage facility that would provide waste in the event of a hold up in the flow of lorries. The storage bins would be within the building. An appropriate transport assessment had been carried out.

The Highways Officer responding to questions about further measures that could be undertaken such as speed limits, double white lines, or priority signs confirmed that given the roads current classification and the applications scope and context the Highway Authority were unable to recommend any further road project to improve the position. He also confirmed that the figures in the report relating to vehicle movements were correct. The Chairman commented that the Committee could ask the Cabinet to consider a speed limit in Ardley village and double white lines.

Responding to further questions the planning officers advised that it was not unusual for an application to have various planning policies both in favour and against. In their view the policies in favour outweighed those against but it was for members of the Planning and Regulation Committee to come to their own judgement. They clarified the position with regard to waste from outside Oxfordshire and the amount of commercial/industrial waste from Oxfordshire. With regard to the start time vehicles would only be able to enter the site at 7.00 am. Any queuing would not be on the B430.

During discussion members made the following points:

- 1) Councillor Tanner referred to the waste hierarchy and felt that burning waste was not the best possible solution. He was concerned about the application on the grounds that it was an industrial building in open rural land. He was concerned about experiences elsewhere and that the technology was out dated. He referred to the implications of granting planning permission that would apply for all time and for anybody. He felt that the conditions could not deal with all the concerns.
- 2) A number of members expressed concerns over transport. The number of vehicles was a concern and the possibility of waste being transported in to the county with the implications of that on local residents and also in terms of sustainability.
- 3) Councillor Reynolds referred to the arguments from Cherwell District Council around prematurity and conflict with existing policies.
- 4) Councillor Seale whilst accepting the need for furnace disposal of waste expressed concern with this application on the grounds of its visual impact and the environmental impact on the area.

Councillor Hayward moved the officer recommendations, Councillor Jelf seconded and by a vote of 9 to 5 the motion was rejected.

At this point The Committee adjourned for lunch reconvening at 2.30 pm. Following a further brief adjournment the Committee reconvened at 2.50 pm.

RESOLVED: (on a motion by Councillor Tanner, seconded by Councillor John Sanders and carried 9 votes to 5) that the application 08/02472/CM be refused on the grounds that:

The development proposed would represent a large permanent building in the countryside which is contrary to policies C7, C8, C9 of the Cherwell Local Plan, and policies EN30, EN31, EN34, and D10a of the non statutory Cherwell Local Plan. The Council as Planning Authority is not persuaded that the need for a facility on this scale to divert waste from landfill is sufficient to outweigh the effects of the proposal on the countryside in this locality.

5(b) Energy From Waste Incinerator (EfW) Infrastructure plus that for Combined Heat and Power (CHP), Incinerator Bottom Ash (IBA) Processing Plant with Outside Storage Area and Air Pollution Control Residue (APCR) Treatment and Disposal facilities, Visitor and Office Accommodation and Landscaping within Sutton Courtenay Recovery Park

The Committee considered (PN5b) which related to the application for an Energy from Waste Facility at Sutton Courtenay Recovery Park.

John Hamilton referred to the site visit by members and drew attention to the addenda. He added that the Sutton Courtenay Parish Council's consultants report had been seen by the members of the Committee. A number of additional letters and emails had been received since the preparation of the addenda but the points raised were dealt with in the report and addenda.

Responding to questions from members John Hamilton confirmed that the site was a green field site. He clarified the process for dealing with the hazardous waste. A representative of the company confirmed that the hazardous waste would be transported in sealed containers to where it was treated, liquid would be added and only then would it be carried in open containers to the cells. John Hamilton confirmed that the site was on the edge of a flood plain. However the Environment Agency had no objections subject to a number of conditions.

During discussion the following points were made.

- 1) Concerns were raised about the storage of hazardous waste, close to houses and a public right of way. Some members felt that the hazardous waste could be dealt with by condition or by asking for a separate application.
- 2) Reference was made to policy NE11 of the Vale Local Plan relating to landscape enhancement of the area.

- 3) Concern was expressed that the application was for a permanent industrial development on open rural land. A judgement was needed as to whether the need outweighed the countryside policies.
- 4) The height and mass of the building and its visual impact was noted as a concern for some members whilst others felt that it was acceptable.
- 5) Councillor Hannaby expressed traffic concerns in that the A34 was an extremely congested road that historically had problems. She was also concerned at the proximity to the flood plain.

Councillor Hayward moved the officer recommendations, Councillor Jelf seconded and by a vote of 7 to 6 the motion was rejected.

At 3.40 pm the Committee adjourned, reconvening at 3.55 pm.

RESOLVED: (on a motion by Councillor Armitage, seconded by Councillor Hannaby and carried 7 votes to 5) that application SUT/APF/616/60-CM be refused on the grounds that:

The development proposed would represent a large permanent building in the countryside which is contrary to policies NE9, NE10, NE11 and GS2 of the Vale of White Horse Local Plan. The Council as Planning Authority is not persuaded that the need for a facility is sufficient to outweigh the effects of the proposal on the countryside in this locality.

58/09 EXTENSION OF TEMPORARY CONSENT FOR CONTINUED USE OF SITE AS A WASTE RECYCLING CENTRE UNTIL 30 SEPTEMBER 2014 AT DEAN PIT WASTE RECYCLING CENTRE, GROVE LANE, CHADLINGTON, OXFORDSHIRE OX7 3JY - APPLICATION R3.0125/09

(Agenda No. 6)

The Committee considered (PN6) an application to retain an existing Household Waste Recycling centre at Dean Pit, Chadlington for a further period of 5 years until 30 September 2014.

Adrian Tremlett (Chadlington Parish Council) referred to the impact of this site on local communities. It was generally accepted that waste operations such as this one were better sited near large centres of population whereas this site was in a rural area served by narrow single carriageway roads through small villages. The site accepted a large percentage of green waste which needed to be transferred for composting elsewhere. Furthermore as the site was in the AONB there was a responsibility to show that no alternative site was available and this had not been done. He asked the Committee to protect local interests and reject the application.

Lord Chadlington accepted the essential nature of such facilities but this site was not suitable. There had been a lot of opposition expressed to a further extension and advised that following restoration of the former landfill site this was now a Greenfield site. This was the fourth renewal, which suggested that the County Council should be looking for an alternative site but that did

not seem to be the case. He accepted that the site was well used but if no alternative sites were being considered that would always be the case. To extend the permission for a further 5 years flew in the face of current policies and he urged that an alternative site in a more convenient location with safer access outside the AONB should be found.

Responding to questions from members of the Committee Mr Pickard confirmed that no alternative sites had been considered and advised that he had not been aware that there had been that number of renewals. An extension was required as the current permission expired on 30 September. He further advised that it could take 2 to 3 years to find an alternative site.

Councillor Owen expressed concern that no alternative sites had been considered and over the number of extensions to this temporary permission. Although there had been no real objection to this facility 20 years ago that situation had now changed and the traffic impact was now so serious it presented a real safety risk and roads locally were deteriorating. He moved that the officer recommendation be approved subject to reducing the extension of the temporary consent to three years and not five and any further permission should not refer to the ongoing need for the facility.

The motion was seconded by Councillor Seale.

Councillor Owen with the agreement of his seconder then accepted an amendment by Councillor Sanders seconded by Councillor Hannaby that temporary consent be granted for two years and not three.

The substantive motion was then put to the Committee and it was –

RESOLVED (13 votes to 1) to approve Application Number R3.0125/09 for the extension of temporary consent for continued use of the Dean Pit, Chadlington Household Waste Recycling centre until 30 September 2011, subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.
2. Temporary permission – that at the expiration of a period ending on 30 September 2011 the use specified be discontinued. The site shall be restored to agricultural use by 30 September 2013.
3. Hours of use – the hours of use of the site shall be restricted to the following times:
 - Operating hours to be between the hours of 7.30am to 8.30pm (1 April – 30 September)
 - Public opening hours to be between the hours of 8.00am to 8.00pm (1 April – 30 September)
 - Operating hours to be between the hours of 7.30am to 5.30pm (1 October – 31 March)

- Public opening hours to be between the hours of 8.00am to 5.00pm (1 October – 31 March)
No operations on Christmas Day, Boxing Day or New Year's Day.
- 4. That the details of the routes used by Heavy Goods Vehicles accessing the site shall be submitted to and approved by the Head of Sustainable Development in consultation with Transport Development Control within one month of the date of this permission.
- 5. Landscaping – that a scheme for replacement tree and shrub planting on the western boundary of the site shall be submitted to and approved by the Head of Sustainable Development within 1 month of the date of this permission.
- 6. Landscaping implementation – that all planting comprised in the approved details of landscaping shall be carried out in the first planting season following the date of this permission.

Informative

One year before expiry of the consent the local planning authority should notify the waste disposal authority that a further consent at this site was unlikely to be forthcoming in the absence of an acceptable household waste recycling facility strategy to underpin consideration of any application.

59/09 RETROSPECTIVE APPLICATION FOR BUILDING SUPPLIES COMPOUND AND IMPORTATION OF AGGREGATES FOR SALE FROM SITE AT EAST QUARRY, DUNS TEW - APPLICATION 09/01105/CM (CHERWELL) AND 09/0996/P/CM (WEST OXFORDSHIRE)

(Agenda No. 7)

The Committee considered (PN7) a retrospective application which sought consent for a compound for the storage of building supplies and import of aggregate at Horsehay Quarry, Duns Tew and which were carried out in association with the permitted sand extraction at the quarry and which were proposed for the life of the quarry.

RESOLVED: (on a motion by Councillor Jelf, seconded by Councillor Nimmo-Smith and carried unanimously) that subject to compliance with the existing routeing arrangement that planning permission for application 09/01105/CM 09/0996/P/CM be granted subject to conditions to be determined by the Head of Sustainable Development but to include those matters set out below:

1. Detailed compliance is in complete accordance with plans and particulars
2. Detailed duration - development to commence within 3 years
3. Development to end at the same time as the quarry operations – 2018
4. A 15 metre stand-off area between the storage and processing activities and the geological features of interest to be agreed and implemented.

5. Stockpiles of imported aggregate not to exceed the height of the adjacent quarry sides.
6. Standard hours of operation

60/09 ERECTION OF A SINGLE STORY PRE-SCHOOL AND FOUNDATION STAGE BUILDING TO PROVIDE: 2 CLASSROOMS; STORAGE; WC; QUIET ROOM; KITCHENTTE AND LOBBY ACCOMMODATION; CREATION OF NEW HARDPLAY AREA AND FOOTPATH AND FORMALISATION OF EXISTING PARKING AREAS TO PROVIDE 13 DEDICATED (INCLUDING ONE DISABLED) PARKING SPACES AT CLANFIELD CE PRIMARY SCHOOL, MAIN STREET, CLANFIELD, BAMPTON, OXFORDSHIRE OX18 2SP - APPLICATION R3.0109/09

(Agenda No. 8)

The Committee considered (PN8) an application for the erection of a new single storey Pre-school and Foundation Stage building at Clanfield CE Primary School.

Simon Turner did not object to the proposals for co-location but the current proposal would have an adverse impact on the local area increasing the risk of flooding and had been rejected by the Parish Council on those grounds and proposed a building which was totally disproportionate and seemed to contravene existing planning policies.

Bryn Torrington endorsed those comments and referred to the increased traffic impact and congestion on Main Street. The proposal also seemed unjustified in view of comments from the Headteacher that numbers were falling.

John Keeling advised that the threat from flooding came from excess run-off and was not fluvial. The current proposal would exacerbate that threat. Proposed soakaways were not suitable. The local water table was too high and any further flooding events would mean water would inevitably flow into neighbouring properties. Photographs were tabled showing flood water in neighbouring gardens. He also referred to loss of privacy and light.

James Fitzpatrick lived on the north side of the development and again was not against co-location. However, he shared concerns regarding the size of the building and proposed materials. He referred to flooding which had occurred in 2007 and nearly again in 2008 which had been caused by excess water run off. Any further development would need an adequate drainage scheme - proposed soakaways would not achieve that level of drainage.

Replying to Councillor Seale Mr Torrington confirmed that congestion occurred for about 30 minutes at each end of the school day.

Mike Freeman (supported by Jill Kewley and Jill Brown) referred to the huge support for this proposal and the improved facilities which would be provided for children. Relocation would not materially affect traffic flow and would increase safety by reducing the need to cross between the two current facilities. It had been felt that the current location and materials were the best and amendments to the scheme had been included to minimise fears of flooding such as new playground which had been designed to retain excess water.

Responding to Councillor Hannaby, Jill Kewley confirmed that colocation would be a huge benefit. Work was underway to provide a green travel plan and the pre-school would be encouraged to adopt the walk to school scheme which the main school had adopted.

Responding to Councillor Seale Mr Freeman described the events of 2007 when the stream through the village had been clogged with weeds. Water had had come up through the floor and had not been run-off. Work had been undertaken to clear that problem and route flows were now directed correctly through Cuttle Brook.

Councillor Seale referred to the levels of water from new building developments in Carterton which had had a tremendous impact on the levels of water going through the village. However, a great deal of work had now been done to ensure the stream did its job and the Environment Agency had authorised the Parish Council to undertake future maintenance work in order to maintain that situation. He understood the concerns of neighbours but on balance did not feel that the proposed new building would have that much of an impact.

RESOLVED: (on a motion by Councillor Hannaby, seconded by Councillor Tanner and carried unanimously) to approve Application Number R3.0109/09 for the erection of a single storey pre-school and foundation stage building to provide: 2 classrooms; storage; WC; quiet room; kitchenette and lobby accommodation, creation of new hard play area and footpath and formalisation of existing parking areas to provide 13 dedicated (including one disabled) parking spaces subject to conditions to be determined by the Head of Sustainable Development to include the following matters:

1. That the development must be carried out strictly in accordance with the particulars contained in the application and the plans accompanying subject to conditions below.
2. Detailed duration – 3 years – that the development should commence within 3 years of the date of the permission.
3. Hours of use - The building should be used only for school and pre school purposes and only between the hours of 8 a.m. to 6 p.m. Monday to Friday.
4. Approval of sample external materials – that samples of the external materials proposed to be used should be submitted and agreed prior to the commencement of development.

5. Contractors access – that the hours of access (including for deliveries) for construction traffic should be agreed in consultation with the school before the start of works on the site.
6. Contractors compound - the location of any contractors compound should be submitted and agreed (and appropriately fenced off) prior to the commencement of development.
7. Reinstatement of playing field - on completion of the development the temporary contractor's access road and ancillary construction works should be removed and the playing field land reinstated to a playing field to a quality at least equivalent (or better) than the current quality.
8. Tree protection during construction works – that no development should take place until the trees on the site which were to be retained and which were adjacent to or within the development area, had been protected during building operations by means of a protective fence around the edge of the canopy of the trees.
9. Tree protection during construction works – no development should take place in the 3 metre strip of land between the school boundary and the proposed building.
10. Details of surfaced play areas – that the final details of the surfaced play area (including its location and details of permeable surface materials) should be submitted and agreed prior to the commencement of development. No surfaced play areas should be provided to the rear of the proposed building.
11. Sustainable drainage scheme – prior to the commencement of the development a comprehensive Sustainable Drainage Scheme (incorporating the use of SUDS) should be submitted and agreed in consultation with the Environment Agency,
12. Landscaping – the perimeter of the proposed building should be landscaped and planted with trees and shrubs in accordance with a comprehensive planting and landscaping scheme.
13. Landscaping implementation – that all planting, seeding or turfing comprised in the approved details of landscaping should be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever was sooner.
14. Wilderness area – that the final details and location of the replacement wilderness area should be submitted and agreed prior to the commencement of development.
15. Wilderness area - that no development should take place until the retained wilderness area on the site had been protected during building operations by means of a protective fence around the edge of the area.
16. Dry stone wall removal – that the section of dry stone wall to be removed should be removed by hand during March to September only, and should be checked over by an ecological consultant immediately prior to removal to ensure that no protected species were present.
17. Vegetation removal should not take place during the bird breeding season, which was March-August inclusive. If any trees and/or bushes needed to be removed during this time, they would need to be

checked over by an ecological consultant immediately prior to removal to ensure there were no nesting birds present. If nesting birds were present, the vegetation could not be removed until the birds had fledged.

