



To: Members of the Planning & Regulation Committee

Notice of a Meeting of the Planning & Regulation Committee

Monday, 1 June 2020 at 2.00 pm

Please note that due to guidelines imposed on social distancing by the Government this meeting will be held virtually and can be viewed via . However, [Live Stream Link](#) that will not allow you to participate in the meeting.

For further information on this please contact the Committee Officer (details below) bearing in mind information set out at Item 4 on this Agenda.

A handwritten signature in blue ink, appearing to read 'Yvonne Rees'.

Yvonne Rees
Chief Executive

May 2020

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

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

Membership

Chairman – Councillor Jeannette Matelot
Deputy Chairman - Councillor Stefan Gawrysiak

Councillors

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

Bob Johnston
G.A. Reynolds
Judy Roberts
Dan Sames

John Sanders
Alan Thompson
Richard Webber

Notes: Date of next meeting : 20 July 2020

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

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

Whose Interests must be included?

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

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

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

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

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

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

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

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

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

List of Disclosable Pecuniary Interests:

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

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

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

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

AGENDA

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

To approve the minutes of the meeting held on 9 March 2020 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**

This Planning & Regulation Committee will be held virtually in order to conform with current guidelines regarding social distancing. Normally requests to speak at this public meeting are required by 9 am on the day preceding the published date of the meeting. However, during the current situation and to facilitate these new arrangements we are asking that requests to speak are submitted by no later than 9am four working days before the meeting i.e. 9 am on Tuesday 26th May. Requests to speak should be sent to graham.warrington@oxfordshire.gov.uk together with a written statement of your presentation to ensure that if the technology fails then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting.

Where a meeting is held virtually and the addressee is unable to participate remotely their written submission will be accepted.

Written submissions should be no longer than 1 A4 sheet.

5. **Chairman's Updates**

6. **Extraction of mineral and restoration to Agriculture and Nature Conservation by infilling with imported inert materials on land to the west of Hatford Quarry, Fernham Road, Hatford, Faringdon - Application MW.0066/19 (Pages 7 - 40)**

Report by the Director for Planning & Place (PN6)

The application seeks planning permission to extract 875 000 tonnes of mineral from a 23-hectare extension to the west of the existing Hatford Quarry and to restore the quarry to agriculture using imported inert materials and materials from the site. The application is considered against development plan policies and other material considerations. It is recommended for the grant of conditional planning permission subject to the completion first of a legal agreement setting out a 20 years' long term

management of restored habitats, to be funded by the applicant and a routing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry.

Subject to the applicant signing a Section 106 agreement for the matters outlined in Annex 2 and a routing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry, it is RECOMMENDED that planning permission for MW.0066/19 be approved subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1 to the report PN6.

7. Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Lane, Radley (Pages 41 - 56)

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

This is a report to bring to committee the issue of the serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Farm, Radley which was resolved to progress at the meeting of the Planning and Regulation Committee on 9th September 2019. The report set out the issue to be considered which is whether the recent submission of a related planning application for a processing plant, conveyor and Bailey bridge for the removal of the mineral from part of the ROMP site changes the committee's previous decision as to whether mineral working from the ROMP has permanently ceased or not and therefore the duty to serve a Prohibition Order or not.

It is RECOMMENDED that the Planning & Regulation Committee's previous conclusion from its meeting on 9 September 2019 (Minute 39/19) that mineral working on the Radley ROMP site has permanently ceased and that there is a duty to serve a Prohibition Order be reviewed subject to the planning application submitted for processing plant, a conveyor and a Bailey Bridge for the removal of mineral extracted from part of the ROMP permission areas DD1 and DD2 being validated and pending the council's determination of the planning application.

8. Progress Report on Minerals and Waste Site Monitoring and Enforcement (Pages 57 - 86)

Report by the Director for Planning & Place (PN8)

The report updates members on the regular monitoring of minerals and waste planning permissions for the period 1 April 2019 to 31 March 2020 and on the progress of planning enforcement cases.

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

9. Relevant Development Plan and other Policies (Pages 87 - 108)

Paper by the Director for Planning & Place (PN9)

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

Pre-Meeting Briefing

There will be a virtual pre-meeting briefing to be arranged for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 9 March 2020 commencing at 2.00 pm and finishing at 3.05 pm

Present:

Voting Members:

Councillor Jeannette Matelot – in the Chair

Councillor Stefan Gawrysiak (Deputy Chairman)

Councillor Ted Fenton (In place of Councillor Dan Sames)

Councillor Pete Handley

Councillor Damian Haywood

Councillor Ian Hudspeth (In place of Councillor Mike Fox-Davies)

Councillor Bob Johnston

Councillor G.A. Reynolds

Councillor Judy Roberts

Councillor John Sanders

Councillor Lawrie Stratford (In place of Councillor Anda Fitzgerald-O'Connor)

Councillor Alan Thompson

Councillor Richard Webber

Other Members in Attendance:

Councillor Charles Mathew (for Agenda Item 6)

Officers:

Whole of meeting

G. Warrington & Mrs J. Crouch (Law & Governance); D. Periam, K. Broughton and Ms E. Bolster

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

9/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

| <i>Apology for Absence</i> | <i>Temporary Appointment</i> |
|---|---|
| Councillor Anda Fitzgerald-O'Connor Councillor Dan Sames Councillor Mike Fox-Davies | Councillor Lawrie Stratford Councillor Ted Fenton Councillor Ian Hudspeth |

10/20 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

None declared.

11/20 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 27 January 2020 were approved and signed.

Minute 5/20 – Chairman’s Updates (Thrupp Farm and Thrupp Lane, Radley)

Officers confirmed no further information had been received from the operators/owners’ agent.

12/20 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

| <i>Speaker</i> | <i>Item</i> |
|--|---|
| Susan Hughes – Agent for the Applicant Councillor Charles Mathew (Local Member) |) 6. Controlled Reclamation Site) Landfill Site, Dix Pit – Application) MW.0126/19) |

13/20 CHAIRMAN'S UPDATES

(Agenda No. 5)

The Committee offered its congratulations to Mary Hudson (Planning Officer) on the birth of her son Elijah.

14/20 SECTION 73 APPLICATION FOR THE CONTINUATION OF DEVELOPMENT OF PLANNING PERMISSION NO. 16/04159/CM (MW.0141/16) (ENGINEERING OPERATIONS FOR THE RESTORATION OF FORMER LANDFILL AND TEMPORARY PROVISION OF AN AREA FOR TOPSOIL RECYCLING) WITHOUT COMPLYING WITH CONDITIONS, 1, 2, 3, 4 AND 13, IN ORDER TO REVISE LEVELS OF THE APPROVED LANDFORM TO REFLECT FINAL CONTOURS; TO PROVIDE FOR ADDITIONAL TIME TO COMPLETE FINAL PLANTING AND GRASS SEEDING TO COMPLETE FINAL RESTORATION AND LANDSCAPING OF THE SITE; AND FOR CONSEQUENTIAL AMENDMENT TO THE AFTERCARE DETAILS. APPLICATION NO. MW.0126/19

(Agenda No. 6)

The Committee considered (PN6) an application to vary conditions 1, 3 and 4 and delete conditions 2 and 13 in order to regularise the land form that has been created contrary to the approved land form under planning permission MW.0126/19 prior to the previously approved seeding and final planting being completed.

The matter had been reported to Committee at the request of the Councillor Charles Mathew the local member who was concerned regarding the request for a second revised landform when the first had not been implemented as previously approved. That had also been a revision of the original restoration as previously approved. The matter had also been the subject of recent enforcement action which had been quashed on the ground that the notice had not been served correctly on all owners/occupiers.

Emma Bolster presented the report and responded to questions from members.

Councillor Hudspeth – the site could be seen from the road but planting helped mitigate against that.

Susan Hughes spoke on behalf of the applicants explaining that the crux of this application was a disagreement over restoration levels in the southwest corner of the landfill site representing an area less than 4% of the whole site. The difference between the existing contours and those approved in this small area was negligible and although the contours were higher, they could not be gauged by eye and required a topographical survey to identify the difference. Crucially, that difference did not cause any adverse landscape or visual effects and the resultant landform was as acceptable as the previously approved landform. In view of this your landscape specialist had raised no objection and there had been no other objections, except from Councillor Mathew who was concerned that the application was a change to what had been previously approved. However, the fact that the application was different to earlier restoration schemes was not a justifiable reason for refusal and there could be a variety of acceptable restoration solutions, not just one. The planning system acknowledged that and provided a number of options to enable applications to amend planning permissions. These rights are unfettered and unrestricted in legislation, with no limit as to the number of times an application to vary a proposal could be sought.

We all had opinions as to the whys and wherefores of how we got to this point but I agree with the conclusion in the report that closure was needed and granting this application was the best option available to achieve that and allow final seeding and planting to be undertaken whereas refusal would only lead to further delay, earthworks, unnecessary lorry movements and pollution, disagreements over site levels and a no better overall restoration. She clarified a question raised at the recent member site visit that materials used to restore the site had been approved by the Council so were not part of this application which related only to the acceptability of contours in the south west corner of the landfill. I urge you to accept the officer recommendation.

She then responded to questions from:

Councillor Johnston – levels were recorded against weight of loads. This had been a settlement issue with movement to achieve levels. Various surveys had then been undertaken. Some planting could still be achieved during this current planting season.

Councillor Roberts – material had been brought in from various development sites.

Councillor Gawrysiak – slightly more material in then required so it had been felt that could be deposited in the south west corner with least impact. Other areas were in fact lower so there would be a net effect.

However, Councillor Gawrysiak then pointed out that a 3m higher level equated to a lot of material.

Ms Hughes replied that the applicants had felt it had achieved a better profile but it was up to the Committee to decide on a course of action.

Councillor Stratford was not confident that this permission would be adhered to or resolve the problem.

Ms Hughes replied that importation of material was over and complete and this was now the final part of restoration and reseeded. This application could have been submitted in December but the decision had been taken instead to go for enforcement which had delayed the process.

Councillor Webber – she confirmed that officers were happy with levels at the site except for the south west corner as had been pointed out in the report.

Councillor Reynolds referred to the point made by the applicant about the whys and wherefores of the planning system. Accepting they were loaded in favour of the applicant we should, however as a planning authority expect conditions to be adhered to and he was concerned at the consistent use of S73 applications. Was it the Company's intention to stick to conditions?

Ms Hughes replied that the planning system allowed for variation but she assured members that levels would be monitored and no more material deposited to be followed by seeding and restoration.

Councillor Roberts – Ms Hughes confirmed this was a retrospective application as work had not complied with the previous approval.

Councillor Mathew then addressed the Committee. He advised that he represented the division which included Dix Pit and that he had lived in Stanton Harcourt for 40 years. This site should have been restored and finished in 2006 yet we are still here in 2020 discussing these issues with those lost years of restored growth. There had been 375,000 tonnes of overfilled material representing 19,000 lorry loads. A further permission in 2015 for completion in 2017 had not been complied with. Levels were 2 – 3 metres above what they should be and planting had not been done. Recent enforcement action had failed and this application was now submitted to regularise the overtipping. My concern is that conditions needed to be honoured and accepting this application sent out an unfortunate message. The integrity of the planning decision process needed to be maintained with effective enforcement to maintain public confidence in planning permissions as set out in the National Planning Policy Framework. I urge you to reject the application.

He then responded to questions from:

Councillor Stratford – he was not the right person to ask whether the developer would now deliver on this application.

Councillor Handley recognised the clear frustration over the years but asked if Councillor Mathew felt extra landscaping would help?

Councillor Mathew accepted the point insofar as removal of waste would involve lorry movements on local roads and possible smell problems from the site but the bigger picture he felt was to uphold the integrity of OCC planning.

Councillor Fenton was unhappy about the retrospective nature of the application but the material was there and removal could present a worse scenario and cause more harm. He asked again if better and enhanced landscaping help?

Councillor Mathew replied that was a decision for the Committee to make.

Councillor Handley recognised the dilemma here insofar as reducing the pile of material would create problems. However, he felt some example should be made and the applicants required to at least provide enhanced planting.

Councillor Johnston considered the company did not have a good record and had, no doubt, made a considerable amount of money out of this tipping. That should not have happened and they should be required to make some form of reparation by providing and planting as a minimum a belt of beech trees in the autumn.

Councillor Roberts expressed some concern over Condition 9 as the top soil she had seen on the visit did not look to be of good quality and unlikely to support any reseeded. There appeared to be a distinct lack of biodiversity and additional planting mitigation was needed.

There was clear support from members of the Committee for additional mitigation measures.

Councillor Stratford however did not have confidence in the applicants to carry out the work required or any additional mitigation measures.

Councillor Haywood was unhappy at the suggestion by the agent that the decision to proceed with enforcement was the reason why we here today when in fact it had been because of a catalogue of planning violations by the applicant over a number of years.

Mr Periam confirmed there should be no further earthworks only planting to be achieved by March 2021.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Gawrysiak and carried by 12 votes to 0, Councillor Stratford recorded as abstaining) to approve Application No. MW.0126/19 subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 2 to the report PN6 and the following condition:

No later than three months from the date of this permission a detailed scheme for enhanced planting (to include a belt of beech trees) in addition to that shown on approved drawing no. 187CRLR/12 rev D shall be submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented no later than 31 March 2021.