18. Parking restrictions – before the first occupation of the building an assessment should be carried out to establish if further parking restrictions were required along the frontage of the site upon Main Street.
19. Update School Travel Plan – before the first occupation of the new building the schools existing Travel Plan should be updated to take account of the proposed increase in uses on the site.
20. Security lights – That the final details of the number and location of any security lights on the new building be submitted and agreed.

Informatives:

Archaeological Informative – If archaeological finds did occur during development, the County Archaeologist should be notified in order that he might visit the site and advise as necessary.

Ecology - If any protected species not initially surveyed for were found at any point, all work should cease immediately. Work should not recommence until a full survey had been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

61/09 ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE A CHILDREN'S CENTRE AND ERECTION OF A 2.5M HIGH FREE STANDING CANOPY; ASSOCIATED EXTERNAL WORKS INCLUDING ALTERATIONS TO THE EXISTING MAIN SCHOOL ENTRANCE, CREATION OF 4 PARKING SPACES, AN OUTDOOR PLAY AREA, LANDSCAPING AND FENCING AT BAMPTON COFE PRIMARY SCHOOL, BOWLING GREEN CLOSE, BAMPTON - APPLICATION R3.0179/09

(Agenda No. 9)

The Committee considered (PN9) and application for the erection of a single storey building in the grounds of Bampton CE Primary School to provide a new Children's Centre.

RESOLVED: (on a motion by Councillor Seale, seconded by Councillor Hannaby and carried unanimously) planning permission for Application No. R3.0179/09 (for the erection of a single storey Children's Centre and free standing canopy along with associated works including alterations to the existing school entrance, four new parking spaces, and outdoor play area, landscaping and fencing) at Bampton CE Primary School be approved subject to conditions to be determined by the Head of Sustainable Development dealing with matters including those set out below:

1. Detailed compliance condition – development to be in accordance with approved plans and particulars.

2. Detailed duration – development to commence within 3 years.
3. Schedule of external materials to be used to be agreed.
4. Landscaping scheme (to include replacement trees) to be submitted and agreed.
5. Approved landscaping scheme to be implemented.
6. Measures to protect trees and hedgerow to be retained during construction works to be submitted, agreed and implemented.
7. Update existing School Travel Plan.
8. Existing cycle provision to be retained.
9. No vegetation to be removed during bird breeding season.
10. Trees to be removed to be soft felled and under supervision of Oxfordshire County Council's Protected Species Officer.
11. Construction work to cease if any protected species are found on site, and a mitigation strategy submitted and agreed with Natural England.

Archaeological Informative – If archaeological finds did occur during development, the County Archaeologist should be notified in order that he might visit the site and advise as necessary.

..... in the Chair

Date of signing 2009

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Contact Officer: Taufiq Islam Tel: (01865) 815884

Division(s): Kingston Bagpuize

PLANNING & REGULATION COMMITTEE – 23 NOVEMBER 2009

EXTRACTION OF SAND FROM 28.6 HA OF LAND OFF PINEWOODS ROAD, LONGWORTH, AND RESTORATION TO AGRICULTURE AT LOW LEVEL APPLICATION REF: LWO/20319-CM

Report by the Head of Sustainable Development

Location: Land off Pinewoods Road, Longworth

Applicant: Hanson Aggregates

Application No: LWO/20319-CM

District Council Areas: Vale of White Horse

Introduction

1. This is an application to extract 1.1 million tonnes (mt) of soft sand over a period of 10 years from a site off Pinewoods Road, Longworth. It is proposed to process the sand on site. The maximum annual output from the site would be 125,000 tonnes per year. The restoration of the site is proposed to be to agriculture at a low level.

Location (See plan 1)

2. The application site is located immediately to the north of the A420 between Oxford and Faringdon. The site lies between the villages of Longworth, Hinton Waldrist and Kingston Bagpuize.

The Site and its Setting (See plan 2)

3. The application site covers an area approximately 28.6 hectares (70 acres). The site is currently in use as intensive arable agricultural land with the majority being of Agricultural Land Classification Grade 2 (regarded as one of the 'best and most versatile' grades). The area of proposed extraction work is approximately 21 hectares (52 acres).
4. The site is generally rectangular in shape and extends from the A420 northwards towards the villages of Longworth and Hinton Waldrist. The application site is located on the south slope of the North Vale Corallian Limestone Ridge. The land generally falls southwards from approximately 90 metres AOD in the north of the site to 80 metres AOD in the south of the site. The A420 forms the southern boundary of the site. Agricultural land lies to the

west of the site. Pinewoods road extends all the way along the eastern boundary of the site. To the north of the site there is a market garden and a residential property and garden.

5. A group of dwellings is located on the eastern side of Pinewoods Road. Within these dwellings the nearest property to the application site is Squirrel Lodge at approximately 80 metres to the east. Other properties close to the site include - Little Owls 40 metres to the north; Ashen Copse 60 metres to the east; the Lamb and Flag Public House 160 metres to the south on the opposite side of the A420 and The Warren 250 metres to the west. The distances are measured from the edge of the application site, rather than the edge of the proposed extraction area. In all cases the distances between the dwellings and the mineral extraction area are greater.
6. Access to the site would be via an existing agricultural access on Pinewoods Road, approximately 150 metres from the A420.
7. Lamb and Flag Quarry (a Site of Special Scientific Interest) lies 350 metres south west of the site on the opposite side of the A420. Footpath 18 which crosses the site.
8. There are a number of trees located within the site a number of which are protected by Tree Preservation Orders (TPO) in particular the tree line between two fields within the proposed site, a length of the western boundary north of String Copse and four oaks within the northern field.

Details of the Development

9. The applicant is seeking permission for the extraction of 1.1 mt of soft sand. The approximate annual out put would be 125,000 tonnes. The anticipated duration of extraction is 9 years and restoration is proposed to be fully completed within 12 months of extraction being completed. The applicant proposes to restore the site progressively to agriculture at a low level.

Extraction and Processing

10. Sand would be extracted in phases (10 phases in total) working from south to north of the site (see plan 3). Prior to sand extraction of each phase, topsoils and subsoils would be stripped separately, and either stored on the site perimeter as screening bunds or directly placed on previously worked out areas to achieve progressive restoration. It is proposed to use the topsoil and subsoil from the first two phases to create screening bunds along the entire length of Pinewoods Road, around the northern end and south-east corner of the site. The bunds opposite the small group of dwellings off Pinewoods Road would be removed for restoration of phase 4 (see plan 3). The remaining bunds would be removed to restore the final phase and the plant site area. The perimeter soil bunds would provide visual screening and noise attenuation, and would be shaped, grassed and maintained whilst in place. The maximum depth of the working would be 9.8 metres.

11. It is proposed to extract the sand by loading shovel, feeding the sand through a mobile screen (to remove large lumps and fine clays) via a hopper onto a conveyor which would then transport the sand to a stocking and weighbridge area located near the site entrance (see plan 3). The stocking and weighbridge area would be about two metres below existing ground level. During phase 1, it is proposed to establish a perimeter drainage ditch to drain the stocking area, and a sump in the south west of the site. This sump would be restored eventually to form a pond. The large pumps and fine clays together with calcareous stone, which is in layers within the sand deposit, would be moved to the edges to form graded banks.
12. Public footpath 18 crosses the site from north-west to south-east and would be diverted northward during the working of phases 2-5 to enable those phases to be worked. The diverted path would rejoin the footpath to the west of the (see plan 2). As soon as possible after extraction and restoration in phases 2-5, the path would be re-established on its original alignment.
13. The trees subject to the TPO on the boundary of the two fields would be retained. The individual oaks in the north part of the site would be removed. It is proposed to plant new woodland areas and fill gaps in existing hedgerows within the site as replacement for the loss of the oak trees.

Conveyor Site

14. A field conveyor would transport extracted material within the site to the stocking and weighbridge area. The conveyor would be gradually extended northward as extraction progressed.
15. It is expected that the conveyor would for most of its length be approximately 5-8 metres below existing ground levels.

Traffic and Transport

16. Transport Assessment has been provided as part of the Environmental Statement. The assessment states that the development would generate approximately 50 vehicle movements per day (inbound 25 and outbound 25 vehicle movements).
17. The normal working hours for the quarry would be 0700-1800 hours Monday-Friday and 0700-1300 hours on Saturday.
18. The proposed access onto Pinewoods Road would use the existing double-gated agricultural access. This is 150m from the A420. It is proposed that all construction vehicles would exit the site turning right onto Pinewoods Road and then turning left onto the A420 at the Pinewoods Road junction.
19. All traffic movements around the Pinewoods Road junction would remain as now except that right turning HGV's from the application site would not be allowed to turn right out of Pinewoods Road onto A420 westbound (Swindon).

These vehicles would turn left and travel up to the roundabout at Kingston Bagpuize.

20. The existing left turn from Pinewoods Road would be redesigned to accommodate a new traffic island. The introduction of the traffic island would require an area of new road to be constructed to provide sufficient width for left-turning HGVs.
21. As part of the design for the new access arrangement at Pinewoods Road A420 junction it is proposed that the eastbound carriageway be changed from dual to single carriageway from the existing single carriageway to the Pinewoods Road junction (1 kilometre/0.6 miles).
22. It is proposed to extend the existing 50mph speed limit on the A420 from its current point to the Pinewoods Road junction.
23. The transport impacts of the development have been subject of discussion with the Highway Authority and the proposal described above represents the highway scheme as finally submitted by Hanson.

Restoration

24. The restoration of the quarry would be carried out progressively throughout the life of the sand extraction operation starting at phase 1 in the south and ending at phase 10 in the north. The site would be restored back to agricultural land at a low level. Biodiversity improvements are incorporated within the restoration design. No fill materials are proposed to be brought onto the site to achieve restoration. Natural waste materials from the sand extraction would be used to achieve a graded landform.
25. The restored land levels would include two ponds which would provide drainage to the restored fields. Apart from the initial restoration to grass, the vegetation around the margins of the ponds would be allowed to regenerate naturally. New tree and shrub planting would supplement and strengthen the existing field boundary pattern with species characteristic to the area.

Environmental Statement

26. The application is supported by an Environmental Statement (ES). This covers potential environmental impacts on the landscape and visual amenity, ecology, soils, hydrology, archaeology, traffic, noise and dust. It also addresses the issue of alternatives to the development and proposes mitigation measures.
27. Alternative Sites – Alternative sites for this type of sand to be produced from this site are restricted within the County. The proposed site is within a sand horizon of a type limited in Oxfordshire to a strip, running roughly west-east between Shellingford (near Faringdon) and Fyfield (east of Kingston Bagpuize). Sand deposits also occur in the north of Oxfordshire (outcropping near Duns Tew and Middle Aston) but are of a different type of sand.

28. Noise - A noise assessment considering the different types of noise which may be generated by the development is included in the ES. Mitigation measures to keep the noise levels below those recommended in government guidance are suggested. The predicted noise levels at dwellings for each phase of mineral extraction would be below the maximum level (55db (A) Leq 1 hour free field) outlined in government guidelines. The noise assessment concludes that there would be no significant noise impact upon any of the surrounding residential dwellings as a result of the proposed extraction operation.
29. Air Quality - The main sources of dust generation are identified as the mineral extraction operation, materials handling, the processing plant, haul roads and stripping and restoration operations. The ES concludes that the impacts of dust emissions would be very low and insignificant. Mitigation and control measures such as the use of water bowser to dampen down dust, use of appropriate standoffs to dwellings and settlements, grassed perimeter bunds along the boundary of the proposed extraction area are proposed.
30. Landscape - The landscape and visual impact assessment in the ES considers the landscape character of the area and the impacts on the surrounding landscape at all stages of the development. This includes the extraction area, processing plant and the conveyor. It identifies that the proposed extraction site is within a landscape characterised by its ridgeline landform with generally open views restricted by small woodlands and hedgerows. There are a number of residential properties relatively close to the site and a footpath crosses the site. There are several visual receptors therefore which are potentially highly sensitive to the development. In order to mitigate adverse visual impacts, it is proposed to construct soil bunds to provide visual screening during working. The ES concludes that the impact of the development on the landscape and on local people is acceptable.
31. Ecology - The ecological assessment indicates that the site has two types of habitat – arable and hedgerows. The ES concludes that the site is considered to be of minimal botanical interest as it is largely in intensive arable cultivation. The most important features (the peripheral hedgerows) would be left untouched by the development. Within the application area, there is no direct evidence of protected species such as badger or water vole. Overall, the impact on ecology is assessed to be negligible and the restoration is considered to offer potential for a net ecological gain.
32. Soils- The soils on the site are identified as being of high quality. The development proposals involve the temporary removal/storage of the soils and then reuse of them for restoration of the site. It is stated that all soil handling would be carried out in accordance with best practice to ensure no significant damage to soil structure.
33. Hydrology - The hydrological study of the extraction area identifies that it does not contain any significant hydrological features nor does it lie within a floodplain. The hydrological survey considers that extraction of the sand does

not pose a risk to local well boreholes. However it notes the sensitivity of one licensed borehole on the edge of Hinton Waldrist village.

34. Archaeology - A desktop archaeological study has revealed no regional or national features of significance on the site. Various scatterings of flints have been found which are largely Mesolithic with some smaller quantities of Neolithic and Bronze Age finds. Remains from other periods appear to be associated with agricultural activity. To mitigate the impact of the development a scheme of investigation could be agreed with the Oxfordshire County Council Archaeological Service.

Consultation Process

35. The application was originally submitted in September 2007 and was subject to the normal consultation process. The initial consultation and the responses received, resulted in the applicant making a number of revisions to the application in relation to transport, ecology, landscape and amenity issues. A second round of consultation was then carried out in 2008. More recently three further periods of consultation have been carried out in May 2009, July 2009 and September 2009 on the specific detailed highway alterations proposed to the access arrangements from Pinewoods Road onto the A420. On the advice of the local County Councillor we consulted a wider range of Parish Councils potentially affected by the proposed highway changes.

Consultation Responses:

36. **Vale of White Horse District Council**

Planning

No objection subject to issues regarding highways, trees, buffer zones and noise being addressed. Comments are:

- There must be no right turn restriction at the junction onto the A420 for general vehicular traffic. Any right turn restriction on vehicle movements on to the A420 should apply to vehicles from the site only through routing agreements.
- A detailed scheme for wheel washing and keeping the public highway free from mud and dirt must be submitted, approved and installed prior to commencement of work.
- Extraction should be phased so as not to leave the Tree Preservation Order (TPO) trees on an exposed ridge.
- An adequate buffer zone to existing dwellings must be provided in accordance with adopted policy standards.

The District response to the subsequent consultations on this development has been to confirm their initial response; ie no objection subject to the issues raised being satisfactorily addressed.

Environmental Health

First Consultation – No Objection. The main issues are noise and air- borne sand. Satisfied that the applicant has considered these aspects. The mitigation measures listed should be incorporated into planning conditions as necessary. Noise limits as recommended in PPG24 should apply to this development.

Second Consultation – No objection. Concern about the manner in which the noise implications have been calculated. Request for further information regarding this.

Third Consultation – Confirm original view. Having considered the proposed operations and information provided as part of the application, no adverse observations to make.

37. Longworth Parish Council

First Consultation - Object on the following grounds:

- The application states that less than three years land–bank of soft sand is currently available within the county, as opposed to a government requirement of 7 years. However no serious attempt has been taken either to quantify future demand or investigate alternative sources.
- A total ban on traffic turning right on to the A420 is proposed. But this would entail traffic from both Hinton Waldrist and Longworth being forced to take a longer route – up to 3 miles longer – via the A415 to reach Kingston Bagpuize, Southmoor, Charney Bassett and points further south. The traffic analysis provided by the applicant is suspect, in that it works on averages and disregards the cumulative effects of peak flows of both normal traffic and quarry lorries.
- The council supports the analysis and conclusion of a local resident that has been submitted to the County Council.
- Raise concern about the buffer zone which is proposed by the applicant of just 100m from the nearest properties. There is no evidence offered as how this figure is arrived at, let alone how it is derived from a 350m zone starting point. No significant noise impacts are anticipated at any of the surrounding properties as a result of the proposed mineral extraction. Excavation and the construction of a bund will undo the binding effect of the manure and release greater volumes of dust than occurs at present. This has not been recognised in the application.

- Concern about the interruption of the entire drainage system and that could lead to serious local flooding. The application also does not have plans for the ongoing monitoring of the operation.

Second Consultation – No response received.

Third Consultation – Object to the revised highway safety proposals on the following grounds:

- The restriction to one lane and the imposition of a 50mph speed limit on this section of the A420 is contrary to the original purpose of the bypass, which was to allow slower traffic to be overtaken.
- Laden, left-turning lorries leaving Pinewoods Road will need to be expertly driven on every occasion to avoid intrusion into the right hand lane of the A420, and into the path of newly derestricted, and therefore accelerating, traffic.
- The proposal calls for restrictions to an average of 6000 vehicles a day for the sake of 30 lorries, and thus for the impedance of any and all road users for the sake of the commercial gain of one.
- The proposal calls for a plethora of road signage on the junction approaches, many of which will be unfamiliar and confusing to, and certainly unexpected by, drivers.
- The placing of a traffic bollard on the junction in line with the centre of the left hand eastbound lane, protected by road marking alone, is unbelievably crass and dangerous.
- Dual Carriageway 1 mile ahead' sign to the west will be misleading in its present position, and will presumably need to be moved closer to the junction.
- Traffic bunching, caused by single-lane working, is prevalent on this stretch of road; with the abolition of the opportunity to pass before the junction, bunching will still exist at this point, and make it more difficult and therefore more dangerous for traffic crossing the A420.
- No mention of the responsibility for the cost of restoring the junction to its current state after finishing of the works.

Fourth Consultation – No response received.

Fifth Consultation –

- Latest proposals, far from ameliorating the hazards identified in the earlier proposals, actually make the junction more dangerous.

- How can the proposal be deemed acceptable that a major road, considered after a public enquiry to be essential for the lower traffic volumes of 20 years ago, should be reduced in capacity and capability now and for the foreseeable future?
- It is difficult to see how the added speed restriction to the westbound lanes constitutes an 'improvement', since it now effectively doubles the number of road users adversely affected by the proposal to some 18,000 per day (for the convenience of some 40 contractor's lorries). It even further detracts from the original purpose of the road which was to facilitate traffic flow.
- The plan now adds 11 new road signs to those already present (which are to be retained) in and around the junction. It is likewise difficult to see how this added driver distraction will do other than detract still further from road safety.
- Concern about the installation and use of a CCTV camera opposite the Pine Woods exit. How this camera is to be installed and operated is far from clear from drawing No. 2, but it appears it is intended to be linked via a communications line to a remote site.

38. Hinton Waldrist Parish Council

First Consultation - Strong objections on the grounds of: Traffic and road safety on the A420; Traffic and road safety on surrounding roads and villages; Impact on the water table and the market garden adjacent to the site; Buffer zones and proximity to the site; Noise & Dust (during operation and after restoration); Additional traffic from direct minerals sales from the site; Likelihood of other minerals being extracted from the site.

Second Consultation – No response received.

Third Consultation – Object to the revised highway proposals on the following grounds:

- Extending the single-carriageway means that NE bound traffic will remain solid with fewer gaps, making it increasingly difficult and dangerous for vehicles to cross over into the central reservation on the A420 from Pinewoods Road. The knock-on effect will be queuing traffic in Pinewoods Road for both right and left turning vehicles, putting pressure on right turning vehicles to take risks in crossing over to the central reservation.
- The proposed plans overlook the two lay bys nearby.
- To avoid the queues in the Pinewoods Road, local traffic from Hinton Waldrist and Longworth will continue along the village roads thereby increasing traffic volume through these villages.

- Want assurance that any swept path analysis takes into account all vehicle types and lengths, not simply quarry collection fleet vehicles as stated at present.
- Remain concerned that the developer may still wish to pursue potential restrictions to larger vehicles in addition to quarry vehicles at the junction. The day to day activities of several local farms would be greatly impacted by any such restrictions at the junction.
- Overall increase in the road signage and markings will be contrary to the OCC de-cluttering policy of road signage and will also add both to confusion for drivers using the junction and to sign pollution along Pinewoods Road.

Fourth Consultation – Object to the revised highway proposals on the following grounds:

- Traffic audit submitted by the applicant fails to view conditions during the rush our periods of the day and it is inappropriate to evaluate the likely traffic impact based on this information
- It is necessary to consider the safety of this junction in the light of the peak hour flows and not on the much lighter flows in early afternoon. Would be pleased to receive a copy of the independent safety audit.
- Objections raised on the previous consultation still stand
- The knock-on effect of reducing the dual carriageway to single lane would be queuing traffic in Pinewood road for both right and left turning vehicles, putting pressure on the right turning vehicles to take risks in crossing over to the central reservation.
- The purpose of the dual carriageway built in 1993 would be hampered by the proposal.
- Restriction on the tonne limit would impact on local farmers greatly.
- The proposed plans overlook the two lay bys nearby.
- Concern that in order to avoid the queues and quarry lorries in Pinewood road, local traffic to and from Hinton Waldrist and Longworth would continue along the village road and thereby increasing traffic volume through the villages.
 - Proposed road signage would add confusion for drivers using the junction and to sign pollution along Pine Wood road

Fifth Consultation – Still strongly object to the revised proposals on the following grounds:

- The day to day activities of the local farmers would be affected by the weight restriction proposal.
- The proposal that vehicles over 7.5t must turn left at the junction, travel 2.2km to the roundabout at the A420/A415 junction and the same distance back to subsequently turn left at the Springhill junction, would add a minimum of 4.4km to their journey distance. This will have the knock-on effect of increased fuel consumption at a time of both inflated fuel costs and Oxfordshire County Council's active campaign to encourage people and businesses to *reduce* their environmental impact by reducing vehicle journeys.
- Reduction of the speed limit and availability of dual carriageway will have a detrimental effect on both local and through traffic, and will effectively waste taxpayer's money.
- The proposed reduction of the dual section of the bypass will be detrimental to the road users
- The addition of the 100 mm upstand kerbing along the eastbound carriageway prior to the junction poses yet another safety hazard which has not been addressed. Should a vehicle breakdown in this narrowed section of carriageway, or should there be an accident at this site or further along the eastbound carriageway resulting in stationary traffic, then neither recovery nor emergency vehicles would be able to easily pass.
- Speed survey does not encompass the peak times for traffic and therefore question the value of the data collated and the conclusion reached.
- There are no details about who will oversee the CCTV operation or the duration of the surveillance. Who would pay for the CCTV.
- Proposed alterations of highway will deter local drivers from this junction further severing the connections between the local villages.
- Submitted drawings don't show any signage restricting exiting quarry vehicles from turning left out of the site, towards Longworth, nor does the site access layout discourage them from accessing the site from Longworth.
- Road safety audit has not been undertaken at a suitable time as traffic would be predictably very light in the mentioned period.

39. **Kingston Bagpuize with Southmoor Parish Council**

Fourth Consultation – Object to the revised highway scheme on the following grounds –

- Reduction to one lane of the existing dual carriageway. This would significantly reduce the value of the major investment of public money in its construction and exacerbate traffic flow problems along the east-bound A420.
- The speed restrictions until after the proposed beginning of the shortened dual carriageway are unclear.
- Proposed changes would affect the safety of many residents living within the existing and planned boundaries of the parish.
- Serious accidents would result from additional, intermittent very slow moving vehicles on both carriageways.

Fifth Consultation – Make the following comments on the revised proposal:

- Puzzled at the location of the ‘new gap provided in existing safety fence for existing pedestrian crossing’ immediately to the east of the Lamb and Flag. Two public footpaths cross the A420 west of the Lamb and Flag, one at the end of the current safety fencing, but none to the east.
- Complaint regarding the positioning of the 50 mph sign on the revision to the plans.

40. **Buckland Parish Council**

Fourth Consultation - Object to this proposal on the following grounds:

- Currently traffic in busy periods queues back from Southmoor as far as Pusey Furze and the reduction of the dual carriageway to single carriage will only exacerbate this problem pushing traffic back further and potentially causing problems at the Little Chef and BP garage entrances, if not Buckland itself.
- Additional slow moving traffic will increase pollution; both noise and air pollutants in Buckland and the surrounding countryside.
- The A420 is a lifeline for Buckland and increasing the traffic load and making it harder to turn out of the village towards Oxford will not make life any easier. The junctions at Buckland are already prone to accidents. Any changes will put extra pressure on them.
- Hanson lorries heading for Swindon turning right on to the A420 is not feasible because of space, but the proposal to drive back towards

Oxford and around the roundabout will put additional pressure on an already busy junction.

Fifth Consultation – Make the following comments on the revised proposals:

- In one sense, given that the length of single carriageway is being extended, speeds should reduce and safety increase at the junction.
- On the other it contributes to congestion and frustration along the A420 which is a very busy road at peak times.
- The highway issues are balanced and the applicants have probably done enough to satisfy the Highway Authority.
- object on the basis of potential congestion backing up to the Pusey turn

41. Environment Agency –

Groundwater –

First consultation - Not satisfied with the restoration plan. If the site is restored at the indicated level it is likely that the groundwater fed ponds will be larger than illustrated and less land will be available for agricultural use. Asked therefore for a revised restoration plan. Also concerned about the dewatering of the proposed excavation which may lower groundwater levels locally and may derogate nearby domestic and licensed groundwater sources. The Agency provides a list of licensed groundwater abstractions in the vicinity which may be affected by dewatering. They do not know the locations of all private domestic sources.

Recommend conditions to meet their concerns:

- monitoring of groundwater levels.
- monitoring data to be subject to an annual review.
- protect the licensed groundwater sources during the works.
- no sewage or trade effluent, including cooling water containing chemical additives, vehicle wash waters, stream cleaning effluent, or pressure wash effluent, should be discharged to the surface water disposal system.

Second consultation - The revised restoration plan is acceptable in principle. The land profiles to the north of the quarry have also been amended and it is likely that groundwater will be intercepted in the northernmost field. However, no ponds are indicated on the restoration plan. EA would expect groundwater to be intersected in the northern field if land is profiled according to revised plan. The layout of the proposed agricultural drainage system is not indicated on the restoration plans provided.

Biodiversity –

First consultation – The proposed restoration could be improved to offer a restored habitat of greater value. The ponds, as designed, would be receptors for runoff from the agricultural land which may mean their value for flora and fauna would be limited. Suggest some actions in order to reduce this risk and improve the value of the ponds for wildlife in the revised restoration plan. The restoration proposals should be modified to include a buffer zone of at least 10m around the pond that will act as a filter for run-off. Linking the ponds to the surrounding hedgerows would also be better than isolating them in the middle of the agricultural land. Extensions of woodland and shrub planting could link the two southern ponds to existing woods or hedgerows.

Second consultation –

First Response – Still not happy with the revised restoration proposal regarding the ecological quality of the proposed ponds. The revised restoration does create a larger pond in the south west of the site and dispenses with the isolated pond formally proposed to the north of the site. This larger pond would still be entirely surrounded by agricultural land. There is no inclusion of a buffer around it as suggested in the previous response. The addition of formalised drainage to the pond will only exacerbate the water quality problems highlighted in previous response.

Note that the smaller pond in the southernmost field would now be surrounded by low maintenance grassland and that the remainder of the southern field is to be planted with trees and scrubs. Ponds should be designed with shallow and varied margins to maximise the ecological value of the pond. Any planting should be of native species only.

Second Response - Satisfied that concerns regarding the ecological quality of the ponds can be resolved by the implementation of planning conditions. The proposed development will be acceptable if planning conditions are imposed to meet EA's suggestions.

42. **Natural England –**

Soils and Agriculture: No objections to the proposal in principle.

First consultation - Advise the applicant to reconsider their restoration design to safeguard the long-term capability of best and most versatile agricultural land as the proposed landform would significantly compromise the future agricultural use of the land. Ask for the appropriate soil handling system to be carried out and recommend adoption of loose stripping methods of soil handling.

Second Consultation – Satisfied with the revised restoration plan.

Nature Conservation and Biodiversity - No objection to the proposed plan as there would not be a significant adverse effect on the nearby Site of Special Scientific Interest (SSSI).

Protected Species:

First Consultation - No objection provided that surveys are undertaken for bats, badgers and breeding birds before the application is determined.

Second Consultation –

First Response – Advise the applicant that there is a badger tunnel situated under the A420. This will help to assess the impact of this proposal on the badger population in the area. Satisfied with the updated species survey report.

Second Response – No objection. Satisfied with the level of information that has been submitted in respect of great crested newts.

43. **SEEDA**

No Objection. Emphasise on the economic importance of minerals extraction to the south east and the need to ensure that there is sufficient supply to meet future needs.

44. **SEERA**

No comments. The proposals are not considered to be of regional significance.

45. **RSPB**

No objection. Request a condition requiring a walk-over survey for breeding birds to take place between 1 March – 31 July before soil stripping takes place.

46. **Ministry of Defence**

Principle concern with respect to the ponds in this area is their potential to attract large and, or, flocking bird species hazardous to air traffic. MOD does not object to the application subject to conditions.

47. **Thames Water**

No objection.

48. **Food Standards Agency**

First Response - Concern about potential damaging effect of proposed development on adjacent market garden. The proposed activity could have a

damaging effect on certain crops, particularly brassicas and other leafy vegetables, if they were to be contaminated with dust from the quarrying operation at a critical time during the growing season. The application does not go into enough details regarding impact on the market garden. It is suggested in the application that extraction or stripping operations would be suspended during adverse weather conditions if dust cannot be kept below acceptable levels. However there is no information about how 'adverse weather conditions' would be defined, what are considered to be 'acceptable levels' of dust and how these would be monitored, nor is there an indication of how such a suspension would be enforced.