..... in the Chair

Date of signing

For: PLANNING AND REGULATION COMMITTEE – 1 June 2020

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Extraction of mineral and restoration to agriculture and nature conservation by infilling with imported inert materials

Division Affected: Kingston & Cumnor

Contact Officer: Catherine Kelham **Tel:** 07809 229 791

Location: Land to the west of Hatford Quarry, Fernham Road, Hatford, Faringdon, SN7 8JQ

OCC Application No: MW.0066/19

VOWH Application No: P19/V1817/CM

District Council Area: Vale of White Horse District Council

Applicant: Hatford Quarry Ltd

Application Received: 2 July 2019

Consultation Period: 25 July – 26 August 2019
27 February 2020 – 28 March 2020

Contents

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Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

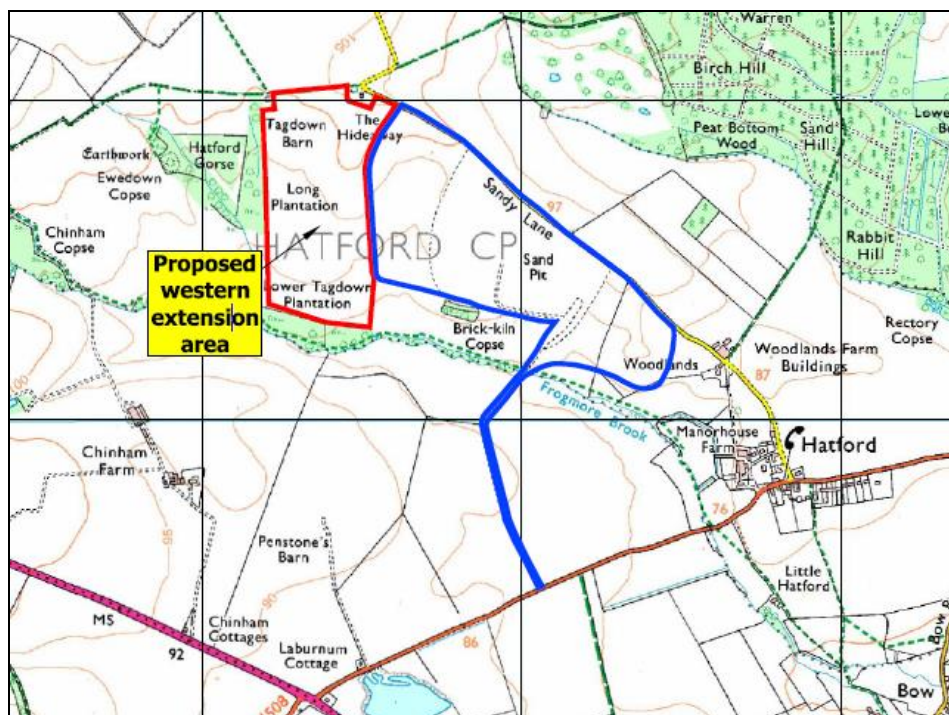
Recommendation:

Subject to the applicant signing a Section 106 agreement for the matters outlined in Annex 2 and a routeing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry, it is **RECOMMENDED** that planning permission for MW.0066/19 be approved subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1.

PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

1. The application site lies immediately to the west of the existing Hatford Quarry. This is located north west of the village of Hatford which is within Vale of White Horse District Council in south west Oxfordshire. The quarry lies approximately 3.5 km (2 miles) east of Faringdon and 23 kilometres (14 miles) south west of Oxford.



Plan 1 – Site Location

Site and Setting

2. The extension area lies to the west of the existing quarry and within Hatford Parish. It covers an area of 23 hectares and consists of Grade Three agricultural land which gently slopes from 106 m AOD in the north down to 85m AOD in the south. The majority of the site (76% or 17.5 hectares) is subgrade 3a agricultural land which is classified as best and most versatile agricultural land. The remaining 24% (5.5 ha) is subgrade 3b.
3. To the south of the application site lies woodland (Lower Tagdown Plantation), Frogmore Brook and part of the Vale Way promoted Public Right of Way (footpath 244/6). To the west there is woodland (Long Plantation, Ewedown Copse, and Hatford Gorse). To the north is agricultural land, a Public Right of Way (bridleway 244/3) and two residential properties – The Hideaway and Tagdown Barn. Another Public Right of Way (Footpath 244/4) runs northwest away from the application site from the bridleway at a point opposite Tagdown Barn.
4. Frogmore Brook forms the boundary with Stanford in the Vale Parish. The access road between the existing quarry and the B4508 lies within Stanford in the Vale Parish. The access road is not included in this application.

5. A high voltage electricity cable runs underground through the centre of the application site.
6. The closest residential properties are The Hideaway, on the northern boundary and Tagdown Barn in the northwest corner of the site. Tagdown Barn was previously in agricultural use and is in the process of being converted to a dwelling. Chingham Farm lies approximately 500 metres south west. Buildings associated with Carswell golf and country club lie approximately 1 km north east.
7. The application site falls entirely in flood zone 1, the area of least risk. There is a corridor of flood zone 2 and 3 along the Frogmore Brook as it runs through the woodland on the southern boundary but this is outside of the application area.
8. There is a scheduled monument known as 'the Earthwork' in Ewedown Copse, approximately 300 metres west of the site. A Public Right of Way (footpath 244/5) runs from the bridleway (244/3) on the northern boundary to the earthwork.
9. The closest Site of Special Scientific Interest (SSSI) is Buckland Warren SSSI, approximately 800 metres north east of the site. Shellingford Crossroads Quarry SSSI, which is designated for its geological interest and lies approximately 1 km south of the site.
10. The North Wessex Downs Area of Outstanding Natural Beauty lies approximately 8km to the south of the site.
11. The centre of Hatford is a designated conservation area and contains listed buildings, approximately 1.4 km to the south east of the site. There are also designated conservation areas with concentrations of listed buildings in Stanford in the Vale (approximately 2.5 km (1.5 miles) from the site), Shellingford (approximately 1.8 km (1.2 miles) from the site) and Faringdon (approximately 3km (2 miles) from the site).
12. The proposed extension area lies approximately 1.5km from the edge of Shellingford Quarry, which is another quarry extracting sand and limestone.

Planning History

13. Sand extraction at Hatford Quarry was originally permitted in 1991 under permission MW.001/91 (HAT/11163/89), which covered sand extraction in six phases until the end of 2025. Sand is currently being extracted from phase F following completion of extraction in phase E. Permission was granted in 2008 for limestone extraction in phases A and B (STA/HAT/111/63/3-CM) which has now been completed.
14. A first western extension was granted in 2013 under permission MW.0153/12 (P12/V2015/CM). This is currently being worked and the conditions require extraction to cease in September 2020 and the buildings plant and machinery removed from the area by 2021. At the time of writing mineral extraction has taken in this area to leave a limestone 'bottom bed' on which machinery and stockpiles sit.
15. There is also an active permission at the quarry for a replacement site office (MW.0019/16, P16/V0296/CM) and a certificate of lawfulness (MW.023/03 STA/HAT/1L163/1-CM) for the importation of sand to the quarry for mixing with extracted sand.

Details of Proposed Development

Overview

16. The proposed development seeks to extract 875 000 tonnes of mineral from a 23-hectare extension to the west of the existing Hatford Quarry and to restore the quarry to agriculture using imported inert materials and materials from the site. It would take 7 years to complete extraction and restoration.
17. It is proposed to divert the high voltage electricity cable running under the site.

Mineral Extraction

18. It is anticipated that the site would yield 875 000 tonnes of mineral, comprising 130,000 tonnes soft sand, 225 000 tonnes sharp sand and 520 000 tonnes limestone. It would be worked in three phases with Phase One taking 18 months, Phase Two taking 30 months and Phase Three taking 12 months. This equates to a total of five years extraction. With restoration the total working time would be seven years.
19. Each phase would be worked in a westerly direction by working in from the quarry floor of the existing first western extension area.
20. Phase One is the most northerly phase and closest to the residential properties. It is proposed to work this phase on a campaign basis to reduce the duration of working. The Phase One extraction area would be set back approximately 40 metres from the property boundaries of Hideaway and Tagdown Barn and approximately 100 metres from the dwellings. There would be a soil bund varying in height between 3.3 metres and 5.4 metres, between the northern edge of extraction and the northern site boundary and properties for the duration of extraction in Phase One. The bund would move south as the extraction moved south.
21. Sand would be extracted using a 360-degree excavator. Limestone would be broken up using a hydraulic breaker or ripper mounted on a back hoe and then loaded into a dump truck using a 360-degree excavator.
22. Limestone and sand would be transported from the extraction area to the processing area in the first western extension area by dump trucks using internal haul roads.
23. The existing quarry has been excavated to the base of the Highworth Limestone and conditions prevent extraction any deeper into the Lower Calcareous Grit Formation. This protects an aquifer beneath the site and it is proposed that the extension area would have the same working depth limitation. This would result in a maximum depth of working of 10m in the north of the site and 3m in the south.
24. The site would be dewatered as necessary for mineral extraction and restoration infilling. The water table is highest in the southern part of the site. Water collecting in the quarry void would be periodically pumped to the existing balancing pond system in the existing quarry prior to discharge to Frogmore Brook.
25. It is anticipated that there would be a period of overlap of the commencement of extraction in the proposed extension area and working within the existing quarry. The

application states that the period of overlap would be approximately two years. Extraction is currently taking place in phase E and F which are at the eastern end of the existing quarry, closest to Hatford village.

26. External lighting would be required for use within the quarry within working hours in autumn and winter. This would be low level and downward facing.

Bunds

27. A screening bund would be constructed along the northern boundary of Phase One, this would be 3.3 metres high, rising to 5.4 metres high at its eastern end. This would be moved south to the northern boundary of Phase Two and increased to a height of 4m following the restoration of Phase One. It would be removed following the restoration of Phase Three. There would be a 3-5 metre high bund on the southern site boundary for the duration of the works to mitigate impacts on the footpath.

Waste Disposal

28. It is anticipated that 325 000 cubic metres of inert material would be required to restore the site to the proposed levels. These restoration levels are slightly lower than existing ground levels.
29. The inert material would comprise imported construction, demolition and excavation (CDE) waste and site derived material (over burden, interburden and processing fines from the site).
30. Each phase would be progressively restored as mineral was being extracted from the next phase.

Mineral Processing Operations

31. Minerals extracted from the proposed second western extraction area would be processed in the processing plant in the adjacent quarry. The processing plant is currently located in the existing first western extension area, immediately east of the proposed extension. This area is not included in the current application site and so a separate permission would be needed to process the mineral from the second western extension area. It is understood that it is proposed to locate the processing area in the existing processing area in the first western extension. A further application would also be required to seek consent for the retention of the site office, silt ponds, car park, access onto the B4508 and access through to the proposed new extraction areas, for a timescale consistent with this proposal for further extraction.

Hours of Operation

32. The proposed hours of operation are standard operating hours, in line with the existing quarry, i.e. 7am-6pm Mondays to Fridays and 7am-1pm on Saturdays with no working on Sunday or Bank/Public holidays.

Transport

33. The application states that there would be a maximum of 92 HGV movements per day (46 in and 46 out) associated with the extraction of mineral and restoration.

Restoration

34. The site would be restored to agricultural use incorporating additional landscaping and habitat creation to provide biodiversity enhancements. The restoration would ensure that the best and most versatile agricultural land temporarily lost during extraction was reinstated in the long term.

Traffic and Access

35. During Phase One it is anticipated that the development would generate approximately 92 movements per day (9 per hour). Traffic generation would be lower in subsequent phases.
36. The existing quarry and processing plant have an access onto the B4508. This is not within the application site but is within other land under the control of the applicant. There is an existing routeing agreement requiring HGVs to use the B4508 between the site access and the A417 and then the A417 and A420. No change is proposed to these routeing arrangements.

Environmental Impact Assessment

37. The application is supported by an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted with the application. This covers the range of potential environmental impacts of the proposal. A summary of the findings can be found in Annex 3. Following the initial consultation, additional environmental statement information was sought under Regulation 25 of the Town and Country Planning (EIA) Regulations 2017 and subsequently provided by the applicant.

PART 2 – OTHER VIEWPOINTS

38. There were two periods of public consultation.
39. The full text of the consultation responses can be seen on the e-planning website¹, using the reference MW.0066/19. These are also summarised in Annex 4 to this report.
40. The application has also received objections from Public Health England and Shellingford Parish Council.
41. No third party representations were received.

¹Click here to view application [MW.0066/19](#)

PART 3 – RELEVANT PLANNING DOCUMENTS

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

42. In accordance with Section 70 of the Town and Country Planning Act 1990, planning applications must be decided in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan Documents

43. The Development Plan for this area comprises:
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP)
 - The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
 - The Vale of White Horse Local Plan 2031 Part 2 (VLP2)
44. The **Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy** (OMWCS) was adopted in September 2017 and covers the period to 2031. The Core Strategy sets out the strategic and core policies for minerals and waste development, including a suite of development management policies.
45. The **Oxfordshire Minerals and Waste Local Plan 1996** (OMWLP) was adopted in July 1996 and covered the period to 2006. Some policies of the OMWLP were replaced following adoption of the OMWCS in 2017 but 16 policies continue to be saved. They are due to be replaced on the adoption of Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations. The saved policies are site-related policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.
46. The **Vale of White Horse Local Plan 2031 Part 1: Strategic Sites and Policies** (VLP1) was adopted on 14th December 2016. The plan sets out the spatial strategy and strategic policies for the district to deliver sustainable development. It identifies the number of new homes and jobs to be provided in the area for the plan period up to 2031 and makes provision for retail, leisure and commercial development as well as for the infrastructure needed to support them.
47. The **Vale of White Horse Local Plan 2031 Part 2: Detailed Policies and Additional Sites** (VLP2) was adopted on 9th October 2019. The plan contains detailed development management policies to complement the VLP1 plan. It replaces the saved policies of the Local Plan 2011 (excluding Policy H: Grove Airfield which is referenced in Core Policy 15a of the VLP1).

Emerging Plans

48. Work on the **Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations** (OMWSA) is progressing. This plan will allocate sites required to provide the additional capacity for minerals supply and waste management as set out in the adopted core strategy. The Regulation 18 Preferred Options consultation closed on 4th April. Subject to the outcome of this consultation, it is anticipated that the final draft Plan will be submitted later in 2020. It will then be subject to an examination in public before adoption. Although work has commenced on OMWSA, it is at a

relatively early stage and the weight that can be given to the emerging plan in decision making is very limited.