Second Response – Raised concerns about the following matters:

- Realise that dust is normally treated as a temporary nuisance and, as such, a moderate risk may generally be acceptable. However, if dust and grit were to get into produce growing in a market garden this could have implications for food safety (irrespective of the inherent nature of the dust) and could have a serious impact on the business.
- If dust contamination led to consumer complaints, Gibbens & Sons might be obliged to conduct a product recall and this, in turn, could lead to the loss of customer confidence and consequently future business. In the worst case, the company may even have to close.
- The proposed criterion to assess the acceptable level of dust crossing the boundary is visibility. This may be adequate for nuisance control but it is not sufficient to protect food safety. Any dust crossing the site boundaries between the quarrying activity and the market garden may be unacceptable.
- The Applicant states that their dust control measures have enabled them to work successfully with neighbouring landholders. They do not, however, say whether any of these were pre-existing market gardens. If it were the case, it would be helpful to know more details in order to understand the degree to which they were in a comparable position to Gibbens & Sons and to have confirmation that the dust control measures were, indeed, adequate.

Third Response – Make the following comments:

- Applicant has gone to great efforts to quantify the risk but this is modelled and it would not be possible to know the accuracy of the assessment unless and until the operation becomes active.
- From the original plans and based on information about climatic conditions, there is undoubtedly a quantifiable risk.
- The market garden is in a fairly unique situation because, whereas other types of site (whether residential or environmentally sensitive) would

probably quickly recover from an adverse event, this may not be the case if produce were to be contaminated with dust at a critical time.

49. County Ecologist

First consultation -No objection. Suggests conditions to ensure that work does not commence during the months of March to August; and the entrance gateway must be moved southwards to keep it clear from the line of trees on the site.

Second Consultation –

First Response -Satisfied with the pond design details in the revised restoration plan at this stage and ask to incorporate the pond design details into planning conditions if permission is granted.

Second response - Having reviewed all the information regarding the survey on Great Crested Newts and as Natural England are satisfied with the surveys carried out so far, County Ecologist will not be asking applicant for any further survey work regarding great crested newts

Third Response - Cannot comment on the validity of the hydrological information submitted by the applicant or the Parish Council (Hinton Waldrist). The proposed development would not impact on any locally important habitats or landscape features. Suggest conditions to cover the restoration of the ponds, planting, control run-off from the agricultural activities, badger survey, retention of trees and hedgerows should permission be granted.

50. County Archaeologist

No objection. Satisfied with the archaeological assessment carried out on behalf of the applicant. Recommend a planning condition to ensure a programme of archaeological investigation and recording.

51. Transport Development Control -

First Consultation –

First Response - Transport Development Control issued a holding objection until further information is provided regarding –

- An assessment of the junction design
- A Stage 1 Safety Audit of the junction which considers the additional HGV traffic turning both left and right onto the A420. This should be carried out by an independent auditor.
- The designers' response to the safety audit

- Details on the traffic growth factors applied to the assessment and assessment years.

Second Response – Holding objection subject to receiving additional information regarding -

- the maximum achievable vision splays at A420 junction to ensure that it accords with the current technical guidance.
- growth factor or future assessment years applied to the traffic data used in the junction capacity analysis
- Expressed concern over the likely conflict between slow moving HGV vehicles entering and exiting the site and cars travelling at or in excess of the speed limit on the dual carriageway which increase the risk of collisions.

Second consultation –

First Response – Holding objection.

- Suggest the applicant contracts an independent 3rd party auditor to carry out a stage 2/3 audit to determine whether the design of the existing junction is suitable to serve the increased HGV flows
- Any revised safety audit should consider the site access, as the current audit has highlighted insufficient visibility. Considered the mitigation measures unsuitable.
- Not convinced that Picady takes account of the significantly high speeds observed and thus the transport consultant of applicant should re-evaluate the parameters within which Picady can be suitably used.

Second Response – Holding objection for the following reasons:

- The junction on the A420 requires significant improvements that the applicant can not achieve and which would be significantly detrimental to the safety and through flow of existing highway users.
- the access along Pinewoods Road is inadequate to serve the development, does not meet central Government Guidance and would be detrimental to Highway Safety
- S106 and routeing agreement is not in place that may mitigate the development flows, should the application receive approval.

Final Response - No objection in principle subject to attaching appropriate planning conditions. Make the following comments:

- Reduction in capacity on this short section would not significantly affect the overall capacity of the A420 in a wider context sufficient to warrant an objection to the junction changes and hence an objection to the proposal.
- These junction arrangements as proposed have been assessed. The works include adjustments to the geometry, by realigning this to suit tracking to enable the provision of a deceleration lane for left turning vehicles from the A420 into Pinewoods Road, an acceleration lane for vehicles turning from Pinewoods Road onto the A420, and adjustments for a revised island arrangement for right turning vehicles in both directions. HGVs from the application site will be prohibited from the right turn manoeuvre from Pinewoods Road onto the A420 travelling eastbound by a Traffic Regulation Order (TRO), which would have additional enforcement opportunity by way of a camera monitoring the junction.
- Vision splays available for the proposed access off Pinewoods Road accord with guidance and speeds of vehicles based on a speed survey. These would need to be retained clear from any obstructing foliage. The gradient is not considered to affect the vision splay required in this direction.
- The applicant has been advised that any changes to the highway that may be made, would need to be returned to the current layout once the mineral development had concluded at their expense.

Transport Development Control has also asked for a S278 agreement to cover off site highway works.

52. **Rights of Way**

Footpath 18 Longworth bisects the application site in a north-west to south east direction. As yet no application to divert the footpath has been received. It is essential that the footpath is diverted for as short a length as possible. In this respect the path should be diverted west to east across the site just to the north of Phase 5 and then routed south along the inside of the hedge to avoid pedestrians walking on the road. The footpath could then be reinstated following the restoration of Phase 5 (as in the planning application).

3rd Party Representations

53. 124 letters of representation were received during the original consultation period in 2007. Few of the local residents have made their representation at the second round of consultation held in 2008. 45 further representations were received during the 2009 consultation period, following the submission of the revised highway access arrangements.

54. The main issues raised by local residents through the consultation process are – highway objections (which includes - A420/Pinewoods Road junction would be made more hazardous through HGV use, change of road network at Pinewoods Road would make journeys longer, A420 road condition would deteriorate and become dangerous, A420 congestion would increase through HGV crossing, increase traffic in Hinton Waldrist and Longworth village), noise pollution, dust nuisance, inadequate buffer zones, visual aspect of land would be adversely affected, disturbing effect on water table, loss of rights of way, wildlife within the area would suffer greatly, trees with TPOs to be lost and impact on market garden.
55. The full list of the points made by objectors is set out in the **Annex 1** to this report. Full copies of all responses are available in the Members Resource Centre.

**Relevant Development Plans and other Policies –
(All the relevant policies are set out in Annex 2)**

56. The main policy issues are –
 - (i) Aggregates supply
 - (ii) Policy to protect local amenity
 - (iii) traffic and transport
 - (iv) landscape
 - (v) hydrology & ecology and archaeology
 - (vi) restoration

Aggregate Supply

57. South East Plan policy M3 states that Mineral Planning Authorities should plan to maintain a landbank of at least seven years for land-won sand and gravel. South East Plan indicates the sand and gravel apportionment for Oxfordshire of 1.82 million tonnes (mtpa) per annum.
58. Minerals Policy Statement 1: Planning and Minerals (MPS1) also provides for the maintenance of mineral landbanks. It expects Mineral Planning Authorities to plan for the maintenance of an adequate and steady supply of minerals to meet the needs of the economy and society. MPS1 continues to state that should a landbank fall below 7 years for sand and gravel then additional reserves will need to be permitted.
59. Under OMWLP policy PE2, planning permission will not normally be granted outside the areas identified in the OMWLP unless the apportioned supply from the county cannot be met from within the areas identified for sand and gravel extraction and the proposal satisfies the policies of the other related development plans.

60. Policy SD1 of the OMWLP requires that separate landbanks will be maintained for sharp sand and gravel and soft sand at levels which accord with current Government advice and with the current regional apportionment.

Policy to protect local amenity

61. OMWLP policy PE18 states that in determining applications the County Council will have regard to the provisions in the Code of Practice in the OMWLP. The Code of Practice covers amenity issues such as hours of working, noise and dust.
62. OMWLP policy PE3 states that appropriate buffer zones will be safeguarded around mineral working sites for protection against unacceptable losses of residential or natural amenity. Accompanying text of this policy states that since the late 1970s the County Council has operated a buffer zone policy based on a requirement for a distance of 350 metres between mineral workings and town, villages and hamlets, and 100 metres between mineral workings and an individual dwelling or a small group of dwellings. When determining planning applications for mineral and waste development, the County Council will have regard to these established standards, together with the individual circumstances of the site and the other measures which may be used to mitigate the effects of the development proposed.
63. The VOWH local plan policy DC9 states that development will not be permitted if it would unacceptably harm the amenities of neighbouring properties and the wider environment in terms of - loss of privacy, daylight or sunlight; dominance or visual intrusion; noise or vibration; smell, dust, heat, gases or other emissions; pollution, contamination or the use of or storage of hazardous substances and external lighting.
64. South East Plan policy C6 states that local authorities should encourage access to the countryside, taking full advantage of the Countryside and Rights of Way Act 2000, particularly by – i) maintaining , enhancing and promoting the Public Rights of Way system; ii) identifying opportunities and planning for routes within and between settlements, seeking to reduce car use for shorter journeys and iii) where possible, making new routes multifunctional to allow for benefits for multiple users and contribute to the wider objectives of green infrastructure.

Traffic and transport

65. South East Plan policy T1 states that relevant regional strategies, local development documents and local transport plans should ensure that management policies and proposals:
 - (i) are consistent with, and supported by, appropriate mobility management measures
 - (ii) encourage development that is located and designed to reduce average journey lengths

- (iii) include measures to minimise negative environmental impacts of transport and, where possible, to enhance the environment and communities through such interventions.
66. South East Plan policy CC7 sets out that proposals for development will not be permitted unless the planning authorities are satisfied that necessary infrastructure, on or off-site transport measures are available or will be provided. In determining infrastructure and other requirements the local planning authorities will take into account the cumulative impacts of development.
67. The VOWH local plan policy DC5 states that 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) Off-site improvements to the highway infrastructure (including traffic management measures), cycleway, footpaths and the public transport network can be secured where these are not adequate to service the development

Landscape

68. South East Plan policy C4 states that planning authorities and other agencies in their plans and programmes should recognise, and aim to protect and enhance, the diversity and local distinctiveness of the region's landscape, informed by landscape character assessments. It further states that local authorities should develop criteria-based policies to ensure that all development respects and enhances local landscape character, securing appropriate mitigation where damage to local landscape character can not be avoided.
69. Policy PE1 of the OMWLP states that proposals for mineral workings will be considered in the light of criteria that ensure (a) the protection of local residential, landscape and natural amenities (b) provides a high standard of restoration and landscaping is provided.
70. Policy NE7 of the VOWH local plan states that development which would harm the prevailing character and appearance of the North Vale Corallian Ridge will not be permitted unless there is an overriding need for the

development and all steps will be taken to minimise the impact of the landscape.

Hydrology, Ecology and Archaeology

Water Environment

71. OMWLP policy PE4 sets out that, proposals will not be permitted where they would have an adverse impact on groundwater levels or quality in the surrounding area.

Ecology and Nature Conservation

72. South East Plan policy NRM5 incorporates the principles of PPS9 and set out that Special Areas of Conservation (SAC), National Nature Reserves and Sites of Special Scientific Interest (SSSI); and sites which support specially protected species will be protected from damaging development. Other sites of acknowledged nature conservation importance development will be permitted only if there is an overriding need or if damage to the ecological interest can be prevented by the use of conditions or planning obligations.
73. OMWLP policy PE14 states that sites of nature conservation importance should not be damaged. Proposals which would affect a nature conservation interest will be assessed by taking into account the importance of the affected interest; the degree and permanence of the projected damage and the extent to which replacement habitat can be expected to preserve the interest in the long term.
74. The VOWH local plan policy NE5 states that development likely to have an adverse affect on a specially protected species will not be permitted unless the adverse affects, either directly or indirectly, can be prevented or acceptably minimised or adequate alternative habitats can be provided.
75. South East Plan policy BE6 states that local authorities and other bodies will adopt policies and support proposals which protect, conserve and where appropriate, enhance the historic environment and contribution it makes to local and regional distinctiveness and sense of place. The region's internationally and nationally designated historic assets should receive the highest level of protection. Proposals that make sensitive use of historic assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate use should be encouraged.

Restoration

76. Policy PE1 (I) of the OMWLP states that when considering applications for mineral development, the county council will consider the feasibility of the restoration and aftercare proposals.
77. OMWLP policy PE13 states that mineral working sites should be restored within a reasonable timescale to an after-use appropriate to the location and

surroundings. Proposals for restoration, aftercare and after-use should be submitted at the same time as any application for mineral working. Planning permission will not be granted for mineral working unless satisfactory proposals have been made for restoration and after-use and means of securing them in the long term.

Comments of the Head of Sustainable Development

78. In my view the appropriate way to judge the merits of this proposal is to test it through the approach promoted by policy PE2 of the Minerals and Waste Local Plan. In relation to the Longworth proposal this policy effectively says that new soft sand sites should not be permitted unless a) there is a need which cannot be met from allocated sites and b) environmental and amenity protection policies can be complied with. This approach demand that the need for the mineral be weighed against the impact that extracting it will have upon people and the environment.

The main issues that need to be considered in deciding whether or not to grant planning permission for this proposal are:

- (1) the extent of need for further soft sand supply;
- (2) the acceptability of the proposed highway arrangements
- (3) any impact of the proposals on local people and business
- (4) the acceptability of the proposals on the landscape, water environment and biodiversity of the site both during working and upon final restoration.

(1) Need for Soft Sand

79. Soft sand is needed to supply the construction industry with the raw materials it needs (particularly used in manufacturing of mortar and asphalt). Government expects planning authorities to plan for a continuous and steady supply of aggregates. The South East Plan sets out the apportionment of sand and gravel that Oxfordshire is required to make provision for; currently this is 1.82 million tonnes per year. This apportionment is subdivided to provide 0.309 million tonnes per year for soft sand. At the end of 2008 the permitted reserves of soft sand in the County was 1.231mt, giving a landbank of soft sand for Oxfordshire of 4 years. MPS1 requires the County Council to seek to provide for a minimum land bank for sand and gravel of at least 7 years. This 7 year target should be viewed as a minimum rather than a maximum level.
80. The decision of Planning and Regulation Committee earlier this year to permit 1.4mt of soft sand at Upwood Park increases the potential landbank by 4.5 years to 8.5 years at the end of 2008. Legal agreements are still to be finalised in relation to the Upwood Park proposal but officers have no reason to believe they will not reach a satisfactory conclusion. The issue of need has been raised by a number of local residents who have commented that as another site has now been permitted at Upwood Park, there is currently no immediate need for further sand and gravel permissions.

81. As mentioned in paragraph 79, the County's current apportionment for soft sand is 0.309mt. However, levels of production are currently (upto the end of 2008) running at 0.167mt per year, or 54% of the apportionment level. This is probably due to the current downturn in the economy and the depressed state of the construction industry. It is difficult to predict when the economic climate will improve and the building trade pick up. But it is clear that at present we are using up our permitted reserves of soft sand at half the rate of the County's apportionment.
82. I consider that the County has in excess of the minimum 7 year landbank that the SEP and MPS1 requires and that with the Upwood Park reserve there will be sufficient site/plant capacity to maintain an adequate and steady supply of sand for the short to medium term. Although in supply terms it would be useful for the future to have a further supply, in the short to medium term there is already a reasonable supply to meet local need.

(2) Traffic and Transport

83. The traffic and transport implications of this proposal have been a significant concern for local people. As well as individual responses from local residents, the local Parish Councils, the local County member and the local MP have raised objections to the application on highway grounds.
84. As a result of the objections the applicant has submitted a series of revisions to the access arrangements (notably to the junction on the A420 and Pinewoods Road and to the eastbound carriageway from where it is dulled up to Pinewoods Road) with the aim to provide a safe and acceptable highway solution. The proposal now is to create a single lane on the A420 eastwards up to Pinewoods Road together with a 50 mile speed limit; HGVs from the site would be prevented turning right from Pinewoods Road onto the A420. There would also be appropriate detailed design for turning left (eastwards) onto the A420 and right from the road from Charney Bassett across the A420. This would provide a safe solution to enabling access from the main road via Pinewoods Road into the site.
85. The site access onto Pinewoods Road can be designed to achieve acceptable site lines providing that hedgerows are regularly cut back and maintained as necessary. Reducing the length of dualled A420 west of the Pinewoods Road junction would have no significant impact on the capacity of that road or indeed journey times from Swindon to Oxford. Drivers using the road may regard the reduced length of dualled road as inconvenient since it would reduce the length of road available for overtaking slower traffic.
86. Transport Development Control considers the proposed highway arrangements acceptable. If permission was to be granted, it would be important that the area of the A420 removed from road use was sensitively designed and landscaped in a manner that would respect this generally rural area.

(3) Impacts on Local People and Business

87. OMWLP policy PE3 requires that an 'appropriate' buffer zone is provided between areas of extraction and nearby residents in order to protect them from unacceptable noise, dust visual intrusion and other nuisances.
88. There are a number of dwellings around the edges of the application site. All would be at a minimum of 100 metres from the proposed working areas. The portable screening plant would be run to modern standards and combined with the use of a conveyor would mean that the process of digging, screening and internally transporting the sand would be low key in its impact. A combination of existing trees/hedgerows, new planting, soil bunds and the distance between dwellings - and the working areas and stock pile/loading area - would limit the impact of noise, dust and visual intrusion upon local residents. The Environmental Health officer does not object to the proposal.
89. A market garden company (family business) is located immediately to the north west of the site. They grow brassicas and other vegetables which are sold to various retail outlets. The owners have objected to the development on grounds of traffic (this has been dealt with in paragraphs 84, 85, 86 and 87 above), the potential loss of water source from a licensed borehole, and potential for windblown sand to contaminate crops.
90. Licensed water extraction boreholes are referred to in the Environment Agency's response on the application. It is normal practice to protect such licences and for it to be necessary for the mineral company to provide an alternative source of water supply should the borehole source dry up. Nevertheless, in this case the Market Garden company would potentially use considerable quantities of water so if planning permission was to be granted it would be essential that a secure alternative means of supply could be guaranteed. To date such an arrangement is not in place. Although the applicant has mentioned in his ES that an alternative supply could be provided.
91. There is potential in certain circumstances for sand to be blown onto the adjacent fields of crops. The applicant proposes a number of measures to address this issue (including suspension of the activities during adverse weather conditions and use of a water bowser for dampening the sand). Nevertheless, the proposed sand extraction areas that are closest to the market garden would not have any significant unworked margins to the edge of the field boundaries (the distance from the edge of the extraction area to the boundary is about 20 metres). Although soil bunds would be provided in this north-west corner of the site, the boundaries in this area are the least well screened by tree/hedgerow growth.
92. The District Environmental Health officer has not objected to the proposal in this respect, but an officer from the Food Standards Agency has raised considerable concern about the risk of windblown sand contaminating the market garden crops, and the serious consequences such an event would have for this local firm. His view is that whilst such contamination may not

necessarily make the crop unsafe for consumption, if there was sand on food for sale it would not meet public expectations of quality. I agree that such an event could have serious consequences for the market garden company and I am not satisfied that the measures that Hanson propose (outlined in paragraph 92) will adequately protect the interests of the market garden company in this case.

(4) Landscape, water environment and biodiversity

93. The site is located on the North Vale Corallian limestone ridge running east – west across this part of Oxfordshire. The Oxfordshire Wildlife and Landscape Study (OWLS) describes the landscape character of this area generally as having a prominent rolling landform with large arable fields, weak hedgerows and blocks of ancient woodland.
94. The proposal is to work the sand across the site from south to north and restore the site back to an agricultural landscape, returning internal hedgerows, strengthening tree and hedgerow planting generally, and creating 2 wildlife ponds. Overall upon conclusion of the mineral working this site can be restored to achieve an acceptable final landscape together with some benefit in biodiversity interest.
95. There are a number of trees on the site which are protected by Tree Preservation Orders (see plan 2). The applicant proposes to remove four protected oak trees from across the centre of the site. This loss is undesirable and not supported by policy NE7 of VOWHLP. The applicant has been asked if they would wish to consider amending the scheme to retain the oak trees as part of the development. They have confirmed that they still wish to remove the trees as part of the phased working of the site . They also indicate that County Ecologist has raised no objection to the trees removal.
96. The highest point of the site is located along the line of the oak trees (shown on plan 2).The site slopes down from this ridge line towards the A420. There are some areas of the site which are not well screened, notably in some places looking northwards from the A420, and from the northern most length of Pinewoods Road and the north west boundary abutting the market garden although soil bunds would probably prevent any close view into the site from these points. There would therefore be an adverse visual impact from the development during working.
97. The site is not in the flood plain though the lowest 2 – 4 metres of extraction would require pumping of water to enable extraction. There should be no adverse effect upon the water environment. The Environment Agency have not objected to the development, providing satisfactory arrangements can be put in place to protect licensed boreholes, or make alternative arrangements for those affected residents.

Conclusions

98. At present Oxfordshire has a landbank of soft sand reserves which exceeds the 7 year minimum that policy M3 of the SEP says we should plan for based on the County's agreed apportionment of 300,000 tonnes a year. At present annual production is roughly half the apportionment rate and around whilst additional permitted reserves would ensure that Oxfordshire would meet its landbank target for some time into the future, there is no pressing need for additional reserves in the short term.
99. The transport arrangements proposed have been the subject of significant local opposition which is supported by both the local County Councillor and the local MP. However, the professional transport advice is that the arrangements proposed are satisfactory.
100. Whilst nearby dwellings can be protected from potential harm from noise, dust and visual intrusion, I have serious concern about the ability of the company to sufficiently protect against the risk of windblown sand onto the market garden and the consequent impact that this could have on that business. Before any permission could be considered it would also be essential that the market garden borehole also be satisfactorily protected. In my view the proposal is not consistent therefore with policy PE3 of the minerals and waste local plan.
101. Whilst in the long term, the integrity of the landscape would not in my view be harmed; there would be some detriment to views across the site during the life of the mineral working and the removal of the four protected oak trees across the centre of the site would represent a notable loss.
102. Overall I consider that the need for additional soft sand reserves is not great at present, and not sufficient to override the potential for significant harm to the adjacent market garden business, therefore the proposal is not consistent with Minerals and Waste Local Plan policy PE2.

RECOMMENDATION

103. **It is RECOMMENDED that, planning permission for Application 07/02098/CM is refused for the following reasons:**
 - (a) **The development proposed is not within an area identified for mineral working as referred to in policy PE2 of the Oxfordshire Mineral & Waste Local Plan. In addition the apportionment for soft sand identified for Oxfordshire in the South East Plan can be met from the existing permitted and resolved to be permitted sites.**
 - (b) **Policies PE3 of the Oxfordshire Mineral and Waste Local Plan requires that appropriate buffer zone should be established around the mineral extraction sites to protect nearby sensitive features from the damaging effects of mineral working. This development is proposed to be located immediately alongside a**

market garden. The Council, as a Local Planning Authority considers that the measures proposed to minimise the impact on the market garden are not sufficiently robust to ensure that the produce of the market garden is not contaminated. As a result it is considered that the proposal is not consistent with the aims of the policy PE3 of OMWLP.

The Council, as a Local Planning Authority, thereby is not persuaded that the need for this development in this locality is sufficient to warrant a departure from policy PE2.

CHRIS COUSINS
Head of Sustainable Development
Environment & Economy

Background Papers: File no. 8.4/3898/1 "Extraction of sand from 28.6ha of land off Pinewoods Road and restoration to agriculture at low levels" can be viewed in the Minerals and Waste Development Control Team, Speedwell House, Speedwell Street, Oxford, OX1 1NE.

November 2009

Representations**2007 Representations**

1. 124 letters of representation were received as a result of the first consultation period in 2007. The table below lists the issues according to subjects that people have raised and the number of times people have raised them. No letters of support were received for this application.

Transport and Traffic – main points

Comment	Number of letters	Where addressed
A420 / Pinewoods Road junction would be made more hazardous through HGV use	90	Main report
Change of road network at Pinewoods Road would make journeys longer	33	Main report
Change of road network at Pinewoods Road would make local amenities less accessible	26	Annex 1
A420 road condition would deteriorate and become dangerous	21	Annex 1
Change of road network would increase traffic in Hinton Waldrist	12	Annex 1
A420 congestion would increase through HGV crossing	13	Annex 1

Transport and Traffic – comments made in fewer than ten letters:

Introduction of a roundabout at A420 / Pine Woods Junction needs to be considered	Annex 1
Bus services may reduce due to increase in hazardous conditions of A420	Annex 1
Impact of HGV traffic on nearby residents	Report
Concern about consequent road safety	Report
Who will pay for extra maintenance of the roads?	Annex 1

No acceleration lane is proposed on the A420 and one is required	Annex 1
Impact on cyclists	Annex 1
Hinton Road may become dangerous through HGVs using it as alternative route	Annex 1
Hinton Waldrist already dangerous due to parked cars along main streets	Annex 1
Lorries must be banned from turning north into Pinewoods Road	Annex 1
HGVs should be banned from using village roads	Annex 1
Measures needed to prevent HGVs from turning right out of Pinewoods Road, but not car.	Annex 1

Amenity – Main Points

Amenity		
Noise pollution will be increased	55	Report
Buffer zones proposed are not appropriate	53	Report
There are dwellings within 350 metres of proposals	44	Report
Air pollution will be increased	41	Report
Visual aspect of land would be adversely effected	39	Report
Dust and noise - risks to health	30	Annex 1
Restoration proposals should be improved	23	Annex 1
South-West winds would cause dust to be blown towards Longworth Village	20	Annex 1

Amenity – Comments made in fewer than ten letters

Quality of life experienced within the area will decrease	Annex 1
Loss of water for the market garden	Report
Impact on agricultural land	Annex 1

Granting permission will open area up for further development and extraction	Annex 1
Tranquillity of the area would suffer	Annex 1
Damage to local economy	Annex 1
Deterioration of soil will prevent future agricultural use	Annex 1
Leisure activities such as horse riding would be negatively affected	Annex 1
Unacceptable impacts upon environment	Report
Impact of dust - general	Report
Impact of dust - on market garden	Report
Dust section of EIA inadequate	Annex 1
Excessive noise from pump being used to drain the site	Annex 1
Extra cost to agricultural operations through extra distances travelled	Annex 1
Deterioration of land would prevent future agricultural use	Annex 1
Increased community segregation	Annex 1
Mitigation measures from noise of pumps would be ineffective	Annex 1
Impact of noise from extraction on nearby residents	Report
Regulation of dust and control of water levels needed	Report
Resale of affected houses will be difficult	Annex 1
Southerly and easterly winds would result in contamination of crops at Market Garden	Report
Subsidence affecting local houses/ destabilisation of soil	Annex 1
General negative impact on all surrounding villages as well as Longworth itself	Report
Undermine public confidence in Oxfordshire Statement of Community Involvement if site approved	Annex 1

Would Hansons give compensation for damaged crops?	Annex 1
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Landscape and Ecology – Main Point

Wildlife within the area would suffer greatly	17	Annex 1
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Landscape and Ecology – comments made in fewer than ten letters

Badger sets at North end of the site may be affected	Report
Current vegetation screening site is insufficient	Annex 1
Land will no longer be agriculturally workable following extraction	Annex 1
Lowered landscape would change visual aspect of land and prevalent future agricultural use	Report
Vegetation within the site area will deteriorate	Annex 1

Hydrology – Main Points

Annex 1 addresses these points.

Adverse effect on water table	37	Annex 1
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Hydrology – Comments made in fewer than ten letters

Annex 1 addresses these points

Increased levels of flooding likely due to lack of drainage
Hydrology section of EIA inadequate
Risks involved in increasing water penetration of the marine deposits underlying the Corallian Ridge
Drainage of ponds need to be addressed
Effect of rising water table on septic tanks would be detrimental
Increased risk of salination of soil and water
Improved drainage in the NE corner of site is needed
Water quality within the area may decline

Excavation will lead to land erosion and increased water run-off
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Other Issues – comments made in fewer than ten letters

Each of these points is addressed in Annex 1.

Relevant development plan policies are fully considered in the main report.

Alternative sites need to be explored
Proposals contrary to various development plan policies.
The site was not included within the original Development Plan
Possibilities of limestone extraction following sand extraction
Effective management of any conditions imposed will not be possible
Ensure that Hansons are legally held to extraction of no more than 10 years
Lack of public consultation
Length of the operation is not clear
Limestone will also be lost from the land
Maximum of 5 working days per week should be proposed, not 6
Non-compliance of operator with routeing agreements might happen
Sand is to be predominantly used for Gloucestershire, not Oxfordshire
Protected species surveys should be undertaken as there are newts in the local area.
The site was not included within the original SP or MWLP or Vale Local Plan
Use of land following extraction is uncertain in ownership and use
Application is not clear regarding extent of works
Applicant has poor reputation for enforcing conditions

2009 Representations

1. A further consultation period was held in 2009 following the submission of revised highway access proposals. 45 further representations have been received during this consultation period. Many of these were from people who had previously responded in 2007 and 2008. The table below shows the number of times different issues made in their latest objections. These are addressed in Annex 1 and more fully in the main report.