Other Policy Documents

49. The **National Planning Policy Framework** (NPPF) was first published in 2012 and revised in July 2018 with minor further revisions made in February 2019. This is a material consideration in taking planning decisions. Relevant sections include those on facilitating the sustainable use of minerals, meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment.
50. The **National Planning Policy Guidance** (NPPG) contains specific advice on matters including flood risk, minerals, conserving and enhancing the historic environment, determining a planning application and natural environment.
51. There is no adopted neighbourhood plan that encompasses the application site area.

Relevant Development Plan Policies

52. The OMWCS polices most relevant to this development are:
- M2 – Provision for working aggregate minerals
 - M3 – Principal locations for working aggregate minerals
 - M5 – Working of aggregate minerals
 - M10 – Restoration of mineral workings
 - W1 - Oxfordshire waste to be managed
 - W2 - Oxfordshire waste management targets
 - W6 - Landfill and other permanent deposit of waste to land
 - C1 – Sustainable development
 - C2 – Climate Change
 - C3 – Flooding
 - C4 – Water environment
 - C5 – Local environment, amenity and economy
 - C6 – Agricultural land and soils
 - C7 – Biodiversity and Geodiversity
 - C8 – Landscape
 - C9 – Historic environment and archaeology
 - C10 – Transport
 - C11 – Rights of way
53. The VLP1 polices most relevant to this development are:
- Core Policy 1 – Presumption in favour of sustainable development
 - Core Policy 39 – Historic environment
 - Core Policy 42 – Flood risk
 - Core Policy 43 – Natural Resources
 - Core Policy 44 – Landscape
 - Core Policy 45 – Green infrastructure
 - Core Policy 46 – Conservation and improvement of biodiversity
54. The VLP2 polices most relevant to this development are:

- Development Policy 16 – Access
- Development Policy 17 – Transport Assessment and Travel Plans
- Development Policy 23 – Impact of development on amenity
- Development Policy 25 – Noise pollution
- Development Policy 26 – Air quality
- Development Policy 30 – Watercourses
- Development Policy 36 – Heritage assets
- Development Policy 37 – Conservation areas
- Development Policy 38 – Listed Buildings
- Development Policy 39 – Archaeology and scheduled monuments

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Director for Planning and Place

55. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy C1 of the OMWCS and Core Policy 1 of the VLP1. This means taking a positive approach to development and approving an application which accords with the development plan without delay, unless material considerations indicate otherwise.
56. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.
57. The key planning issues are:
- i) Minerals
 - ii) Waste
 - iii) Restoration
 - iv) Biodiversity
 - v) Landscape and visual impacts
 - vi) Transport
 - vii) Rights of way and public access
 - viii) Amenity and health
 - ix) Flood risk and water environment
 - x) Archaeology and historic environment
 - xi) Soils and agriculture
 - xii) Carbon emissions, natural resources and waste
 - xiii) Sustainable development

Minerals

58. Mineral Planning Authorities are required to plan for a steady and adequate supply of aggregate and where the landbank is below the national minimum this may be seen as an indicator of need. OMWCS policy M2 states that permission will be granted for aggregate mineral working to enable landbanks of reserves with planning permission to be maintained of at least seven years for the extraction of soft sand, at least seven years for the extraction of sharp sand and gravel, and at least ten years for the extraction of crushed rock. These are the same as the national minimum landbank as set out in paragraph 207(f) of the NPPF.

59. The most recently available Local Aggregates Assessment published in 2019 indicates that at the end of 2018 there was a landbank of soft sand of 12.7 years, a land bank of sharp sand and gravel of 12.7 years and a landbank of crushed rock of 9.9 years. The proposed development proposal would add to these existing landbanks. It should though be noted that there is no shortage in the landbank currently for sharp sand and gravel or soft sand. The proposed development would however bring the landbank for crushed rock above the minimum specified in the NPPF and policy M2 of the OMWCS.
60. OMWCS policy M3 details the principal locations for working aggregate minerals. The application site is within the 'Corallian Ridge area from Oxford to Faringdon' soft sand strategic resource area and the 'area south and south east of Faringdon' strategic resource areas for crushed rock. The application is therefore in accordance with this policy. The supporting text for this policy states that provision should preferably be made through extensions to existing quarries rather than from new quarries. This lends further support to the application.
61. OMWCS policy M4 is not relevant as it relates to how specific sites will be selected through the Part 2 plan document. It is recognised that within the emerging OMWSA, the application site has been put forward as a preferred option SS18 & CR22 (Hatford Quarry Western Extension). Due to its early stage of plan preparation, the site being a preferred option is currently considered to carry limited weight.
62. OMWCS policy M5 confirms that prior to the adoption of the OMWSA document, permission will be granted for working of aggregate minerals where this would contribute towards meeting the requirement for provision and in accordance with M3 and policies C1-C12.
63. In summary, there is in principle support for the mineral working aspect of the development as it complies with policy M3 of the OMWCS. Moreover, there is a need for additional crushed rock as indicated by the current landbank being below the national minimum.

Waste

64. OMWCS policy W1 states that provision will be made to provide capacity for Oxfordshire to be self-sufficient in the management of principal waste streams, including construction, demolition and excavated waste. OMWCS policy W2 sets targets for the diversion of waste from landfill in the period until 2031. The target for the '*permanent deposit of inert wastes other than for disposal to landfill*', which includes inert waste used in the backfilling of mineral workings, is 25%.
65. The OMWCS does not quantify the additional capacity required for inert CDE waste, but it is considered that the provision of additional capacity for '*permanent deposit of inert waste other than for disposal to landfill*' would reduce the need for disposal of inert waste to landfill, which comes at the bottom of the waste hierarchy. Provided the waste to be deposited cannot be recycled, and therefore does not prejudice achieving the target for inert waste recycling, the application would accord with policy W2 of the OMWCS.
66. OMWCS policy W6 states that provision for the permanent disposal to landfill of inert waste that cannot be recycled will be made at existing facilities and at sites allocated

in the OMWSA. The OMWSA is still in preparation; although the application site has been put forward as a preferred site, the OMWSA is considered to carry limited weight. Policy W6 goes on to state that priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration and afteruse of active or unrestored quarries. Therefore, provided that the waste to be deposited cannot be recycled, the application is considered to be supported in principle by policy W6 of the OMWCS.

Restoration

67. OMWCS policy M10 states that mineral workings shall be restored to a high standard and in a timely and phased manner. It lists criteria which the restoration and afteruse of mineral workings must take into account, including the character of the landscape, the conservation and enhancement of biodiversity and the quality of agricultural land. It states that planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and afteruse of the site.
68. The proposed development is to be worked in three phases with infilling and restoration following mineral extraction around the site. It proposed to restore the site to an agricultural afteruse, preserving the best and most versatile agricultural land. The development is anticipated to take five years with a further two years for completion of restoration. The restoration of the site is also relied upon to deliver the landscape and visual long term and for net gain in biodiversity.
69. Subject to the duration of development and rolling restoration in accordance with the proposed phasing being secured via condition, and the securing of a long term management plan to ensure on-going via a legal agreement, the proposed development is considered to be in accordance with OMWCS policy M10.

Biodiversity

70. NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
71. NPPF paragraph 175 states that when determining planning applications, planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided. Development resulting in the loss or deterioration in irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable strategy for compensation. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
72. OMWCS policy C7 states that minerals development shall, where possible, lead to a net gain in biodiversity. It also states that all minerals development shall make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity and satisfactory long-term management for the restored site shall be included in proposals.

73. VLP1 core policy 45 states that a net gain in green infrastructure, including biodiversity, will be sought. VLP1 core policy 46 states that development which will conserve, restore and enhance biodiversity in the district will be permitted, opportunities for biodiversity gain will be sought and a net loss of biodiversity avoided.
74. There has been no objection from the OCC Ecology Officer, subject to conditions and to a legal agreement to secure the management of all restored habitats over a 20-year period following the statutory 5-year aftercare period. The ecologist has advised that a net gain in biodiversity can be achieved at the site in the long term and that protected species and habitats have been given due regard in the application.
75. Therefore, subject to conditions and to a Section 106 legal agreement secure long term management of the restored site, the proposals are considered to be in accordance with policies related to biodiversity including OMWCS policy C7 and VLP1 core policy 45. This long term management has been agreed by the applicant.

Landscape and Visual Impacts

76. OMWCS policy C8 states that minerals development shall demonstrate that it respects and where possible enhances the local landscape character and shall be informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts.
77. VLP1 core policy 44 states that the key features that contribute to the nature and quality of the landscape will be protected including trees, hedges, watercourses, views, tranquillity and areas of cultural and historic value.
78. The Landscape and Visual Impact Assessment (LVIA) submitted with the application identifies the Hideaway, Tagdown Barn, the bridleway on the northern site boundary and the footpath on the southern site boundary as receptors. It concludes that adverse impacts would be temporary during quarrying operations and following restoration there would be no adverse impacts. The landscape officer has confirmed that she agrees with the conclusions of the LVIA and has no objections subject to the restoration being carried out as proposed and the long-term management of the restored site (as outlined by the Ecologist) to be secured by condition. This is to ensure that the landscape benefits proposed are realised.
79. Subject to conditions and obligations requiring restoration in accordance with the submitted plan, long-term (20 year) habitat management and maintenance of a 10 metre buffer between the works including the requirement for an arboricultural method statement, the proposals are considered to be in accordance with relevant policies protecting landscape including OMWCS policy C8 and VLP1 core policy 44.

Transport

80. NPPF paragraph 111 states that all development that generates a significant amount of movement should be supported by a Transport Statement or Transport Assessment. Paragraph 109 states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

81. OMWCS policy C10 states that minerals development will be expected to make provision for safe and suitable access to the advisory lorry routes shown in the plan and if possible, lead to improvements in the safety of all road users, the efficiency and quality of the network and residential and environmental amenity. Where practicable minerals shall be transported by rail, water or conveyor. Where minerals are to be transported by road they should be in locations which minimise road distances.
82. VLP2 policy 16 states that development must demonstrate that adequate provision will be made for vehicle turning, loading, circulation and servicing and that where the highway infrastructure is not adequate to service the development acceptable offsite improvements should be demonstrated. VLP2 policy 17 requires that proposals for major development are supported by a Transport Assessment or Statement and Travel Plan.
83. In the submitted documents the proposed development is proposed to commence mineral extraction following the working out of the eastern part of the extant site. Hence this will be a continuation of mineral extraction at Hatford Quarry employing the same workforce/resources, rather than an intensification of working. Subsequently the required HGVs will be minimised.
84. The submitted documents have been reviewed and OCC Transport Development Control has confirmed that they have no objections to this application and have not requested any conditions.
85. The applicant has stated that HGVs associated with the proposed development will comply with the existing routeing for Hatford Quarry. This would ensure that HGVs would not travel on suitable local roads through local villages such as Hatford and Pusey and may be secured via a routeing agreement.
86. In the interests of local amenity and ensuring the development operates as proposed it is recommended that the maximum number of HGVs is limited by condition to that proposed and assessed by OCC Transport Development Control.
87. Overall, subject to a routeing agreement and limiting the number of HGVs to 92 two way movements (46 in and 46 out), the development is considered to comply with the relevant policies.

Rights of Way and Public Access

88. NPPF paragraph 98 states that planning policies should protect and enhance public rights of way and access and local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.
89. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and if possible, it shall be retained in situ in a safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. Improvements and enhancements to the rights of way network will generally be encouraged.

90. There have been no objections from OCC rights of way team to the proposals. Although there are existing public rights in the area, there are none within the application site itself and therefore there would be no significant impacts. The proposals are considered to be in accordance with relevant development plan policy relating to rights of way.

Amenity and health

91. NPPF paragraph 180 states that decisions should ensure new development is appropriate for the location by taking into account the likely effects (including cumulative effects) on health, living conditions and the natural environment. This includes mitigating and reducing to a minimum potential noise impacts and limiting the impact of light pollution on amenity and nature conservation.
92. NPPF paragraph 205 states that when determining planning applications for mineral extraction, planning authorities should ensure that there are no unacceptable adverse impacts on human health and that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. Appropriate noise limits should be established for extraction in proximity to noise sensitive properties.
93. OMWCS policy C5 states that proposals for mineral development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and the local economy, including from a range of factors including noise, dust, visual intrusion, light, traffic, air quality and cumulative impact. Where necessary, appropriate buffer zones between working and residential development will be required.
94. VLP2 policy 23 states that development proposals should demonstrate that they would not result in significant adverse effects on amenity of neighbouring uses including in relation to loss of privacy, visual intrusion, noise or vibration, odour, dust, pollution or external lighting. VLP2 policy 25 states that noise generating development that would have an impact on amenity or biodiversity should provide an appropriate scheme of mitigation and development will not be permitted if appropriate mitigation cannot be provided in line with the appropriate British standards.
95. VLP2 policy 26 states that development likely to have an impact on local air quality must demonstrate mitigation is incorporated into the design to minimise impacts. An air quality assessment will be required for development in areas of existing poor air quality.
96. Shellingford Parish Council have objected to this application on the grounds of cumulative dust generation in the area given the proposed extension to Hatford Quarry and the extension to nearby Shellingford Quarry which committee resolved to grant permission for in July 2019 subject to completion of a S.106 Agreement.
97. Public Health England and the OCC Public Health team initially requested further information with regard to air quality and dust. The applicant subsequently undertook a month of baseline monitoring at the existing quarry at locations representative of the nearest sensitive receptors to the proposed extension area.
98. This further information has been submitted and reviewed. The Environmental Health Officer has advised that the potential for nuisance dust to impact on the nearest

sensitive properties has been assessed following the principles outlined in relevant IAQM guidance and there is a low risk of adverse dust nuisance at the nearest receptors with a possible slight adverse dust impact. Overall, the officer raises no objections subject to the submission and implementation of a dust management and monitoring plan. The OCC Public Health team have similarly advised they have no objection if the proposed dust monitoring and management plans are adhered to. This may be secured via condition.

99. No further comments were received from Public Health England. In light of the further comments from the OCC Public Health Team and Environmental Health officer it is not considered their comments are a reason for refusal.
100. In summary, subject to the condition outlined above, the proposed development is considered to be in accordance with policies 23 and 26 of the VLP2 and policy C5 of the OMWCS.

Flood risk and water environment

101. OMWCS policy C3 states that minerals development will, where possible, take place in areas with the lowest probability of flooding. Where development takes place in areas of flood risk, this should only be where other areas have been discounted using the sequential and exception tests as necessary and where a flood risk assessment demonstrates that risk of flooding is not increased from any source. The opportunity should be taken to increase flood storage capacity in the flood plain where possible.
102. OMWCS policy C4 states that proposals for mineral development will need to demonstrate that there would be no unacceptable adverse impact on surface or groundwater resources. Watercourses of significant value should be protected.
103. OMWCS policy C2 states that minerals development should take account of climate change.
104. VLP1 core policy 42 states that the risk and impact of flooding will be minimised through directing development to areas of lowest flood risk, ensuring that new development addresses the management of sources of flood risk and does not increase flood risk elsewhere and ensuring wider environmental benefits of development in relation to flood risk.
105. VLP2 policy 30 states that development on or adjacent to watercourses will only be permitted where it would not have a detrimental impact on the function or setting of the watercourse or its biodiversity. Plans for development should include a 10m buffer along the watercourse. Development within 20m of a watercourse will require a construction management plan.
106. The application states that as the quarry will be worked progressively as an extension to the existing workings, the rate of dewatering and water discharge is not expected to vary significantly from current levels. The application also proposes a programme of monthly groundwater monitoring to identify any reduction in groundwater due to dewatering so that any reduction in groundwater fed base flows in nearby watercourses can be mitigated.

107. The Environment Agency initially objected to the application and requested further information. Once this had been supplied they removed their objection subject to a condition to ensure that the proposed mitigation measures are implemented.
108. Subject to the recommended conditions as outlined above, the proposed development is considered to be in accordance with the OMWCS policy C2, C3 and C4, VLP2 policy 42 and VLP2 policy 30.

Archaeology and Historic Environment

109. NPPF paragraph 189 states that where a site includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
110. NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). NPPF paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
111. OMWCS policy C9 states that minerals development will not be permitted unless it has been demonstrated that there would not be an unacceptable adverse impact on the historic environment. In the context of the policy, the historic environment including listed buildings, scheduled monuments, conservation areas and non-designated archaeological assets amongst other features. Policy C9 further requires that proposals for mineral working wherever possible demonstrate how the development will make an appropriate contribution to the conservation and enhancement of the historic environment. Similarly, core policy 39 of the VLP1 and policy 36 of the VLP2 require development to ensure it conserves and where possible enhances designated and non-designated heritage assets in accordance with national policy.
112. Specifically in regard to listed buildings and their setting, Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This requirement is reflected in VLP2 policies 36 and 38 and policy C9 of the OMWCS.
113. The proposed development is not within a conservation area, though the areas of nearby settlements, Stanford in the Vale, Hatford, Shellingford and Farringdon are designated conservation areas. Where a proposed development could affect the setting of a Conservation Area, VLP2 policy 37 requires that development demonstrate that it will conserve or enhance its special interest, character, setting and appearance.
114. A heritage assessment was submitted as part of the ES. This concludes that there are no listed buildings within the relevant search area. It also does not identify any

conservation areas as being affected by the proposals. It identifies a scheduled monument at Eweden Copse but concludes that this would not be affected by the development either physically or visually.

115. No concerns have been raised in regard to listed buildings, conservation areas or their setting. It is not considered that the proposals would affect any conservation areas, listed buildings or their settings. As such no further action is necessary with regard to Section 66 (1) of the Listed Buildings and Conservation Areas Act 1990.
116. In relation to archaeology, VLP2 policy 39 states that development will be permitted where it can be shown that it would not be detrimental to the site or setting of Scheduled Monuments or nationally important designated or non-designated archaeological remains. It further requires the submission of an assessment to demonstrate this and where harm to or loss of significance to the asset is considered to be justified, the harm should be minimised and mitigated by a programme of archaeological investigation, including excavation, recording and analysis. This is similarly reflected in policy 39 of the VLP1.
117. A desk-based assessment was submitted with the application. The OCC archaeology team has not objected to the application and have confirmed that although the site is within an area of archaeological potential, there is no indication that these features are of equivalent significance to scheduled monuments and therefore the archaeological interest can be appropriately dealt with using planning conditions on any consent requiring that a written scheme of archaeological investigation is submitted, approved and implemented. Subsequently, the applicant provided a written scheme of investigation, which the archaeologist confirmed was acceptable. Therefore, a condition should be attached to approve the submitted document and require archaeological investigation to take place in accordance with it.
118. Subject to the recommended condition, the development is considered to be in accordance with the NPPF, OMWCS policy C9, VLP1 policy 39 and VLP2 policies 36, 37, 38 and 39.

Soils and agriculture

119. OMWCS policy C6 states that proposals for mineral development shall take into account the presence of any best and most versatile agricultural land. Proposals should make provision for the management and use of soils in order to maintain agricultural land quality (where appropriate) and soil quality.
120. The development would lead to the temporary loss of 17.5 ha of best and most versatile agricultural land. Through the proposed restoration scheme, the proposed development would result in the creation of approximately 21 ha (subgrade 3a) agricultural land. Natural England has not objected to this application, subject to conditions to ensure that soils are managed appropriately.
121. Natural England's response included general conditions including one stating that topsoil bunds should not exceed 3 metres in height and subsoil bunds should not exceed 5 metres in height. The applicant provided additional comments from their soil consultants to confirm that due to the soil type the proposed 3.3 m high topsoil bund and 5.4 m high subsoil bund would not cause damage to the soils. This is because the soils are predominantly sandy loam which has a natural resilience to

damage from handling. Natural England confirmed that the general conditions were provided to be used at the discretion of the Minerals Planning Authority. It is considered that given the reasons for the slightly higher bund heights to mitigate noise, the information provided in relation to the soil type and the lack of objection from Natural England, the proposed bund heights are acceptable despite being slightly higher than the maximum heights stated in Natural England's standard conditions.

122. The proposals are considered to be in accordance with OMWCS policy C6 as provisions have been made for the management of soils in order to maintain agricultural land quality following restoration. Any planning permission would be subject to a five years aftercare scheme which would enable an annual assessment of the progress being made with returning the land to the required standard.

Carbon Emissions, Natural Resources and Waste

123. OMWCS policy CS9 states that all developments should seek to minimise their carbon emissions. VLP1 core policy 43 states that developers should make effective use of natural resources, including by minimising waste, efficient use of water, improvements to water quality, taking account of air quality management plans, remediating contaminated land where necessary, avoiding development of the best and most versatile agricultural land and use of previously developed land where possible. As set out elsewhere in the report, the proposals are considered acceptable in these regards and therefore it is considered that the development makes effective use of natural resources in accordance with this policy.

Sustainable Development

124. OMWCS policy C1 states that a positive approach will be taken to minerals development in Oxfordshire, reflecting the presumption in favour of sustainable development in the NPPF. It states that planning applications that accord with the policies in OMWCS will be approved unless material considerations indicate otherwise. VLP1 core policy 1 also reflects the presumption in favour of sustainable development. NPPF paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF and for decision taking this means approving development proposals that accord with the development plan without delay. The proposals are considered to be sustainable and in accordance with the development plan.

Other Matters - Processing plant site and access

125. The application area does not include the existing processing area, site office, silt ponds, car park or access. It only includes the proposed extension to the extraction area.
126. It is proposed to process the mineral extracted from this second western extension area at the existing processing site in the main quarry. The main quarry however only has planning permission to operate until the end of 2025. The proposed extension to the extraction area would lead to extraction for seven years, until approximately 2027.

127. Should planning permission for this proposed second western extension be granted, the applicant would need to apply to extend the life of the processing plant, silt ponds, site office and access so that this development could take place. It is considered that there needs to be certainty about where the material will be processed for the duration of the permitted extraction period, to ensure that it can be implemented in accordance with the details provided in the application and the processing activities can be properly controlled.
128. In addition, should planning permission for this proposed development be granted and if the applicant commenced by 2025 but had not secured planning permission for an extension to the life of the processing plant site, it would not be possible to continue to implement this development in accordance with the approved details.
129. It is therefore recommended that a condition is added to any consent granted further to this application to require that development does not commence until an application to extend the processing plant site to 2027 has been made and approved.

Conclusion

130. Application MW.0066/19 seeks to extract 875 000 tonnes of mineral from a 23-hectare extension to the west of the existing Hatford Quarry. It proposed to restore the quarry to agriculture using imported inert materials and materials from the site. Subject to the conditions and obligations outlined above, the development is considered to be in accordance with the development plan. It is therefore recommended that planning permission is granted.

RECOMMENDATION

131. **Subject to the applicant signing a Section 106 agreement for the matters outlined in Annex 2 and a routeing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry, it is RECOMMENDED that planning permission for MW.0066/19 be approved subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1.**

SUSAN HALLIWELL
Director for Planning and Place

May 2020

Annex 1 – Conditions

1. Complete accordance with plans and particulars
2. Commencement within three years and notification of commencement date
3. No implementation until such a time that the processing plant, silt ponds, stocking areas and access have planning consent until 2028
4. Temporary consent – extraction completed by five years from the date of commencement as notified pursuant to condition 2 and restoration completed by the date seven years from the date of commencement
5. No operations or HGV movements outside proposed operating hours
 - 07.00 to 18.00 Monday to Friday
 - 07.00 to 13.00 on Saturdays

No operations shall take place on Sundays or on Bank or Public holidays.
No extraction of limestone shall take place except between 7.30 and 18.00 hours Monday to Friday. The breaker shall not be used except between 08.00 and 18.00 Monday to Friday
6. No more than 92 (46 in, 46 out) HGV movements per day
7. Restoration in accordance with plans and removal of all associated plant and development.
8. Submission, approval and implementation of an environmental management plan,
9. Submission of updated protected species surveys prior to any works
10. Submission of an ecological restoration and management plan
11. Submission of a landscape and ecological management plan
12. Submission of a biodiversity monitoring and remediation strategy.
13. Submission, approval and implementation of an arboricultural impact assessment and method statement, a soil organic matter plan and proposals to minimise the impact of agricultural operations on the ponds and wildlife features
14. Implementation of approved final contours
15. The development shall be carried out in accordance with the following information:
 - Section 12.1.1 of the Hydrogeological Environmental Impact and Flood Risk Assessment reference 190601 v.02 dated 27 June 2019
 - Section 4 of the Water Related Responses To The Environment Agency reference 190826 v.03 dated 05/09/19

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
16. Provision for disposal of water on site
17. Implementation of written scheme of archaeological investigation
18. Acoustic mitigation to be implemented as proposed
19. Maximum noise limits at closest dwellings as specified in ES
20. Noise monitoring and submission of details
21. Noise management plan, including mitigation measures and details of weather conditions during which noisy activities would stop
22. No reversing beepers other than those which use white noise
23. Servicing and maintenance of plant and machinery
24. Submission, approval and implementation of a detailed dust management and monitoring plan
25. No HGVs shall leave the site unless its wheels have been washed to prevent mud or dust being carried on to the highways.

26. Maintain records of the vehicle movements to and from the quarry; such records shall contain the vehicles registration number along with the name of the company to which the vehicle belongs and the time and date of the movement. Those records shall be made available to the Mineral Planning Authority at any time upon request.
27. All internal site haul roads shall be maintained in a condition free from pot holes while in use and shall be removed when no longer required or during the course of site restoration, whichever is the sooner.
28. Sections of haul road formed to a level higher than one metre below the final restoration level shall be removed before overburden and soils are respreads. All sections of haul road shall be ripped before being covered with overburden and soils during restoration.
29. Soil handling, cultivation and trafficking over the top soil and sub soil material shall not take place other than when they are in a dry friable condition.
30. No movement of topsoil, subsoil and other soil-forming materials shall be moved other than by loading shovel, hydraulic excavator and dump truck.
31. All topsoil and subsoil stripped from the site shall be stored separately in soil bunds retained on site. No indigenous topsoil or subsoil shall be taken off site or used for day to day cover during the landfill operations.
32. Soil shall be stored in the locations shown on approved plans until such time as they are required for the purposes of restoration.
33. Maximum height of temporary storage mounds and mineral stockpiles
34. Progressive working and restoration, in accordance with approved plans
35. Prevention of soil-borne plant or animal diseases
36. Scheme of soil movement to be submitted and approved
37. Soil handling in accordance with Defra guidance
38. Plan showing location, details and heights of bunds to be submitted and approved
39. No soil handling between October and March inclusive
40. Plant and vehicle movements confined to defined haul routes
41. Soil stripping in accordance with requirements
42. Criteria for the storage of agricultural soils in bunds
43. Soil storage bunds to be grassed and kept weed free
44. All soils and soil forming material to be retained onsite
45. Recovery of soil forming material for restoration
46. Removal of stones from soils during restoration
47. Notice to be provided of final subsoil placement for each phase
48. Requirement to rectify any areas of differential settlement
49. Agricultural aftercare scheme to be submitted, approved and implemented, with provision for an annual aftercare meeting to agree annual detailed programmes
50. Restoration in accordance with plans and removal of all associated plant and development.
51. 5-year aftercare, in accordance with an aftercare scheme to be submitted and approved

Compliance with National Planning Policy Framework

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

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- offering a pre-application advice service, as was the case with this application, and
- updating applicants and agents of issues that have arisen in the processing of their application, for example in allowing the applicant to submit further information to overcome air quality concerns.