Quarry traffic and the revised highways access proposals would increase the risk of accidents on the A420	30
High speeds, complex signing and hatching and impatient and frustrated motorists would deter local people from using the A420	12
Would increase traffic at Hinton Waldrist and Longworth Village	9
The evidential basis for the stage 1 Road Safety Audit is flawed	7
Would cause inconvenience for traffic leaving Pinewoods Road across the eastbound lane and traffic turning into Pinewoods Road from Southmoor	6
Loss of amenity due to additional traffic	6
Would cause frustration to HGV drivers having to drive further and confusion to other road users	6
Would increase the commuting time	6
Reduction to single carriageway of some half a mile would represent an appalling waste of money	5
A roundabout or traffic lights would be better solutions	5
Any alteration to the current road layout would increase risk of accidents	5
Increased risk of accidents to pedestrians and cyclists	5
Queue would build up into the fast lane of the A420 as the right-turn slot is short	5
Junction works would cause queuing and slow traffic	5
Access to the Pinewoods Road would become more difficult and dangerous	5
Any changes and associated increase in danger and inconvenience would last nine years	5
Constant stream of traffic past the Pinewoods Road junction	5

Comments made in fewer than five letters

Painting out lane one on the eastbound carriage way from the western end of dual carriageway is unreasonable
Injecting slow moving lorries into the proposed restricted land would add an additional danger
Interests of the local residents and users of the A420 will be severely compromised
The proposal would break the commitment to reduce the traffic in the local villages
The surveys ignore the two lay bys
Quarry traffic might turn right onto the A420 despite proposed measures, to save time. What penalties would be in place?
Poor visibility at junction
Create congestion at the junction
Concern about the large, slow moving HGVs crossing the eastbound carriageway to enter the Pinewoods Road and exiting Pinewoods Road to join the eastbound traffic
Reducing the limit to 50mph in both directions approaching and leaving the junction with Pinewoods Road would be helpful
There should be a crawler lane for lorries joining the A420 in an easterly direction of sufficient length
Would encourage longer car journeys to avoid this junction
The proposal will not serve the need of only a single company
The Pinewoods Road junction will become more dangerous as traffic turns from Southmoor on to the central reservation and then eastwards towards Oxford
Why was accident data not looked at for an entire year or over several years?
The white line hatching will not deter reckless drivers from driving over top of it

Reducing the A420 northeast bound to one lane will have a negative impact on vehicles heading west on the A420 wanting to turn onto Pinewoods Road
Slowing of Oxford-bound traffic with loss of part of the economic benefit
Would increase difficulties for emergency vehicles
Greater delays and hazards to traffic waiting to cross from north to south and vice versa
The communities of Hinton Waldrist and Longwoth village would be separated
Reduce the opportunities for traffic and cyclists to turn right safely out of Pinewoods Road
The proposed bollard would be dangerous to fast moving eastbound traffic
Proposed signage/CCTV is visually intrusive and has the potential to confuse and distract drivers.
Blocking the early part of the west-bound dual carriageway would defeat the original point of the by-pass
Would increase the noise and other pollution
Proposal conflicts with the policies stated in OMWLP
The new kerbing proposal would confuse the motorists and drivers
Problems of crossing the westbound carriageway into Pinewoods Road would increase
Narrowing width of northbound carriageway would cause traffic to cluster
Speed limit unlikely to be observed

2. The local MP, Ed Vaizey has raised a number of objections to this planning application. He has mentioned that - the landbank for sand and gravel has risen to well above eight years; so there is no urgent need for sand extraction from this site. He considers that the latest highway access arrangements are unacceptable. The impact on the market garden adjacent to the site and impacts on wildlife have not been adequately addressed by the applicant.

Officer's comments on the Representations

The main report considers the proposals against the development plan and other material considerations. Specific areas of local concern, which are not covered in the main report, are covered below.

2007 Consultation Traffic and Transport

A420 road condition would deteriorate and become dangerous
Bus services may reduce due to increase in hazardous conditions of A420
Impact on cyclists
Proposals would deter local people from using the A420

The applicant has put together proposals to ensure that the safety of the A420 is not compromised by this development. Transport Development Control have been consulted on this application and have no objection subject to conditions and agreements to ensure the junction is safe.

HGVs crossing A420 would increase congestion

The revised highways arrangements do not propose that HGVs cross the carriageway of the A420 as they exit the site as they would be permitted to turn left out of Pinewoods Road only. When approaching the site there would be a slip road to allow lorries to wait to cross the carriageway. Therefore there should be no increase in congestion as a result of HGVs entering and leaving Pinewoods Road. The main report provides full details of the highways arrangements.

Change of road network would make local amenities less accessible
Measures needed to prevent HGVs from turning right, but not car

The restrictions on the A420 would apply onto to HGVs from the quarry and would not affect cars.

Introduction of a roundabout at A420 / Pinewoods Junction needs to be considered

The applicant has put forward an amended highways access scheme, which Transport Development Control consider to be acceptable. It is not proposed to construct a roundabout on the A420.

No acceleration lane is proposed on the A420 and one is required

Transport Development Control have no objection to the highway arrangements proposed. An acceleration lane is not considered to be necessary because of the formation of a single carriageway along the A42 west of the junction.

Lorries must be banned from turning north into Pinewoods Road

It would be necessary for lorries to turn into Pinewoods Road to access the site but not to travel further north than the site access. The full highways arrangements have been considered by Transport Development Control and are considered acceptable.

Who will pay for extra maintenance of the roads?

The increase in vehicles using the A420 is not considered to be significant compared to its capacity.

Hinton Road may become dangerous through HGVs using it as alternative route

Increase in traffic in Hinton Waldrist

Hinton Waldrist already dangerous due to parked cars along main streets

HGVs should be banned from using village roads

Neither the original nor the revised highway access arrangements propose routing traffic through Hinton Waldrist or Longworth village. There is no reason for traffic to increase or conditions become more hazardous in the villages as a result of this development.

Amenity

Restoration proposals should be improved

The agricultural restoration plan was amended and improved following comments from consultees. There is now no objection to the restoration proposals from Natural England, the Environment Agency or the County's Ecologist.

Quality of life experienced within the area will decrease

Tranquillity of the area would suffer

Quarrying has the potential to impact on quality of life through nuisance. However, potential nuisances such as noise can be dealt with through planning condition. There would be a temporary visual impact from the workings, this is considered in more detail in the report.

Impact on agricultural land

Deterioration of soil will prevent future agricultural use

The land would be restored to agricultural land. There has been no objection to the latest restoration scheme from Natural England, who provide advice on soils and agricultural use of land.

Granting permission will open area up for further development and extraction

Possibilities of limestone extraction following sand extraction

It is possible that other development might be proposed in future. However, such development would require planning permission in its own right and any future proposals would be assessed on their planning merits.

Leisure activities such as horse riding would be negatively affected

The development site is not affected by any bridleways. There is a footpath running through the site. It is proposed to temporarily divert this path.

Dust section of EIA inadequate

Dust – risk to health

Dust would be blown towards Longworth

The Environmental Health Officer from the District Council has been consulted on the planning application and Environmental Statement and has not objected. Dust is considered in more detail in the main report in relation to the market garden.

Excessive noise from pump being used to drain the site

Mitigation measures from noise of pumps would be ineffective

Noise – risk to health

The Environmental Statement sets out the maximum noise levels to be generated by the development. There has been no objection from the Environmental Health Officer to these noise levels or to the mitigation proposals in the ES. Maximum noise levels can be enforced through planning condition.

Increased community segregation through extra distances travelled

Extra cost to agricultural operations through extra distances travelled

There would be no requirement for agricultural HGVs or private vehicles to take longer journeys as a result of this development. The current highways proposals involve HGVs from the quarry only to be required to turn left on the A420 at the Pinewoods Road junction. All other traffic would still be able to turn right or left.

Resale of affected houses will be difficult

This is not a material planning consideration.

Subsidence affecting local houses

Destabilisation of land

The proposed soft sand working would be at minimum 100 metres from dwellings.

Undermine public confidence in Oxfordshire Statement of Community Involvement if site approved

This application has been subject to a full consultation exercise. The Mineral Development Framework (MDF) process has still a considerable way to go before adoption. Bearing in mind the policies in the South East Plan, it is my view that making a decision on this proposal now would not undermine the strategy for mineral provision that emerges through the MDF process.

Would Hansons give compensation for damaged crops?

Damage to local economy

Issues regarding the impact on the adjacent market garden are addressed in the main report. Compensation for any harm to the Market garden would be a matter between Hanson and the market garden owners. I do not consider that this proposal would affect the local economy in any other way.

Landscape and Ecology

Wildlife within the area would suffer greatly

There has been no objection from the County Ecologist, Natural England or the RSPB on the grounds of impact on Wildlife. This development would not affect any specially protected sites and the restoration proposals provide an opportunity to improve the biodiversity of the area. The proposal is considered against ecology and biodiversity policy in the report.

Vegetation within the area will deteriorate

There has been no objection to this development from Natural England or the County's Ecologist. There would be the loss of some other established trees and it is proposed to replace these with new planting. Some trees lost would be subject to Tree Protection Orders.

Current screening vegetation insufficient

The application includes proposals for filling gaps in hedgerows and additional planting to replace lost trees. The development is considered against policies relating to visual impact in the main report.

Hydrology

Adverse effect on water table

Increased levels of flooding likely due to lack of drainage

Hydrology section of EIA inadequate

Risks involved in increasing water penetration of the marine deposits underlying the Corallian Ridge

Drainage of ponds need to be addressed

Effect of rising water table on septic tanks would be detrimental

Increased risk of salination of soil and water

Improved drainage in the NE corner of site is needed

Water quality within the area may decline

Excavation will lead to land erosion and increased water run-off

Hydrology is considered in detail in the Environmental Statement.

The Environment Agency have been consulted on hydrological issues and have not objected and have recommended conditions.

Other Issues

Alternative sites need to be explored

The issue of alternative sites is considered in the Environmental Statement.

Proposals contrary to various development plan policies.

All relevant development plan policies are considered in relation to the development in the main report.

The site was not included within the original Development Plan

There are no areas identified in the Oxford Minerals and Waste Local Plan for soft sand production. Therefore any applications for soft sand would not be identified in the present Local Plan.

Effective management of any conditions imposed will not be possible

In order to be valid planning conditions must be enforceable. If they are not the matter cannot be dealt with through condition.

Applicant has poor reputation for compiling with conditions

OCC would regularly monitor the site and can enforce against an applicant if conditions are not complied with.

Ensure that Hansons are legally held to extraction of no more than 10 years

The time limit for extraction is always covered by planning condition.

Lack of public consultation

There has been full public consultation on this application, both at the time it was originally submitted and following amendments to the highways access arrangements.

Length of the operation is not clear

These details are available in the planning application and set out in the main report.

Limestone will also be lost from the land

It is not proposed to work limestone.

Maximum of 5 working days per week should be proposed, not 6

Standard operating hours for all quarries in the County include 9am-1pm on Saturdays in addition to Monday to Friday working.

Non-compliance of operator with routeing agreements might happen

Routeing agreements can be enforced.

Sand is to be predominantly used for Gloucestershire, not Oxfordshire

The application states that the sand would be intended for the Oxfordshire market.

Protected species surveys should be undertaken as there are newts in the local area.

Natural England and the County's Ecologist are satisfied with the survey work that has been done for this application.

Use of land following extraction is uncertain in ownership and use

The application proposes an agricultural restoration.

2009 consultation

The 2009 consultation was specifically regarding the resubmitted details regarding highway access arrangements. Therefore the comments received were related to traffic and transportation. The amended highways details were considered by Transport Development Control who have no objection to the proposals. Transport Development Control have advised that the traffic levels associated with this development would not have a significant impact on the capacity of the A420. It would not significantly increase congestion. All of the above concerns have been assessed by Transport Development Control and they have reached a conclusion that the revised proposal would not pose any potential risk for the local residents if they are controlled through planning conditions, routeing agreement and S278 agreement. This matter is covered in the main report.

Relevant Development Plan Policies

Government Policy

Mineral Policy Statements 1 and 2 (MPS1)
Planning Policy Statement 9 – Nature Conservation (PPS9)
Planning policy Statement 25
Planning policy statement 16

Regional Policy

The Regional Spatial Strategy – South East Plan

M3, CC7, C3, C4, C6, BE6, NRM5, T1

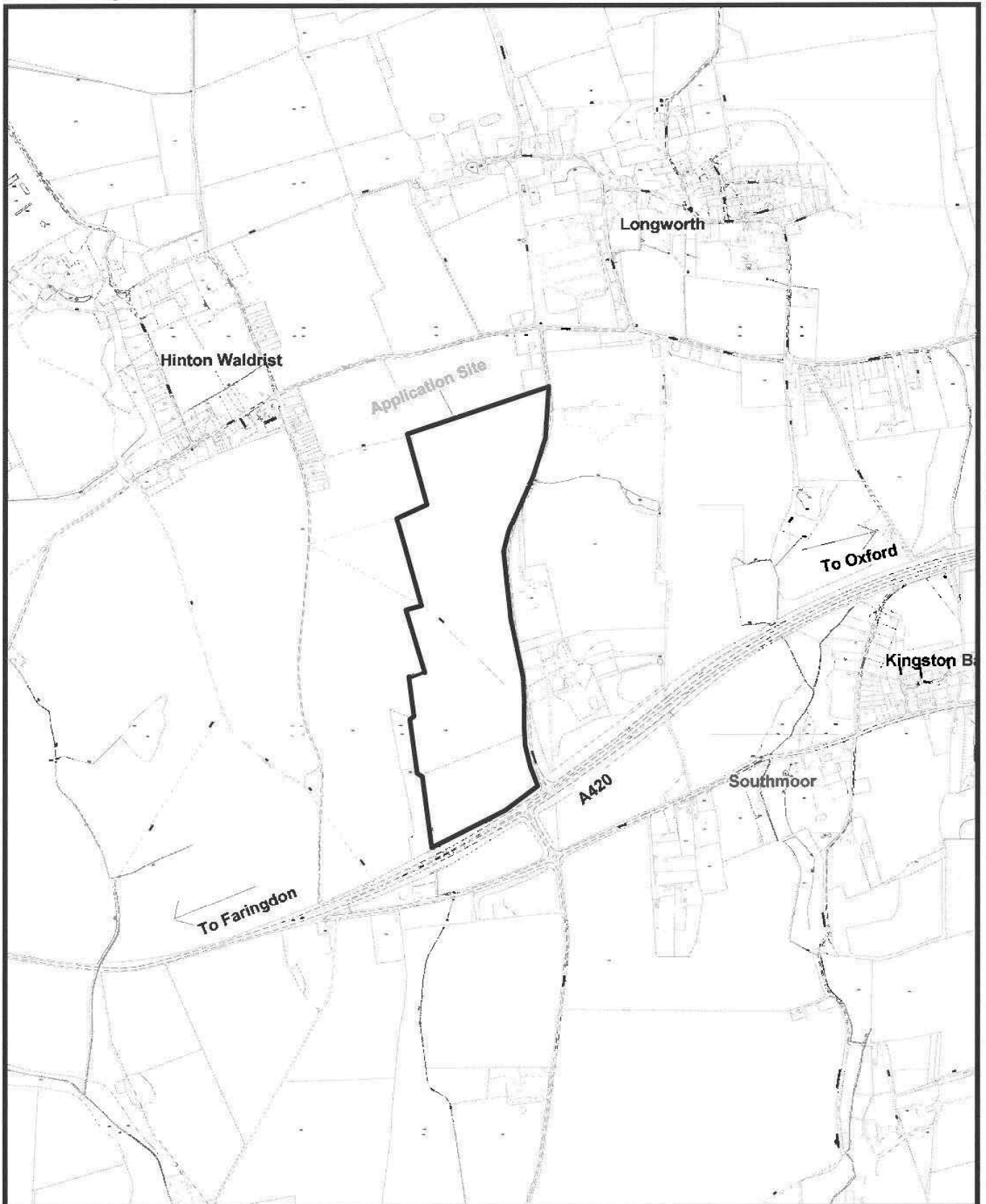
Oxfordshire Minerals and Waste Local Plan 1996