In this instance, concerns raised including with regard to dust management and air quality were resolved through the submission of further information.

Annex 2 - Heads of terms for legal agreement

- 20 years' long term management of restored habitats, to be funded by the applicant.
- Routeing

Annex 3 - Environmental Statement and Regulation 25 additional information summary

1. An Environmental Statement was submitted with the planning application.
2. The first chapter introduces the site and the proposals, discusses the history of the site, community engagement, planning policy, alternative sites, site area, mitigation and working methods, cumulative effects, socio-economic impacts, climate change and geodiversity. It states that mineral working provides socio-economic benefits for the local and wider economy. It states that the development would reduce emissions by providing a local source of aggregate minerals and that it would help minimise the effects of climate change by not increasing flood risk and providing biodiversity enhancements through the restoration. It states that the site is unlikely to reveal geological features of significance which are not already available elsewhere.
3. The second chapter comprises a hydrological and hydrogeological environmental and flood risk assessment. This assesses impacts on surface water, groundwater and flood risk both during excavation and following restoration. This notes that there is the potential for mineral extraction and dewatering to impact groundwater. It states that surface water run off from the site will be reduced to below pre-development greenfield run-off rates to ensure a net reduction in flood risk during excavation. Infilling with inert waste will impact groundwater flows within the site however, the assessment concludes that due to the groundwater depth there would be no increased risk of flooding. Additional surface water run off will occur after restoration and therefore attenuation ponds are included in the restoration proposals to ensure that there is no increase in the rate of discharge of surface water from the site. Mitigation measures are provided should monitoring reveal any reduction in groundwater levels.
4. The third chapter contains a Landscape and Visual Impact Assessment (LVIA). This includes details of 30 locations used as representative viewpoints. Visual receptors identified include occupiers of dwellings, users of the public rights of way network and users of roads. It identifies the landscape character and landscape features of the site. It outlines a range of measures to mitigate landscape impact including screening bunds and hedgerow extension. The assessment finds that one viewpoint, Tagdown Barn, would have adverse impacts of moderate-major significance, however all visual impacts identified would be temporary impacts during the operational period. It concludes that in the long term the restoration proposals would be beneficial in terms of landscape character.
5. The fourth chapter covers ecology and provides the results of a desk-based review and walkover field survey. This states that the important ecological receptors at the site include hedgerow and woodland plantation habitats, locally notable plants and badger, hare and nesting birds. Potential negative impacts are identified, and mitigation measures are put forward, including buffer zones from retained hedgerows and trees, access routes from the quarry floor to existing ground levels to avoid trapped animals and restriction of works undertaken in bird nesting season. The restoration scheme includes enhancements for ecology including new hedgerow, new trees and scrub, new waterbodies and surrounding grassland. Long term management of the restored site is proposed. Residual and cumulative effects are

considered and it is concluded that there would be a positive effects in a local context overall.

6. The fifth chapter contains a heritage impact assessment considering the historic environment and archaeology. This concludes that there is an abundance of recorded archaeology in the area and there is evidence that the area was a major focus of settlement in the Iron Age. Therefore, there is the potential for further archaeological remains to be encountered. Therefore, it states that there should be a watching brief as mitigation to ensure archaeology is suitably recorded. The assessment also concludes that there would be no physical or visual impacts on the scheduled monument.
7. The sixth chapter covers highways and traffic. This considers accident data, existing traffic flows and the proposed new lorry movements. It states that the current level of traffic on local roads is low and the increase as a result of this development would be minimal. It concludes that there would be no material impacts on the operation and safety of the road network.
8. The seventh chapter contains a noise assessment. This sets out calculated noise levels and compares these to existing site noise limits. Baseline noise measurements are provided for three locations; The Hideaway and Woodlands on Sandy Lane and Chingham Farm to the south west. Tagdown Farm was not included in the noise survey as it was not known at that time that it was to become a dwelling. The assessment uses noise levels at The Hideaway for Tagdown Barn. Noise level limits are proposed for these properties with a higher limit proposed for temporary operations in line with minerals planning guidance. Vibration is considered although a detailed assessment has not been undertaken as it is not considered necessary. The assessment concludes that the site operations can be worked in accordance with existing site noise limits.
9. The eighth chapter covers air quality and dust. The key pollutants assessed are nitrogen dioxide, dust and fine particulate matter (PM10 and PM2.5). It considers The Hideaway and Tagdown Barn as potential receptors and sets out baseline dust data from a 14-week period in 2016. This concludes that nitrogen dioxide levels are well below the air quality objectives and the effect of HGVs will be negligible in this regard. It also states that there is little risk that the annual mean for PM10 concentrations would be exceeded and background concentrations of PM2.5 are well below target levels and therefore not considered significant. Dust impacts are considered and mitigation measures proposed including appropriate techniques for soil stripping, storage and replacement and use of water in dry conditions. The assessment concludes that there are unlikely to be any adverse air quality or dust impacts as a result of the development.
10. The ninth chapter covers agricultural land and soils. This provides the findings of a detailed soil survey. This states that approximately 17.5 ha of subgrade 3a agricultural land would be replaced by approximately 21 ha of subgrade 3a agricultural land following restoration, leading to a minor beneficial impact.
11. The tenth chapter contains an arboricultural assessment. This concludes that no tree removal is required, trees on the site boundaries can be retained and there should be protection measures in place.

12. Following initial consultation, further information was sought under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This contained information on Groundwater (appendix A), Dust and Air Quality (Appendix B), an Arboricultural Assessment associated with the re-location of the High Velocity Electricity cable, (Appendix C) and a Soil Resources and Agricultural Assessment setting out how the soil organic matter and ecosystem service functions of the soil resource will be enhanced, particularly during the aftercare period. (Appendix D).
13. Appendix A contains copies of correspondence between the Environment Agency and applicant demonstrating the EA was satisfied with the additional information previously provided subject to conditions.
14. Appendix B sets out that monitoring of particulate matter and disamenity dust from two receptor locations to the north of the proposed extension area (namely The Hideaway and Tagdown Barn) was carried out by DustScanAQ on behalf of the Applicant. The study concludes that coast dust monitoring demonstrated low dust emissions from the site travelling towards current receptors, that it is unlikely that the quarry process contribution would exceed annual mean objectives of PM₁₀ and existing emissions from Hatford Quarry towards the existing receptors for PM_{2.5} are minimal.
15. In Appendix C it was confirmed that the requirements for relocation of the High Velocity Electricity Cable, which currently runs north-south through the extension area, we provide amended plans (see Appendix C) to demonstrate that the HV Cable will be relocated outside of the 10m standoff for the woodland and therefore there will be no impact upon the Root Protection Area (RPA).
16. Finally, in Appendix D, information has been provided on enhancing the soil organic matter, and the intention of the land-owner to incorporate the ecological areas into an appropriate agri-environment scheme.

Annex 4 – Consultation Responses Summary

Vale of White Horse District Council – Planning

Regulation 25 Response March 2020

1. No response received

Initial Response August 2019

2. No objection, but please ensure the impacts on Tagdown Barn and The Hideaway are fully considered. Please also note that the site lies within the North Corallian Ridge, an area of local landscape designation.

Vale of White Horse District Council – Environmental Protection

Regulation 25 Response March 2020

1. No objection in relation to air quality and dust subject to the submission and implementation of a dust management and monitoring plan.

Initial Response August 2019

2. No objection on noise grounds, subject to conditions to cover appropriate bunding and noise limits at sensitive properties for both temporary works and typical operation. Quarrying has taken place for a number of years without complaints about noise.

Hatford Parish Council

1. No response received for initial or subsequent consultation.

Stanford in the Vale Parish Council

1. No response received for initial or subsequent consultation.

Shellingford Parish Council

Regulation 25 Response March 2020

1. No response received

Initial Response August 2019

2. Object due to the cumulative dust impact. Also made this point in relation to the recent application to extend Shellingford Quarry and are hopeful that this will be addressed in the detailed air quality and dust management plan to be submitted. Agree with the comments made by OCC's public health team and Public Health England.

Natural England

Regulation 25 Response March 2020

1. Response received, no additional comments to make

First Response August 2019

2. No objection, subject to appropriate mitigation being secured. Without mitigation the development could potentially have a damaging effect on best and most versatile soil. Satisfied that the application demonstrates that an equivalent area of best and most versatile agricultural land would be reinstated to a similar quality. Conditions are required to safeguard soil resources.

Environment Agency

Regulation 25 Response March 2020

1. Response received, no additional comments to make

Second Response September 2019

2. No objection subject to a condition to ensure that the development is carried out in accordance with the submitted details on flood risk and that the mitigation measures proposed are fully implemented. The further information supplied has addressed earlier queries.

Initial Response August 2019

3. Object, insufficient information has been provided to demonstrate that risks posed to groundwater can be satisfactorily managed. A satisfactory risk assessment should be submitted. The conclusions in the application that there would be no adverse impact on groundwater flow, is based on assumptions about the porosity using the mean value. However, this is very variable and therefore a sensitivity analysis is required to show how different porosity values impact groundwater levels. Evidence should also be provided of the hydraulic continuity between the Highworth Limestone Member and the Lower Calcareous Grit Formation. Confirmation should be provided regarding frequency of groundwater monitoring at borehole BH2/16, threshold values for this borehole and the point at which mitigation would be implemented.

Oxfordshire County Council (OCC) Archaeology

Regulation 25 Response March 2020

1. No response received

Initial Response August 2019

2. No objection, subject to standard conditions for the implementation of a phased programme of archaeological work.

Archaeological monitoring and recording have been undertaken in advance of extraction directly to the east. This has revealed evidence of activity dating from the Neolithic period to the post medieval period. Most features are Iron Age and Romano British and reflect the presence of a number of small farmsteads of those periods within an area of agricultural field systems. The revealed features include small enclosures, probably for stock, hut circles, post holes, pits and ditches. It is likely that the spread of these features extends into the current application area. There is no indication that the archaeological features are demonstrably of equivalent significance to scheduled monuments or that they should be considered subject to the policies for designated heritage assets.

OCC Public Health

Regulation 25 Response March 2020

1. No objection to the proposal if the proposed dust monitoring and management plans are adhered to. Comments that the baseline monitoring and assessment has indicated low levels of dust and small particulates at the nearest sensitive receptors. And the proposed dust management plan would demonstrate good operational management to minimise future dust emissions that could create adverse nuisance emissions at the nearest sensitive receptors.

Initial Response – July 2019

2. Concerned about the proximity of the extension to The Hideaway and Tagdown Barn. The estimates in the report may not accurately reflect the current baseline PM10 concentrations. The mitigation measures are not sufficiently detailed and details should be provided of how nuisance dust and PM10 concentrations will be monitored.

Public Health England

Regulation 25 Response March 2020

1. No response received

Initial Response August 2019

2. Cannot assess the likely impact on the basis of the information currently provided. Whilst the site is in a remote location, the proposed extraction area would result in two properties being within 80m of the new quarry boundary. The modelling methodology used is not considered appropriate to allow us to assess potential risks to public health. The results from Shellingford Quarry cannot be used to estimate what residents near Hatford Quarry would be exposed to. Similar monitoring should be undertaken at Hatford Quarry including baseline monitoring and monitoring 80m to the north of the existing quarry. This information can be used to calculate the Predicted Environmental Concentration at the properties. A detailed dust management plan should be produced including details of how visible dust will be checked.

OCC Transport Development Control

Regulation 25 Response March 2020

1. No response received

Initial Response September 2019

2. No objection. No changes are proposed to the access. The submitted Transport Statement says that materials would be processed at the existing plant site and therefore there would be no additional movements on the highway network. The development would not be detrimental to the highway.

OCC Rights of Way and Countryside access

Regulation 25 Response March 2020

1. No response received

Initial Comments July 2019

2. Responded, no comments.

OCC Drainage Team and Lead Local Flood Authority

Regulation 25 Response March 2020

1. No response received

Initial Comments September 2019

2. Notes the Environment Agency have withdrawn their previous objection and from an LLFA perspective has no further comment to make on the proposal.

OCC Environmental Strategy

Regulation 25 Response March 2020

1. No response received

Initial Response September 2019

Object. The re-routed high voltage cable appears to be routed along the woodland edge, which has the potential to damage tree roots. A further arboricultural assessment should be provided to consider the impact of this and to confirm that all other operations would take place outside of the 10m buffer. If necessary, a more comprehensive arboricultural method statement should be prepared to indicate how the cable will be re-routed without damage to trees and to confirm what form of fencing will be used to ensure the tree protection zone is not encroached into.

The application does not include details on how the ecosystem service functions of the soil will be enhanced particularly during the aftercare period. Further information is required on this, including measurements of existing levels of organic matter and details of the amount and rate at which additional organic matter could accumulate within the soil and how this would be achieved in practice. The agricultural assessment should consider how the new ponds would be protected as long-term features in the landscape given their susceptibility to contamination from farming operations.

Should permission be granted, conditions are required to cover submission, approval and implementation of an arboricultural impact assessment and method statement, a soil organic matter plan and proposals to minimise the impact of agricultural operations on the ponds and wildlife features

OCC Biodiversity

Regulation 25 Response March 2020

1. No response received

Initial Response August 2019

2. No objection, subject to conditions for the submission, approval and implementation of an environmental management plan, updated protected species surveys prior to any works, an ecological restoration and management plan, a landscape and ecological management plan and a biodiversity monitoring and remediation strategy. A Section 106 legal agreement is also required to secure 20 years management of all restored habitats.

Overall, satisfied that a net gain in biodiversity can be achieved at the site in the long term. Surveys have confirmed the importance of habitats at the site for badger, brown hare and breeding birds. Localised impacts are anticipated, and the proposed mitigation measures are considered appropriate. No impacts are anticipated on any statutory or non-statutory sites of designated nature conservation impact. Welcome the provision of new hedgerow, grassland and aquatic habitats. The existing mature boundary vegetation should be retained and protected.

OCC Landscape

Regulation 25 Response March 2020

1. The revised Landscape Proposal Plan addresses the previous comments on the restoration of the site and the officer has no further comments to make. A condition is required to ensure that the site is restored in accordance with the latest version of this plan.

The Officer has not been able to find any information outlining the long-term management of the restored site. In the absence of this, a condition securing the long-term management as outlined in the ecologist's comments is still required.

Initial Response September 2019

2. No objection subject to conditions. Do not fully agree with the detailed findings of the LVIA, however it is generally acceptable. The 10 metre buffer to trees and the woodland edge of Hatford Gorse is welcomed and it is important that no activity takes place in this buffer, including no excavation, storage, mounding, traffic movements or works associated with the re-routeing of the high voltage cable. Appropriate protection for the buffer zone should be secured by condition.

The LVIA relies heavily on the restoration proposals to deliver landscape and visual benefits in the long term. Conditions and a legal agreement are required to ensure that the creation of the species rich grassland and the ponds and the maintenance of new habitats, is carried out in an acceptable manner to deliver meaningful benefits for landscape and biodiversity. Suggest that the landscape proposals plan is revised to provide wider buffers and more details of long-term management. This can be secured by condition.

Annex 5 – European Protected Species

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

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

Our records, survey results and consideration of the habitats within the site area indicate that, with appropriate mitigation, European Protected Species are unlikely to be harmed as a result of the proposals.

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For: PLANNING & REGULATION COMMITTEE – 1 June 2020

By: DIRECTOR FOR PLANNING AND PLACE

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

Division Affected: Kennington and Radley

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

Location: Land at Thrupp Lane and Thrupp Farm, Radley.

District Council Area: Vale of White Horse

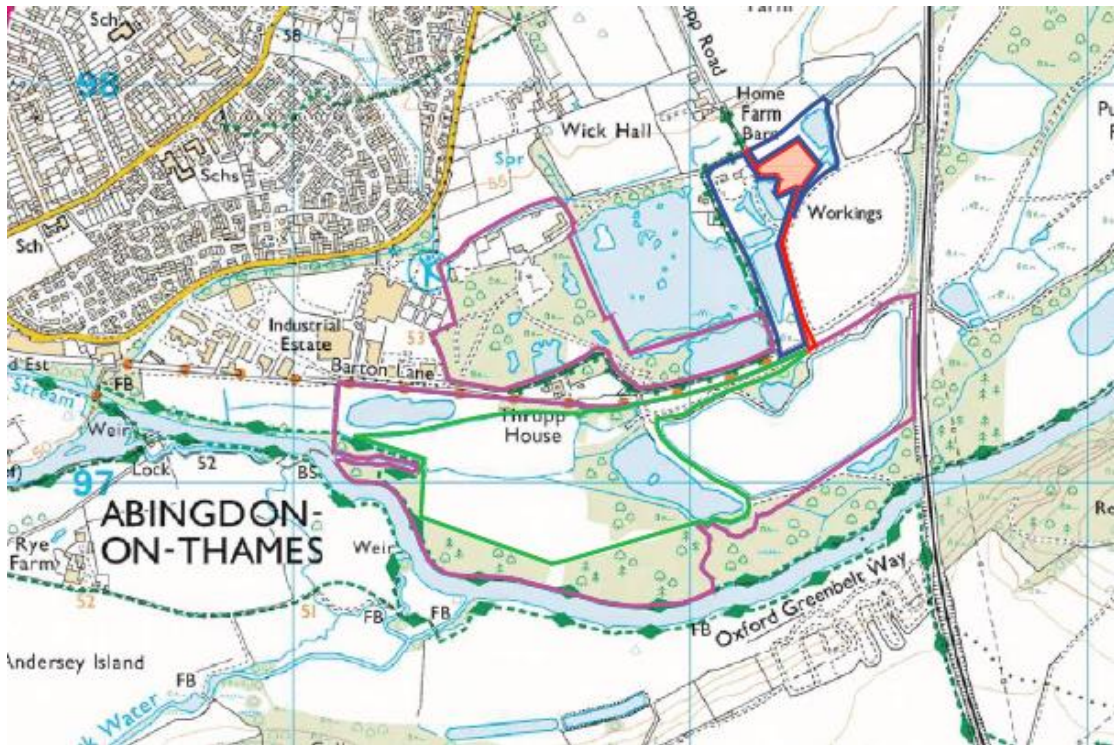
Recommendation:

It is RECOMMENDED that the Planning & Regulation Committee's previous conclusion from its meeting on 9 September 2019 (Minute 39/19) that mineral working on the Radley ROMP site has permanently ceased and that there is a duty to serve a Prohibition Order be reviewed in the light of the new planning application submitted for processing plant, a conveyor and a Bailey Bridge for the removal of mineral extracted from part of the ROMP permission areas DD1 and DD2.

1. The committee will recall that at its meeting on 9th September 2019, a report was presented with regard to the Review of the Mineral Planning Permissions DD1 and DD2 at Thrupp Farm and Thrupp Lane, Radley (the Radley ROMP site) and whether or not mineral working had permanently ceased. This report is appended as Annex 1. The committee resolved that mineral working had permanently ceased and that accordingly there was a duty on the Mineral Planning Authority to serve a Prohibition Order on the Radley ROMP site.
2. Subsequent to the committee meeting, the agent for the landowner contacted your officers and advised that the landowner was in active negotiation with a mineral company, H. Tuckwell and Sons Ltd, with regard to them being the contractors for the extraction of the mineral from the Radley ROMP site and that work was actively being undertaken for the submission of a planning application for processing plant and a conveyor to transport the mineral from the ROMP permissions for processing at their yard on Thrupp Lane. This was reported to the Planning and Regulation committee at its meeting on 9 December 2019 as an update on the minutes of the meeting on 9 September. A further update was given to the Planning and Regulation Committee at its meeting on 27 January under Chairman's

Updates that no further substantive information had been received and it was confirmed that the service of the Prohibition Order would proceed. A further update was provided under Chairman's Updates to the meeting of the Planning and Regulation Committee on 9 March and again it was confirmed that no further information had been received.

3. Officers proceeded with drafting the Prohibition Order although this was held up by the need to try to establish the lessee interests in the Curtis's Yard industrial area of the site. The Covid-19 lockdown then came into effect shortly afterwards and officers were instructed to work from home and all site visits were suspended amid concerns that officers might either contract or pass on the virus during the service of notices.
4. A planning application has now been received from H. Tuckwell and Sons Ltd for processing plant, a conveyor and a Bailey Bridge to be used in association with the extraction of mineral from part of the area covered by the Radley ROMP site shown outlined in green on the extract from the submitted application Site Location Plan below.



Copyright H. Tuckwell and Sons Ltd 2020.

5. This application is in the process of validation and your officers have gone back to the applicant's agent with some queries as set out in the e-mail attached as Annex 2.
6. Whilst the consideration of this application is at a very early stage, it is material to the council's assessment of whether or not mineral working pursuant to the ROMP permissions has permanently ceased. When the previous Prohibition Order was served in 2012, there was at that time a

planning permission in place for very similar development to that now proposed in this new application. That application expired without being implemented and so at the time that the report was written to the Planning and Regulation Committee on 9 September 2019, it was considered that the absence of any such extant permission weighed in favour of the conclusion that the mineral working had permanently ceased (please see paragraph 15 of Annex 1).

7. Although the 2012 Prohibition Order was quashed for other reasons, in her report, the planning inspector appointed by the Secretary of State did give consideration as to whether or not she was of the view that mineral working had permanently ceased. The relevant section of her report is as follows:

“Whilst the PPG advises that there are unlikely to be many cases in which, after two years’ suspension, the MPA could not be considered to be acting rationally in assuming permanent cessation, this does not mean there can be no cases of this kind. Therefore, despite the two years’ suspension of permissions, it needs to be considered whether the working of minerals at Thrupp Farm is likely to resume.

Although the Thrupp Farm mineral has not been worked since the Enforcement Notice in 1995, once the enforcement issue was resolved, JCSL (J Curtis and Sons Ltd) consistently made clear that it would resume work at Thrupp Farm, after the mineral reserves at Sutton Wick were worked out. The arrangement for the remaining reserves (Area F) to be worked by HTSL and processed at HTSL’s Thrupp Lane plant demonstrates an intention to work Thrupp Farm. HTSL (H. Tuckwell and Sons Ltd) obtained planning permission in 2012 for this development and, in consideration, forwent its claim to a CLEUD and demolished existing plant on its site. HTSL has a reasonable expectation that it will be allowed to work the estimated 0.85 to 1 million tonnes of remaining reserves. A PO would put this in doubt.

Whilst Mr John Curtis made a Statutory Declaration in 2006 suggesting that work had been completed in 1990, I accept that this was a reference to the minerals dug to supply the Tarmac concrete plant and not a reference to all reserves within the ROMP site having been worked out. If there were no viable remaining reserves worthy of working, HTSL would not have gone to the expense and trouble of obtaining the 2012 planning permission.

Therefore, for the reasons given, I conclude that the winning/working/depositing of minerals at the Thrupp Farm ROMP site has not permanently ceased. Consequently, for the purposes of considering whether to confirm the PO, the tests have not been met and the PO should not be confirmed.”

8. In the light of the previous inspector’s view and the weight she attached to the then extant permission for the conveyor and processing plant, it does

seem that, if the council were to proceed with the Prohibition Order prior to the determination of the current application (subject to it being validated) and it were to be appealed, then the council could find itself in a similar position again at a Public Inquiry. A further planning inspector may similarly consider a grant of planning permission further to this new application would be a material consideration that would weigh against supporting the council's position that mineral working had permanently ceased. In such circumstances, and in light of the previous inspector's view, it is your officer's assessment that that any planning permission that may be granted pursuant to this new planning application would be a material consideration in its assessment.

9. However, the new planning application only references the extraction of mineral from part of the Radley ROMP site; it does not provide any support of the intention to further work mineral from the rest of the site. No case is being put forward in the new application with regard to the working of mineral from the rest of the Radley ROMP site. Therefore, members may wish to consider whether or not the submission of this new application means that the previous conclusion that mineral working has permanently ceased needs to be reconsidered once the application has been determined by the County Council. In order to protect the council's position at any appeal, it is considered that any material consideration that comes to the council's notice prior to issuing the Prohibition Order is taken into account.

Conclusion

10. The submission of the new planning application for processing plant, a conveyor and a Bailey Bridge to take the mineral extracted from part of the Radley ROMP site to the H. Tuckwell and Sons yard off Thrupp Lane, might be considered to be new evidence that there is actual intent to work the mineral within the part of the Radley ROMP site cited in support of the application and shown in green on the submitted application Site Location Plan. Therefore, subject to the application being validated, the committee should consider whether, pending the council's determination of the application, it wishes to remain of the view that mineral working has permanently ceased within this limited part of the Radley ROMP site and so that there remains a duty on the Mineral Planning Authority to serve a Prohibition Order.

Recommendation

11. It is **RECOMMENDED** that the Planning & Regulation Committee's previous conclusion from its meeting on 9 September 2019 (Minute 39/19) that mineral working on the Radley ROMP site has permanently ceased and that there is a duty to serve a Prohibition Order be reviewed subject to the planning application submitted for processing plant, a conveyor and a Bailey Bridge for the removal of mineral extracted from part of the ROMP permission areas DD1 and

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DD2 being validated and pending the council's determination of the planning application.

SUSAN HALLIWELL
Director for Planning and Place

May 2020

Planning Report

For: PLANNING AND REGULATION COMMITTEE – 9 SEPTEMBER 2019

By: DIRECTOR FOR PLANNING AND PLACE

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

Division Affected: Kennington and Radley

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

Location: Land at Thrupp Lane and Thrupp Farm, Radley.

District Council Area: Vale of White Horse

Recommendation: **Reserve the review of two deemed determined ROMP permissions.**

Location (see site plan Annex 1)

1. The site is on the eastern outskirts of Abingdon, approximately 1km (0.6miles) south west of Radley village but within Radley Parish.

Site and Setting

2. The area is within the Oxford Green Belt. It is within an area of historic gravel extraction with open countryside beyond. The gravel extraction had been carried out by two companies: JS Curtis and Sons Ltd (Curtis), and H Tuckwell and Sons Ltd (Tuckwell) on two separate sites.
3. On the west it is bounded by the White Horse Leisure Centre and the Abingdon Science Park. On the eastern side, the site is bounded by the Oxford to Didcot Railway Line. The River Thames runs along the southern edge of the site. There is a Wetland Centre on part of the northern edge of the site; the rest is bounded by open countryside.
4. The area is accessed by two roads. Thrupp Lane is the current access to two concrete batching plants and other operations on the two former gravel extraction sites. The other access is via Barton Lane to the west, but this is not currently used. A Byway Open to All Traffic (BOAT) links Barton Lane and Thrupp Lane.

5. The nearest housing is a small group of houses called Thrupp Cottages. These sit alongside the BOAT and are surrounded on all sides by the area that is the subject of this report.