SD1, PE1, PE2, PE3, PE4, PE13, PE14, PE18

Vale of White Horse (VOWH) Local Plan

DC5, DC9, NE5, NE7

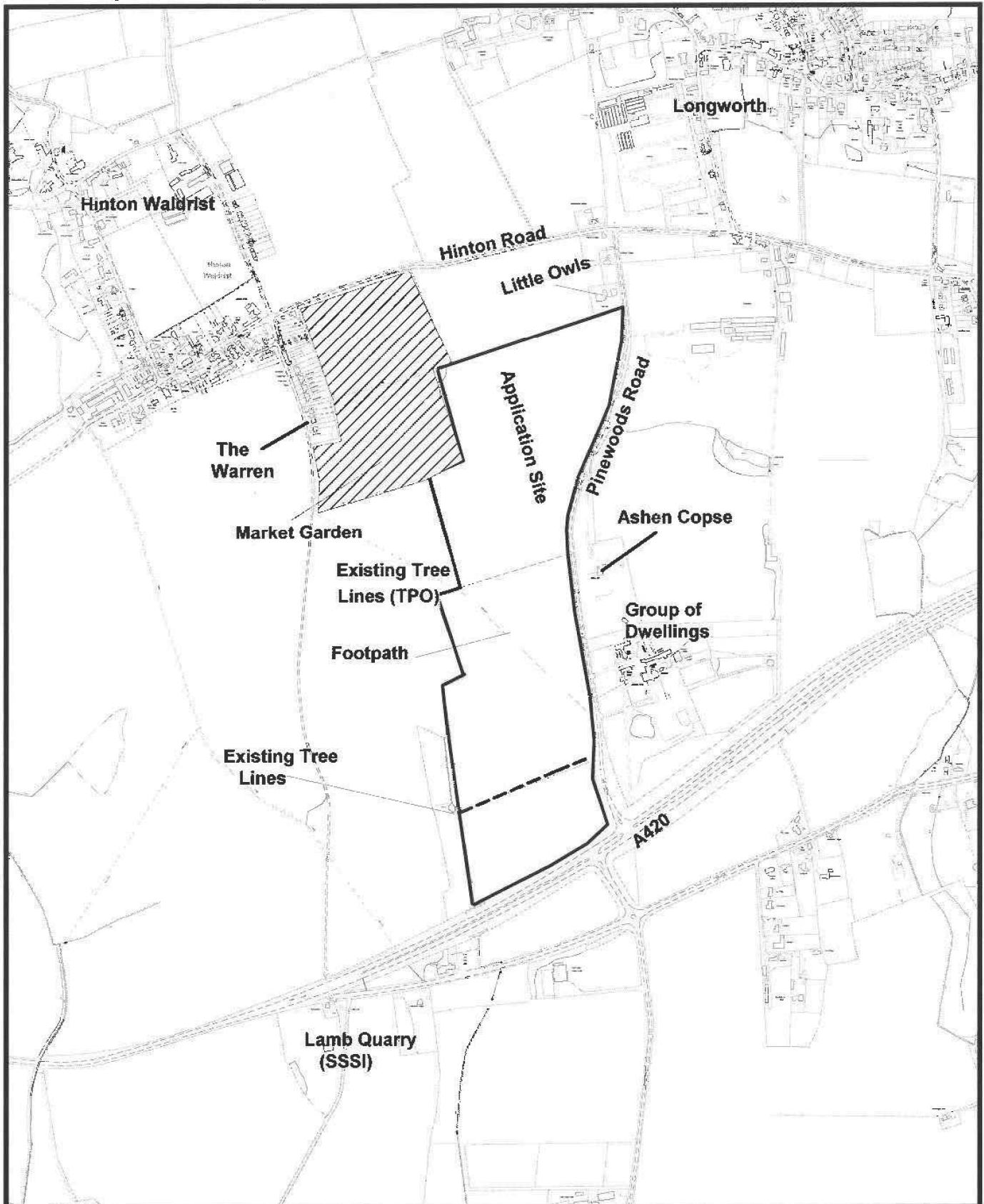
Plan 1 (Location Plan)



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By: TP
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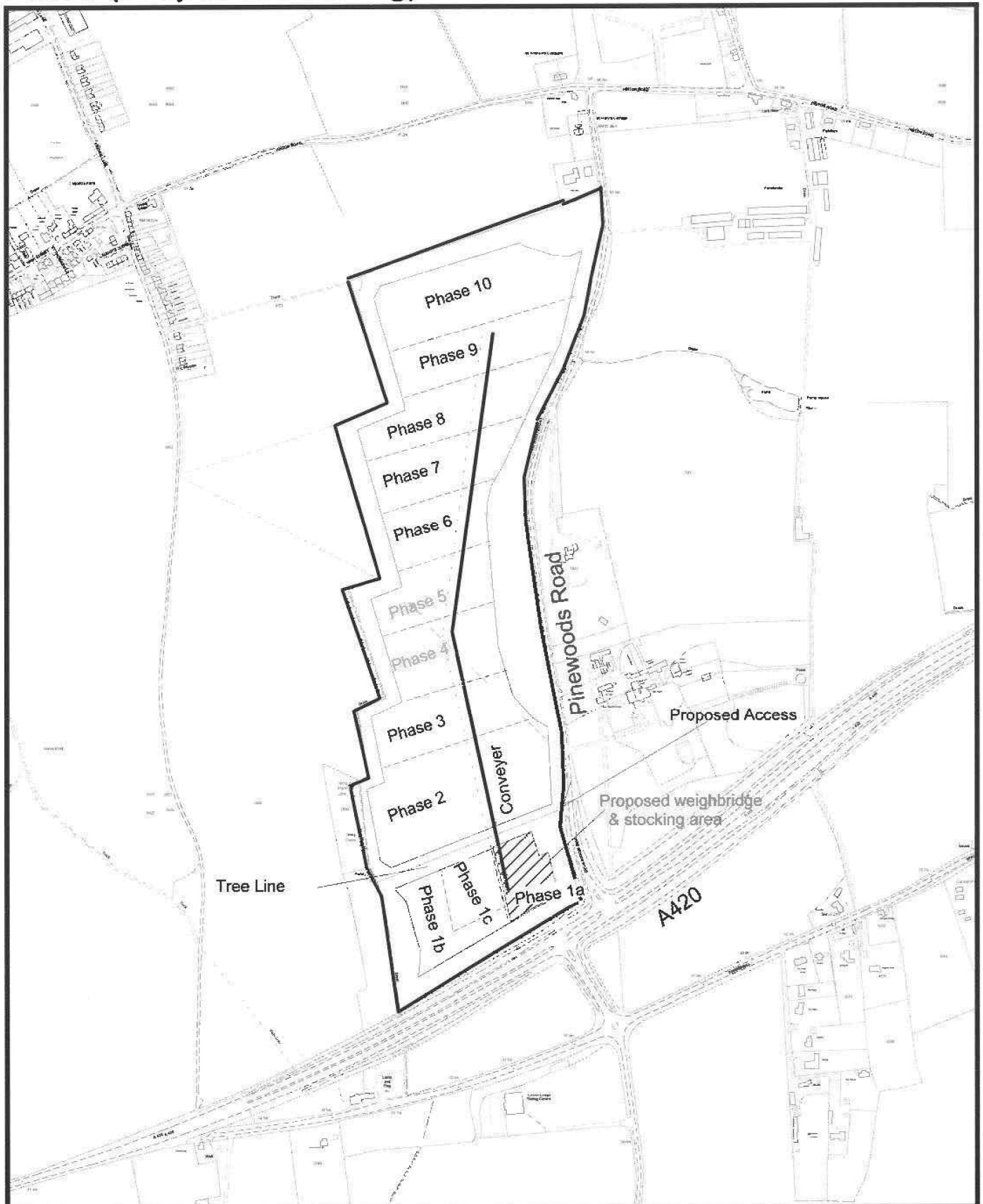
Plan 2 (Site Plan)



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Plan 3 (Proposed Phasing)



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Contact Officer: James Irvine (james. Irvine@oxfordshire.gov.uk)
Tel: 01865 816526

Division(s): Kidlington & Yarnton

PLANNING & REGULATION COMMITTEE – 23 NOVEMBER 2009

PROPOSAL TO TEMPORARILY ALLOW THE USE OF THE EXISTING HAUL ROAD RUNNING TO THE SOUTH AND EAST OF THE SITE FOR THE TRANSPORT OF MINERALS AND WASTE MATERIALS TO AND FROM THE SITE WITHOUT DISTURBING SCHEDULE 1 PROTECTED SPECIES CURRENTLY PRESENT ON THE SITE FOR A PERIOD OF UP TO 12 MONTHS OR UNTIL THE LITTLE PLOVERS HAVE LEFT THE SITE AND THE CONSTRUCTION OF THE NEW HAUL ROAD THROUGH THE CENTRE OF THE SITE IS COMPLETED, WHICHEVER IS SOONEST

LAND AT SHIPTON-ON-CHERWELL QUARRY, SHIPTON-ON-CHERWELL, OXFORDSHIRE

Report by Head of Sustainable Development

Location: Shipton-on-Cherwell Quarry, Shipton-on-Cherwell, Oxfordshire.

Applicant: Alan Hadley Ltd, Fenton House, Deans Copse Road, Theale, Berkshire, RG7 4GZ.

Application No: 09/01180/CM

District Council Area: Cherwell

Introduction

1. This application flows from development permitted by Planning & Regulation Committee in January 2008 to allow comprehensive redevelopment of the site at Shipton on Cherwell Quarry. The application seeks to allow the operator to use an existing haul road at Shipton on Cherwell Quarry. It is currently not permitted to be used under planning permission 06/02046/CM which was issued on 4 April 2009. The proposal is for temporary planning permission for up to 12 months and has been submitted due to the presence of Little Ringed Plovers that are protected under Schedule One of the Wildlife and Countryside Act 1980. Their presence has caused significant delays in the construction of the new internal haul road.

Location

2. The site lies just over 2km (1.2 miles) north of Kidlington east of the A4260. It is in the Green Belt between Bunkers Hill and Shipton on Cherwell. Oxford airport is about 1km (0.6 miles) south west of the site.

The Site and Its Setting (See Plan 1)

3. The site is in open countryside and covers 71.3ha. To the north west lies the settlement of Bunkers Hill, whose main road (A4095) borders the site. To the north east the site abuts the River Cherwell. The Oxford to Banbury railway line runs along the eastern boundary and the village of Shipton on Cherwell lies to the south. Immediately to the west is arable farmland and the A4260.
4. The whole of the quarry (63ha) is designated a County Wildlife Site and a large proportion around the edges (the old quarry faces) is a SSSI designated because of its geological interest.
5. At the east end of the quarry site there is an area of unworked limestone and the derelict cement buildings which sit adjacent to the railway line. As it is a quarry, the majority of the site is set down from surrounding land levels.
6. There are some bodies of water within the site. The mineral was worked below the water table and the water is now kept artificially low by pumping into the River Cherwell.

Background Information and History

7. Shipton-on-Cherwell quarry is a disused limestone quarry that was first operating before 1945. The site primarily produced limestone for use as cement and there is an extensive, albeit derelict, cement works complex on-site.
8. Planning permission was granted in April 2009 for comprehensive redevelopment of the quarry that would include mineral extraction, landfill of inert waste, aggregates depot, rail storage depot, industrial buildings and temporary car storage. Part of this development would be on the area of the former cement works and would result in demolition of the buildings and plan. The development permitted will run until 2033.

Details of the Development

9. This application is to allow the temporary use of the southern haul road to allow materials to be imported on to the site without disturbing Schedule 1 protected species nesting on the site. The haul road is adjacent to 4 residential dwellings and is in close proximity to Shipton on Cherwell village. The closest property is 20 metres from the haul road. There is extensive planting between these properties and the haul road.

10. Its use is currently precluded by Condition 71 of planning permission 06/02046/CM which states:

The road marked “haul-route-existing route to remain” as shown on approved plan K.0117_25-1d shall not be used for the transport of minerals or waste materials or in connection with any activities approved by this permission. It shall revert to use as a track for agricultural, rail (but not in accordance with the rail storage depot or rail aggregate depot) and site security uses before the construction of the building shown as “Construction of 1Ha (2.5 acre) class B8 building...” is complete.

Reason: *To protect the amenities of Shipton-on-Cherwell. (MWLP PE18).*

11. The applicant is seeking temporary planning permission for the use of this haul road for either:
- 12 months from the date of any permission given, or:
 - Until the Little Ringed Plovers have left the site and the construction of the internal new haul road permitted under the 2009 consent is completed; whichever is sooner.
12. Little Ringed Plovers are protected under Schedule One (1) of the Wildlife and Countryside Act 1980 which lists prohibited activities with regard to this species. This Schedule states that one should avoid *“intentionally or recklessly disturb any wild bird listed on Schedule One while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird”*.
13. The applicant states that it is necessary to create an exclusion zone of 100 metres around the proven and suspected nest site within the quarry. The haul road permitted under 06/02046/CM will run south west – north east traversing the site once construction has been completed. This cannot be completed whilst there are Little Ringed Plovers present in the quarry.
14. The current operations are permitted to operate between the hours of 7am and 6pm Monday – Friday and 8am – 1pm on Saturdays. The applicant states that the proposed use of the southern haul road would take place during restricted working hours of 7am – 5pm Monday to Friday only. The number of HGV movements that would use this haul road would not increase above currently permitted numbers of 318 movements on any day.
15. The application states that a speed limit of 10 mph would be implemented along this stretch of haul road and the road would be maintained in a state free of potholes.

Consultation Responses (consultation period ended on 18 September 2009)

Cherwell District Council – Planning Officer

16. The District Council objects on the grounds that it will adversely affect the amenities of the residents of Shipton-on-Cherwell and therefore run contrary to Policy ENV1 of the adopted Cherwell Local Plan and policies GB7 and EN3 of the Non-Statutory Cherwell Local Plan.

Cherwell District Council – Environmental Health Officer

First Response

17. Objection on the grounds of detriment to the amenity of the properties in Shipton on Cherwell who are nearest the haul road. The loss of amenity would be due to adverse impacts of noise and dust.

Second Response

18. If the County Council is minded to recommend approval then conditions controlling noise and dust should be imposed. These should include:
- Control of working hours to between 07:00 – 17:00 Monday –Friday
 - Repair of the haul road prior to use and maintained thereafter.
 - Speed limit of 10mph on the haul road.
 - Approval of dust management scheme prior to commencement of development.
 - Use of the haul road to cease once the new haul road is completed.

Shipton-on-Cherwell and Thrupp Parish Council

19. No comments.

Kidlington Parish Council

20. No comments.

Bletchington Parish Council

21. No comments.

Oxford Green Belt Network

22. No objection. Welcome the protection of the Little Ringed Plovers but regret that future quarry development will seriously diminish the varied birdlife that has colonised the site.