Background

6. There is provision in law for Mineral Planning Authorities to periodically review old mineral permissions (ROMPs) to see whether the conditions attached to the permissions provide adequate environmental control over the development such that they continue to operate to continuously high working and environmental standards. The power to review mineral permissions is discretionary but can be carried out at any time the Mineral Planning Authority may consider necessary provided the first review is at least 15 years after the date of the permission.
7. There are currently two ROMP sites at Radley. Both have conditions granted by deemed determination in 2000 and will be referred to as DD1 (Thrupp Lane) and DD2 (Thrupp Farm) for ease of reference. The area covered by DD1 can be seen on the attached Plan 1, and DD2 can be seen on Plan 2. Plan 3 shows the two ROMP areas and the areas where the two ROMP sites overlap. In order to interpret the site and understand the history of it, Plan 4 divides the land covered by both ROMP sites into 10 areas. Permission DD1 relates to areas 3,4,5,9 and 10; and permission DD2 relates to areas 1, 2, 5, 6, 7, 8, 9 and 10. There is an overlap between the two which relates to areas 5, 9 and 10 only. Area 5 is the only area which hasn't been worked and so is the area from which sand and gravel could still be extracted if a ROMP review permission were in place.
8. A formal notice of review for the whole area covered by DD1 and DD2 was served on 9 October 2015 giving until 31 October 2016 for the submission of a ROMP application. The development is Schedule 1 development further to the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and so any application would also require to be accompanied by an Environmental Statement.
9. No ROMP application was received by that date and so the site entered into automatic suspension on 1 November 2016. A site in suspension cannot resume minerals development until such time as the relevant ROMP application and accompanying Environmental Statement if needed to accompany it has been submitted. No such application was received within the two years period following that date. It is now therefore the case, that should the Mineral Planning Authority consider that that mineral working on the site has permanently ceased, it will be under a duty to serve a Prohibition Order. It is considered by officers that the assessment as to whether mineral working on the site has permanently ceased should be considered when it appears to the Mineral Planning Authority that

minerals development has not occurred to any substantial extent for at least two years and in its view is unlikely to resume to any substantial extent. It may then conclude that it has permanently ceased.

10. The County Council previously served a Prohibition Order in 2012 on DD1 which was appealed and considered by an Inspector appointed on behalf of the Secretary of State at a Public Inquiry in 2014. The inspector did not uphold it after it was determined that there was a deemed permission from 2000 concluding that the County Council therefore had no power to make the Prohibition Order.

11. There are two positions open to the mineral planning authority:

- That mineral working at the site has permanently ceased and that therefore the duty to serve a Prohibition Order has arisen;
- That mineral working at the site has not permanently ceased and that therefore the duty to serve a Prohibition Order has not arisen

The decision as to whether mineral working on the site has permanently ceased is a matter of judgment based on the evidence before the Committee. Considerations of development plan policy, including the contribution that could be made through the permitted reserves to the Council's landbank of sand and gravel and the impacts of any associated traffic or other impacts on the amenity of local residents, are not relevant to the decision. Any Prohibition Order served requires subsequent confirmation by the Secretary of State.

Subsequent Permissions

Area 1:

- Two permissions have been granted since July 2000, both by the District Council. The first is permission for temporary use of the buildings on site. This would not affect the need for a review nor the long term restoration of the site. The second is a Certificate of Lawful Use for a concrete batching plant. This would affect the long term restoration and aftercare of the site. There are current undetermined applications before the District Council to extend the time periods for the temporary uses.

Area 2:

- A permission was submitted prior to the deemed decision, but it was determined after the date of the deemed decision. This allowed the use of the western part of the area as a contractors area for the filling of Lake H (Area 8).

Area 3:

- Part of the site is subject to a condition for a Section 73 application submitted on 12th February 1999 and approved on

5th February 2002. This allowed the use of the south western part of the area as a storage area of restoration material for the filling of Lake H (Area 8).

- Planning permission was granted in January 2003 for the continuation of sand and gravel extraction up to 2007. This was submitted and permitted after the deemed decision.
- Planning permissions were granted in May 2003 and January 2007 for the use of part of the site for ash disposal. A section 73 application was granted in August 2014 which allowed a change from agriculture to conservation restoration.
- Planning permission was granted in July 2012 for the use of the plant site on part of Area 3, to process sand and gravel from part of the ROMP area DD2 (Areas 5,6 and 7) by using a conveyor route through areas 8 and 9. This permission has now lapsed.

Area 4:

- Planning permissions were granted in May 2003 and January 2007 for the use of part of the site for ash disposal.

Areas 8 and 9:

- In May 2002 a Section 73 planning permission was granted for a variation of a scheme submitted in February 1999, prior to the deemed determination of the conditions and granted in February 2002, after the deemed determination of the conditions.
- In October 2001 details pursuant to conditions 5, 13 and 15 to SUT/RAD/5948, a permission granted in February 1982, well before the deemed determination in 2000 were discharged.
- A section 73 application was granted in August 2014 which allowed a change from agriculture to conservation restoration. This permission has been implemented and the site is being restored to nature conservation.

A fuller site history of planning permissions granted is set out at Annex 2.

Discussion

12. As set out above, the key consideration for the County Council as Minerals Planning Authority is whether the minerals development permitted by the ROMP permissions has permanently ceased. It is therefore necessary to weigh the evidence available both for and against this. The national Planning Practice Guidance in paragraph states:

There are unlikely to be many cases in which, after 2 years' suspension, the mineral planning authority would not be acting rationally in assuming that working had permanently ceased.

Paragraph: 210 Reference ID: 27-210-20140306

13. At the Public Inquiry in 2014, the appellant stated that it was intended to recommence mineral working. The inspector took the view that this was good evidence in support of the case that the minerals development had not permanently ceased at that time in area DD1. At that time there was also the extant unimplemented permission in Area 3 for the plant site for the processing of the mineral from Areas 5, 6 and 7 should it be worked. This permission was not implemented by the permitted commencement date of July 2017 and so has now lapsed.
14. In exchanges of correspondence with the interested parties/landowners, they have consistently maintained their position that they do intend at some point to recommence mineral working which it has also been stated would be after the cessation of other permitted mineral working at Sutton Wick. The two current permissions at Sutton Wick require mineral working to cease on 1 March 2022 (the CAMAS land) and 31 December 2027.
15. It is now five years since the Public Inquiry closed. No mineral working was carried out in the area the subject of the ROMP review before the site went into automatic suspension in November 2016. There has been no submission of an application for a review of the conditions, the permission for the plant site which would have been available to process the mineral has lapsed and no application has been made for any alternative. The Council has no other evidence of there being any intention to recommence the minerals development beyond the consistent statements of the intention to recommence following the cessation of mineral working at Sutton Wick. In my view, this stated position is inconsistent with the apparent reluctance to engage and submit a review of the ROMP permissions for determination such that, if it were intended to recommence the working of mineral, it was ready to go whenever the workings at Sutton Wick, which does not hold extensive remaining reserves, had ceased.
16. The national Planning Practice Guidance seems clear and straightforward that it is reasonable to assume after two years suspension that mineral working has permanently ceased. No mineral working has occurred at the ROMP site and it is now two years and ten months since the site went into suspension. Although the interested parties/landowners have maintained a consistent position of the intention to resume working at the cessation of the Sutton Wick mineral extraction sites, other than exchanges of correspondence, they have not taken what seems the obvious opportunity presented to them by the County Council and submitted an application for the review of the ROMP site conditions with an accompanying Environmental Statement.

It is not unreasonable for the County Council as Minerals Planning Authority to take the view that this is contrary to the interested parties/landowners' expressed intentions and provides evidence of a different intention.

Conclusion

17. It is concluded that, on the balance of evidence, the minerals development has permanently ceased and that the duty to serve a Prohibition Order has arisen. The service of a Prohibition Order and its subsequent confirmation by the Secretary of State would provide certainty as to the possibility of mineral working resuming at the ROMP site. However, it would not prevent any subsequent planning applications being made in the normal way for the working of the mineral reserves.
18. The officer view is that it is considered that whilst parts of the site have been worked out, parts restored and parts contain unworked reserves, it would be consistent and for the avoidance of any doubt to serve a Prohibition Order over the whole ROMP site.
19. The interested parties/landowners will have a right of appeal against the service of a Prohibition Order and it is anticipated that if this right is exercised it would lead to a further Public Inquiry at which the Council would have to give evidence and most likely would choose to instruct Counsel to represent it. There would therefore be costs to the Council in doing so and it is also possible that, if it were found that the Council had acted unreasonably such as to have led the appellants to incur costs, costs could be awarded against the Council, as was the case following the 2014 Public Inquiry. However, it is not considered that the Council has to date acted unreasonably in seeking the review of the permissions deemed to have been granted in 2000 and that this should be a reason not to proceed to consider this report and any other additional evidence that may be reported to the committee meeting orally, and so consider whether or not, mineral development has permanently ceased.

RECOMMENDATION

20. It is **RECOMMENDED** that it be determined that mineral working on the site has permanently ceased and that accordingly there is a duty on the Mineral Planning Authority to serve a Prohibition Order of the mineral permissions covering areas DD1 (Plan 1) and DD2 (Plan 2).

SUSAN HALLIWELL
Director for Planning and Place

August 2019

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Annex 2

I've had a look at the submitted planning application and have the following queries:

- 1) In both the application form and the Planning Statement you refer to the conveyor taking the mineral from the ROMP site and quote planning permission no. P/369/71. However, a ROMP permission incorporating this area was approved on 28th July 2000 under reference DD1 (this covers the area marked in purple on your submitted drawing no. 1890-01). At the same time a ROMP permission was also granted for permission no. DD2. This permission overlaps with area DD1. I attach a plan which shows both areas and also the overlap between them. I understand that you are proposing that the conveyor would only serve the movement of mineral extracted from the area shown in green on drawing no. 1890-01. The green area includes land that falls partly in both areas but not entirely in the overlapping area and so I think both permissions DD1 and DD2 need to be referenced in the application documents and so they should be appropriately amended. As you may know, both permissions DD1 and DD2 are now in suspension and so no further mineral extraction can now be carried out in either area until such time as a further ROMP application and accompanying Environmental Statement is received and approval granted.
- 2) The application is a full application but you state that you wish to reserve the details of the Bailey Bridge, processing plant and conveyor for detailed submissions pursuant to conditions. I appreciate that similar conditions were attached by Oxfordshire County Council previously when planning permission MW.0001/20 was granted. However, I don't concur with this previous approach. As the application is for a full planning permission I can't see how the impacts of the application can be assessed without the details of the development proposed being provided. The site is also of course in the Green Belt and I can't see how it can be assessed against Green Belt policies if the details of what is proposed are not provided. Alongside this, as you appreciate, the Council will have to form a Screening Opinion as to whether or not the proposed development is EIA development. You will appreciate that in this instance the potential cumulation with the ROMP developments and the cumulative impact will need to be addressed. Please could you therefore provide the details of the Bailey Bridge, processing plant and the conveyor.

Thank you,

David

David Periam
07824 545378

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For: PLANNING & REGULATION COMMITTEE – 1 June 2020

By: Director for Planning and Place

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

Division Affected: All

Contact Officers:

David Periam, Interim Team Leader, Development Management
Email: David.Periam@Oxfordshire.gov.uk Mobile: 07824 545378

David Flavin, Principal Planning Officer, Development Management
Email David.Flavin@Oxfordshire.gov.uk Mobile 07796 948386

Recommendation

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

Introduction

1. This report updates members on the regular monitoring of minerals and waste planning permissions for the period 1 April 2019 to 31 March 2020 and on the progress of planning enforcement cases.

Compliance Monitoring Visits

2. County Council officers endeavour to pursue and foster good working relationships with operators following the grant of planning permission. The effective monitoring of sites can avoid problems developing and by acting in a proactive manner we can be a positive educator of good practice. This approach can avoid the necessity to act in a reactive way after problems emerge and can avoid the need for enforcement action. Through our efforts we seek to:

- I. identify potential problems early and avoid them developing;
- II. minimise the need to resort to enforcement or other action;

- III. encourage good practice in the first instance thus reducing the need to apply sanctions against bad practice;
 - IV. review planning decisions and agreements made with the County Council;
 - V. facilitate regular liaison and dialogue between operators, the public/local community representatives and the council officers.
3. All sites with an active planning permission are regularly visited on a formal basis. A written report is produced following a site visit and shared with the site occupant. Where elements of non-compliance with a consent are identified this can result in subsequent compliance with matters that are outstanding or in a planning application being made to regularise unauthorised activities on site.
4. Annex 1 provides a schedule of all the sites we monitor. It includes two columns, one which sets out the target visits for the fiscal year 1 April 2019 to 31 March 2020, the second column sets out the number of compliance monitoring visits that have been carried out during that period. **91% of the total targeted visits were carried out**, with virtually all active sites in the county inspected. There are a few instances where visit targets were not met; this is primarily due to the prioritisation of visits to other sites deemed to be in greater need of monitoring or where additional visits (above those targeted) were prioritised to sites where new issues had been identified. The number of visits is not necessarily reflective of workload as site monitoring visits vary in their complexity, both in terms of responding to their planning history and in the action required. Other site visits have been prioritised following complaints from the public or new issues arising that have come to the attention of officers; also, the number of sites visits undertaken varies according to the level of activity on site and the engagement of other stakeholders with whom we work closely, such as the Environment Agency. There were no site monitoring visits during the coronavirus lockdown restrictions which meant that no site monitoring visits could be carried out during the second half of March.
5. To try and achieve good environmental standards countywide, officers have committed to monitoring planning permissions across all the mineral and waste related sites in Oxfordshire. However, you will see that some sites have a zero target, these are minimal risk, small scale or dormant sites (such as sewage treatment works) which we record but will only visit every other year.
6. Of all the 109 sites, 46 are within the remit of Government Regulations that allow the council to charge a fee for conditions monitoring, in that they relate directly to the winning and working of mineral permissions or directly to landfilling permissions.

7. The remaining non-chargeable sites include scrap yards, recycling operations, waste transfer stations, sewage works and composting operations.
8. The current charges are £397 for an active site and aftercare visits. £132 is chargeable for a dormant site where no activity is taking place.
9. Officers determine the target number of visits for each site on a “risk assessment” basis for each site drawing on the following points:
 - I. sensitivity of location
 - II. size and type of development
 - III. number and complexity of planning conditions
 - IV. number of issues requiring monitoring input
 - V. the stage and pace of development
 - VI. breaches of planning control that are or have been observed
 - VII. complaints received for the site.
10. There is an opportunity for operators to enter discussions on how the Council has reached its decision for the number of visits scheduled per year. Having set a target for the number of visits per annum, officers keep the frequency of actual visits under review and adjust the frequency particularly taking account of IV, VI and VII above.