Natural England

23. No objection.

Environment Agency

- 24. No objection. The applicant should contact the Oxford Ornithological Society who would have an interest in this case.
- 25. If the applicant wishes to alter Condition 71 of the existing planning permission (06/02046/CM) then they would also need to vary conditions 26 and 36 of that permission.

Transport Development Control

- 26. No objection.

County Ecologist

- 27. No objection.

County Archaeologist

- 28. No objection.

Third Party Representations

- 29. No representations have been received at the time of drafting the report.

Relevant Development Plan and other Policies

- 30. The main policy considerations are (i) development in the Green Belt (ii) impact on ecology (iii) local amenity impacts.

(i) Development in the Green Belt

- 31. South East Plan (SE Plan) policy CO4 seeks to maintain the Green Belt around Oxfordshire. It states that development in the Green Belt will only be permitted if it maintains its openness and does not conflict with the purpose of the Green Belt or harm its visual amenities.
- 32. Non-Statutory Cherwell Local Plan 2004 (NSCLP) policy GB7 states that proposals in the worked area of Shipton-on-Cherwell quarry will not be considered inappropriate development in the Green Belt provided they meet the following criteria:
 - (a) The proposals would have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it and where possible have less;
 - (b) The proposals would contribute to the achievement of the objectives for the use of land in the Green Belts;
 - (c) The proposals would secure acceptable environmental improvement of the major developed site;

- (d) The proposals would include the removal of all existing plant and buildings on the whole of the major developed site in accordance with a scheme of phased demolition;
- (e) The traffic and travel implications of the proposals are acceptable, taking account the previous levels of employment and traffic generated by the site;
- (f) The amount of new building floorspace would not occupy a larger area of the site than the existing building footprint;
- (g) The proposals maximise the opportunity to make use of the rail head and the oxford canal adjacent to the site;
- (h) The proposals would not result in damage to or loss of the site of special scientific interest, and would be compatible with the ecological value of the site;
- (i) The proposals would not injure the visual amenity of the Green Belt and (where new buildings are proposed) will include a significant reduction in height compared to the existing cement works;
- (j) No development is constructed below the level which is likely to flood naturally; and
- (k) The proposals would not have an adverse impact on the Oxford Canal.

Consent granted for redevelopment will include a requirement that any existing planning permission applying to the site be revoked without compensation.

(ii) Ecology

- 33. SE Plan policy NRM5 states that proposals shall avoid damage to nationally important sites of special scientific interest and seek to ensure that damage to county wildlife sites and locally important wildlife and geological sites is avoided.
- 34. Cherwell Local Plan 1996 (CLP) policy C2 Development which would adversely affect any species protected by Schedule 1, Schedule 5 and Schedule 8 of the Wildlife and Countryside Act, and by the E.C. Habitats Directive 1992 will not normally be permitted.

(iii) Local Amenity Impacts

- 35. Oxfordshire Minerals and Waste Local Plan 1996 (MWLP) policy PE3 states that appropriate buffer zones will be safeguarded around mineral working or waste disposal sites for protection against unacceptable losses of residential or natural amenity.
- 36. CLP policy ENV1 and NSCLP policy EN3 state that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not be permitted.

Comments of the Head of Sustainable Development

37. The key planning issues for this proposal are i) whether the proposal is appropriate development in the Green Belt ii) ecological impacts and iii) harm to residential amenity.

(i) Development in the Green Belt

38. The proposal would involve utilising an existing haul road and would not involve construction of a new route. The proposal would not involve the erection of any new buildings that might harm the openness of the Green Belt. The proposed development in the existing site is not a major development in the Green Belt and as such would not cause harm to the openness of the Green Belt of its visual amenities. The proposal is consistent with the aims of policy CO4 of the SE Plan.
39. The development is temporary in nature for a maximum period of 12 months. The submission of this application is to prevent unlawful disturbance of protected species present at the site. The use of the haul road would not lead to a significant adverse impact on the Green Belt.
40. Cherwell District Council have raised concerns that the proposal does not comply with Part 'e' of NSCLP policy GB7 in that there is no mention of the likely number of vehicle movements on the haul road. The vehicle movements to and from the site would not change from those already permitted under 06/02046/CM and it is likely that the restricted hours of working would limit the numbers of vehicle movements.
41. Therefore, the proposed development meets the criteria set out in NSCLP policy GB7 and so would not be considered inappropriate development in the Green Belt

(ii) Ecological Impacts

42. The southern haul road is outside the 100m exclusion zone in place for the nesting Ringed Plovers. Use of this road would therefore mean that there would be no unlawful disturbance of protected species on the site whilst the importation of materials is underway.
43. At present the Ringed Plovers are not nesting on site. The full implementation of the development permitted has not yet commenced. The developer has been in discussion with Oxfordshire County Council and the Environment Agency about the submission of further details before commencement of the main elements of the development. However, the developer is authorised to begin constructing the new haul road and to work an 8Ha area (Phase 1) on the eastern side of the site (Appendix 1). The haul road construction has been significantly delayed whilst protected species have been present, and this proposal would allow further development to take place in the event that nesting birds return in the spring of 2010. If planning permission is granted for this proposal, a condition would be required to limit the use of the southern

haul road for a period to allow construction of the new haul road and for development in Phase 1 only.

44. The proposal would therefore be compliant with SE Plan policy NRM5 and CLP policy C2.

(iii) Impact on Residential Amenity

45. The proposal would involve HGV movements directly adjacent to residential properties. The use of this haul road is precluded in planning permission 06/02046/CM because of its close proximity to dwellings. This proposal would have some impact on residential amenity, particularly in terms of noise. However, the developer has proposed to use the haul road during restricted working hours and for a temporary period only.
46. Cherwell District Council has objected to the proposal on the grounds of adverse impact to residential amenity. At the time of writing this report, there have been no objections from the three Parish Councils or from local residents.
47. In my view, there is potential for an adverse impact on local residential properties. However, no objections have been raised. The reduced working hours and no working at weekends would limit the impact of this proposal. The haul road should be regularly maintained to prevent potholes and other damage that may increase the potential for noise nuisance to residents. Furthermore, the development is for a temporary period and would allow the development to progress in a timely manner. If planning permission is granted, suitable conditions can be attached to reflect these elements and mitigate potential adverse impacts in line with the suggestions of the Environmental Health Officer.
48. Therefore, in my view, subject to the imposition of planning conditions, this proposal is acceptable in the context of CLP policy ENV1, NSCLP policy EN3 and MWLP policy PE3.

Conclusion

49. The application site is located within the Green Belt. However, this proposal does not constitute major development and would not impact significantly on the openness or visual amenity of the Green Belt. This proposal is in accordance with NSCLP policy GB7.
50. The proposal would allow a permitted development to continue without unlawfully disturbing Schedule 1 protected species, in accordance with SE Plan NRM5.
51. There would be some impact on local residential amenity. The application proposes suitable mitigation measures that would be conditioned to ensure that impacts are minimised. No objections have been raised by the three

Parish Councils. Therefore, in my view, this proposal is compliant with CLP policy ENV1, MWLP policy PE3 and NSCLP policy EN3.

RECOMMENDATIONS

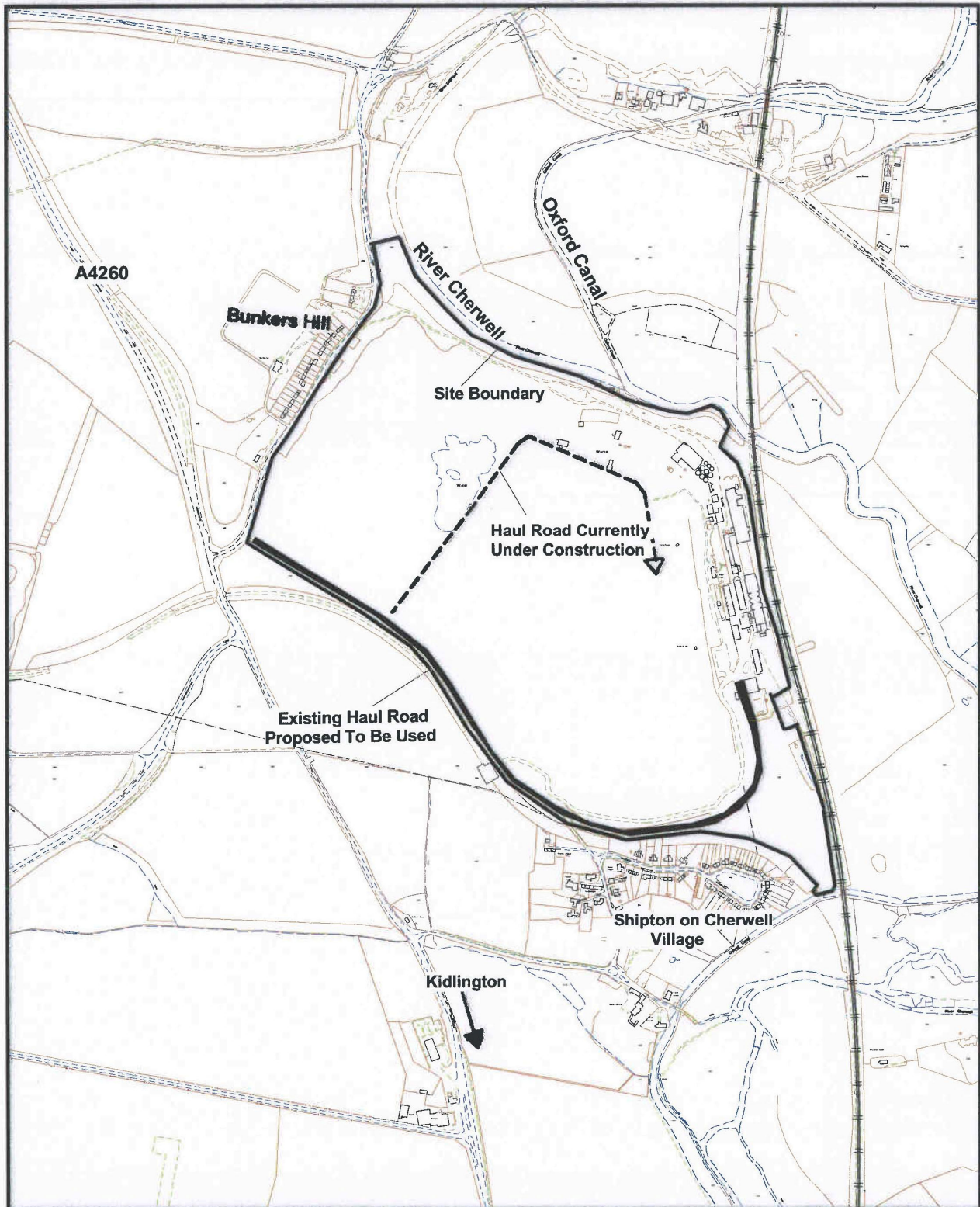
52. **It is RECOMMENDED that planning permission for the development outlined in Application 09/01180/CM be approved subject to conditions to be determined by the Head of Sustainable Development but to include those matters set out in Annex 1 this report.**

CHRIS COUSINS

Head of Sustainable Development
Environment & Economy

Background Papers: MW.024/07: Comprehensive restoration and development scheme for Shipton on Cherwell Quarry. The description of the scheme for 'hybrid' comprehensive planning application has been revised and is now as follows: Demolition and recycling on site of derelict buildings, structures and works; Extraction of limestone (as aggregate and building stone) within permitted mineral extraction area; Re-establishment of rail sidings and construction of new vehicular access roads; Importation and deposit of inert materials to raise ground levels above groundwater level to facilitate quarry restoration for commercial habitat creation and amenity use; Construction of Rail Aggregate Depot on 2.6 hectares (6.5 acres) with associated concrete batching plant (class B2) and aggregate storage and ancillary structures; Change of use of 6.1 hectares (15 acres) to Rails Storage Depot comprising of storage of rail freight materials; Temporary change of use of 16.3 hectares (40.2 acres) of disused quarry to class B8 storage and distribution for motor vehicle storage for a period of 15 years operation; and erection of one temporary Class B8 storage building (to include use as motor vehicle Pre-Delivery Inspection (PDI)), including construction of hardstanding, fencing, and other ancillary works (floorspace totalling 3,716 sq.m.) for a period of 15 years operation; Permanent change of use of 2.5 hectares (6.2 acres) of disused quarry to Class B8 storage and distribution, and erection of two Class B8 storage buildings, including construction of hardstanding, fencing and other ancillary works (floorspace totalling 7,435 sq.m); Establishment of wildlife and geological conservation and restoration areas on 35.7 ha; Change of use of 16.3 hectares (40.2 acres) of disused quarry to forestry timber cropping (after cessation of temporary B8 use); Improvements to A4260/A4095 junctions; Associated landscape and infrastructure works.

Plan 1



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Scale: 1:10000
Plot Date: 5/11/2009
By: t
Dept:

Heads of Conditions

1. Development in complete accordance with approved plans.
2. Restricted hours of use from 7am to 5pm Monday – Friday only.
3. Time limits - a) 12 month duration b) until Little Ringed Plovers have left c) upon completion of the new haul road; whichever is the sooner.
4. Development shall be carried out in strict accordance with the letter from OCC dated 15 September 2009 until otherwise authorised in writing.
5. Upon completion of the new haul road, use of the southern haul road shall cease immediately.
6. Prior to commencement of development the haul road shall be repaired to be free of potholes. This state shall be maintained thereafter.
7. Vehicles shall not travel at speeds greater than 10mph. Signs shall be erected to reflect this.
8. Prior to commencement of development a dust management plan shall be submitted for approval.

Relevant Development Plan and other Policies

Regional Policy

Regional Spatial Strategy for the South East of England (SE Plan)

CO4, NRM5

Oxfordshire Minerals and Waste Local Plan 1996

PE3

Cherwell Local Plan 1996

C2, ENV1

Non-Statutory Cherwell Local Plan 2004

GB7, EN3

APPENDIX 1

Do not type recipient's address in this cell

Veronique Bensadou
Enzygo Environmental Consultants
The Smithy
Woodend Lane
Cromhall
Gloucestershire
GL12 8AA

Speedwell House
Speedwell Street
Oxford
OX1 1NE

Tel: 01865 815700
Fax: 01865 815085

15 September 2009

Ref. MW.024/07

Please ask for: James Irvine

Direct line: 01865 816526

e-mail: james.irvine@oxfordshire.gov.uk

Dear Veronique,

Re: Condition 26 of Planning Permission 06/0246/CM at Shipton on Cherwell Quarry, Oxfordshire.

I have been in further discussion with the Environment Agency and I now confirm that you may commence the following stages of development:

- Identified improvements to the internal haul road in accordance with the Environment Agency Waste Management Exemption; and
- The preparation engineering and infilling of the Phase 1 of the landfill (Phase 1 being the area shown on approved plan K.0117_25-3d as 'Fill of initial 8 hectare storage area').

I have attached approved plan K/0117_25-3d for reference. Please be aware, however, that further details are still required (you are fully aware of the details necessary) to allow clearance of condition 26, 31, 35a and 36 in full. The site will be monitored by Officers from the Monitoring Team and any progress beyond the stages mentioned above in this letter without prior written approval of Oxfordshire County Council may lead to enforcement proceedings against you.

Yours sincerely,

John Hamilton
Development Control Team Leader

cc. Sarah Green (Environment Agency)
Gillian Davies (Environment Agency)
W. T. Stewart-Jones (OCC)