Enforcement

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

Monitoring and Enforcement Service

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

RECOMMENDATION

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

SUE HALLIWELL

Director for Planning & Place

May 2020

Minerals & Waste Compliance Monitoring Sites in Cherwell District

Contact Officers: David Periam, Interim Team Leader, David.Periam@Oxfordshire.gov.uk 07824 545378
David Flavin, Principal Planning Officer, David.Flavin@Oxfordshire.gov.uk 07796 948386

| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|--|-------------------------|-------------------------|-----------------------------|--------|---|--|
| Alkerton CA & Landfill, Alkerton, Nr. Banbury, Oxon. | Alkerton Landfill | W | Aftercare | Full | 1 | 1 |
| | Alkerton CA | W | Active | Nil | | |
| Barford Road Farm, Barford Road, South Newington, Banbury OX15 4JJ | | W | Active | Nil | 1 | 1 |
| Hornton Grounds, Stratford Road, Hornton, Banbury, OX15 6AH. | Alkerton Quarry | M | Active | Full | 3 | 2 |
| | Hornton Grounds Quarry. | M | Active for stone processing | | | |
| | Wroxton | M | Active | Full | | |
| Ardley Quarry, Ardley, Bicester, Oxon, OX27 7PH. | Ardley Landfill | W | Active | Full | 3 | 2 |
| | Ardley EfW | W | Active | Nil | | |
| | Ardley Quarry | M | Active | Full | | |

Minerals & Waste Compliance Monitoring Sites in Cherwell District

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|--|----------------------|-------------------------|-----------------|--------|---|--|
| Ardley Composting Site, Ashgrove Farm, Upper Heyford Road, Ardley, OX27 7PJ. | In-vessel Composting | W | Active | Nil | 1 | 1 |
| Belle Isle Farm, Sibford Road, Hook Norton | | W | Active | Nil | 1 | 1 |
| Dewar's Farm, Ardley Road, Middleton Stoney. | | M | Active | Full | 3 | 3 |
| Horsehay Quarry, Middle Barton Road, Duns Tew. | | M | Active | Full | 3 | 3 |
| Ferris Hill Farm, Sibford Road, Hook Norton, Banbury, OX15 5JY. | | W | Active | Nil | 4 | 2 |
| Finmere Quarry, Banbury Road, Finmere, Oxfordshire, MK18 4AJ. | Finmere (Landfill) | W | Active | Full | 4 | 3 |
| | Widmore | W | Aftercare | Nil | | |
| | MRF | W | Dormant | Nil | | |
| | Sand & Gravel | M | Not Implemented | Full | | |
| Greenhill Farm Quarry, Bletchingdon. | | W | Aftercare | Full | 1 | 1 |

Minerals & Waste Compliance Monitoring Sites in Cherwell District

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31//20 |
|--|----------|-------------------------|---------|--------|---|--|
| Heneff Way - Batching, Heneff Way, Banbury. | | M | Active | Nil | 1 | 1 |
| Heneff Way - Tarmac, Heneff Way, Banbury. | | M | Active | Nil | 1 | 1 |
| L.C. Hughes Scrap Yard, London Road, Bicester. | | W | Active | Nil | 1 | 1 |
| Spittle Farm WTS, Thorpe Road, Overthorpe Industrial Estate, Banbury | | W | Active | Nil | 2 | 2 |
| Shipton on Cherwell Quarry, Shipton on Cherwell, Oxfordshire. | | W | Active | Full | 4 | 3 |
| Smiths of Bloxham - WTS. Milton Road, Bloxham, Banbury. | | W | Active | Nil | 2 | 0 |
| Stratton Audley, Elm Farm Quarry, Stratton Audley. | Landfill | W | Dormant | Low | 1 | 1 |
| White Hill Quarry, Tackley, OXON | | M | Dormant | Low | 1 | 0 |
| Cherwell Total | - | - | - | - | 38 | 29 (76%) |

Minerals & Waste Compliance Monitoring Sites in Oxford City

Contact Officers: David Periam, Interim Team Leader, David.Periam@Oxfordshire.gov.uk 07824 545378
 David Flavin, Principal Planning Officer, David.Flavin@Oxfordshire.gov.uk 07796 948386

| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|--|-------|-------------------------|--------|--------|---|--|
| Jackdaw Lane Scrap Yard | | W | Active | Nil | 1 | 1 |
| Redbridge CA, Old Abingdon Road, Oxford. | | W | Active | Nil | 1 | 1 |
| Oxford City Total | - | - | - | - | 2 | 2 (100%) |

Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District

**Contact Officers: David Periam, Interim Team Leader, David.Periam@Oxfordshire.gov.uk 07824 545378
David Flavin, Principal Planning Officer, David.Flavin@Oxfordshire.gov.uk 07796 948386**

| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/19 |
|---|----------------------|-------------------------|----------------|--------|---|--|
| Ambrose Quarry, Ewelme, Oxon. | | M | Dormant | Low | 1 | 1 |
| Battle Farm, Crowmarsh, Oxon, OX10 6SL. | | W | Active | Nil | 1 | 1 |
| Caversham, Sonning Eye, Reading. | Caversham Main | M | Active | Full | 3 | 2 |
| | Caversham Triangle | M | In restoration | Full | | |
| | Caversham Extension | M | Active | Full | | |
| Chinnor Quarry. | | M | Active | Full | 1 | 2 |
| Culham UKAEA | | W | Active | Nil | 0 | 0 |
| Culham No 1 | | W | Active | Nil | 0 | 1 |
| Ewelme Landfill. Goulds Grove, Ewelme, Wallingford, Oxon. | Ewelme I (Buildings) | W | Active | Nil | 3 | 2 |
| | Ewelme I WTS | W | Active | Nil | | |
| | Ewelme II MRF | W | Active | Nil | | |
| | Ewelme II Landfill | W | Active | Full | | |
| Eyres Lane Waste Transfer Site, Ewelme. | | W | Active | Nil | 2 | 3 |

Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|--|-------|-------------------------|-----------|--------|---|--|
| Greenwoods of Garsington, Scrap Yard, Pettiwell, Garsington, Oxford. | | W | Active | Nil | 2 | 1 |
| Main's Motors Ltd, Woodside, Old Henley Road, Ewelme, Oxon | | W | Active | Nil | 1 | 1 |
| Hundridge Farm, Waste Transfer, Hundridge Farm, Ipsden, Oxon | | W | Active | Nil | 1 | 0 |
| Menlo Industrial Park - Scrap Yard, Roycote Lane, Thame, Oxfordshire, OX9 2JB. | | W | Active | Nil | 1 | 1 |
| Moorend Lane, Thame | | M & W | Active | Full | 3 | 2 |
| New Barn Farm | | M | Active | Full | 4 | 5 |
| Oakley Wood, Old Icknield Way, Crowmarsh | | W | Aftercare | Nil | 1 | 1 |
| Playhatch Quarry - WTS, Dunsden Green Lane, Playhatch, Caversham, Reading. | | W | Active | Nil | 1 | 1 |

Minerals & Waste Compliance Monitoring Sites in South Oxfordshire District

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|------------------------------------|-------|-------------------------|--------|--------|---|--|
| Woodeaton Quarry, Woodeaton, OXON. | | M | Active | Full | 3 | 3 |
| South Oxfordshire Total | - | - | - | - | 28 | 28 (100%) |

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

Contact Officers: David Periam, Interim Team Leader, David.Periam@Oxfordshire.gov.uk 07824 545378
David Flavin, Principal Planning Officer, David.Flavin@Oxfordshire.gov.uk 07796 948386

| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|--|-------|-------------------------|--------|--------|---|--|
| Aasvogel, Waste Transfer Station, Grove Business Park, Grove. | | W | Active | Nil | 1 | 0 |
| Bowling Green Farm, Stanford Road, Faringdon, Oxon. | | M | Active | Full | 3 | 3 |
| Childrey Quarry, Childrey, Wantage, Oxon. | | W | Active | Full | 1 | 2 |
| Prospect Farm, Chilton, Didcot, Oxfordshire, OX11 0ST. | | W | Active | Full | 2 | 2 |
| Drayton CA Site, Drayton, Oxon. | | W | Active | Nil | 1 | 1 |
| Composting Facility, Church Lane, Coleshill, Swindon, SN6 7PR. | | W | Active | Nil | 1 | 1 |
| Farringdon Quarry, Fernham Road, Little Coxwell, Oxfordshire. | | M | Active | Full | 2 | 2 |

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

**Contact Officers: David Periam, Interim Team Leader, David.Periam@Oxfordshire.gov.uk 07824 545378
David Flavin, Principal Planning Officer, David.Flavin@Oxfordshire.gov.uk 07796 948386**

| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|--|--------------------------------|--------------------------------|---------------|---------------|--|---|
| Glebe Farm Composting, Glebe Farm, Hinton Waldrist, Oxfordshire. | | W | Active | Nil | 1 | 3 |
| Haynes of Challow, East Challow, Wantage, Oxon, OX12 9TB. | | W | Active | Nil | 1 | 1 |
| Hatford Quarry, Sandy Lane, Hatford, Oxon, SN7 8JH. | | M | Active | Full | 3 | 3 |
| Hill Farm - Woodchipping, Nr Didcot, Oxfordshire. | | W | Active | Nil | 2 | 1 |
| Quelchs Orchard, Scrap Yard, Charlton, Wantage. | | W | Active | Nil | 1 | 0 |
| Radley Sand and Gravel Plant, Thrupp Lane, Radley. | Curtis Yard & Tuckwell's Plant | M & W | Dormant | Nil | 1 | 1 |

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

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|---|---------------------------------|-------------------------|-----------------|--------|---|--|
| Harwell, UKAE, Harwell, Didcot, OX11 ORA. | | | | | 0 | 0 |
| | Business Park | | Active | Nil | | |
| | Catapult Pit | | Active | Nil | | |
| | Southern Storage | | Active | Nil | | |
| | Waste Management Complex (B462) | W | Active | Nil | | |
| | Western Storage | | Active | Nil | | |
| Radley Ash Disposal Scheme | Lake E | W | Not Implemented | Nil | 1 | 1 |
| | Phase I | W | Aftercare | Full | | |
| | Phase II | W | Aftercare | Full | | |
| | ROMP area | M | ROMP | Full | | |
| Sandhill Quarry, Sands Hill, Faringdon, Oxon, SN7 7PQ. | | M | Dormant | Low | 1 | 1 |
| Shellingford Quarry, Shellingford Crossroads, Stanford In The Vale, Faringdon, Oxon, SN7 8HE. | | W | Active | Full | 3 | 4 |

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

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|--|-------------------|-------------------------|-------------|--------|---|--|
| Stanford in the Vale Waste Disposal and Civic Amenity Site | | W | Active | Nil | 1 | 1 |
| Stone Pitt Barn, Kingston Road, Frilford, Abingdon, OX13 5HB | | W | Active | Nil | 1 | 0 |
| Sutton Courtenay (Hanson), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW. | Batching Plant | W | Active | Nil | 4 | 4 |
| | Bridge Farm | W | Active | Full | | |
| | Rail Head | W | Active | Nil | | |
| | Tarmac plant | W | Active | Nil | | |
| Sutton Courtenay (FCC), Appleford Sidings, Abingdon, Oxfordshire, OX14 4PW. | Composting | W | Active | Nil | 4 | 2 |
| | Landfill | W | Active | Full | | |
| Sutton Wick Landfill, Bassett Lane, Oday Hill, Abingdon. | | W | Aftercare | Full | 1 | 1 |
| Sutton Wick Sand and Gravel, Peep-O-Day Lane, Abingdon, Oxon. | Allen Land | M | Restoration | Full | 3 | 3 |
| | Sutton Wick Plant | M | Active | Nil | | |
| | CAMAS | M | Active | Full | | |

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

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|--|-------|-------------------------|-------------|--------|---|--|
| Swannybrook Farm, Kingston Bagpuize | | W | Active | Nil | 2 | 1 |
| Tubney Woods Sand Quarry and Landfill Site, Besselsleigh, Oxfordshire. | | M | Restoration | Full | 1 | 1 |
| Upwood Park Sand Quarry and Landfill Site, Besselsleigh, Oxfordshire. | | M | Active | Full | 3 | 2 |
| Whitecross Metals, Whitecross, Abingdon, Oxon. | | W | Active | Nil | 1 | 1 |
| Wicklesham Quarry, Faringdon, Oxfordshire. | | M | Aftercare | Full | 2 | 2 |
| Vale of White Horse Total | - | - | - | - | 48 | 44 (91%) |

Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District

Contact Officers: David Periam, Interim Team Leader, David.Periam@Oxfordshire.gov.uk 07824 545378
David Flavin, Principal Planning Officer, David.Flavin@Oxfordshire.gov.uk 07796 948386

| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|---|-----------------|-------------------------|------------|--------|---|--|
| B & E Skips, 115 Brize Norton Road, Minster Lovell, Oxon, OX29 0SQ. | Minster Lovell | W | Active | Nil | 2 | 1 |
| Burford Quarry, Burford Road, Brize Norton, Oxfordshire. | Quarrying | M | Active | Full | 3 | 3 |
| | Manufacturing | | | | | |
| Castle Barn Quarry, Sarsden | | M | Active | Full | 3 | 2 |
| City Farm, Eynsham. | City Farm I | W | Aftercare | Full | 1 | 1 |
| | New Wintle Farm | W | Active | Nil | | |
| | | W | Aftercare | Nil | | |
| New Wintle Farm | | W | Non-active | Nil | 3 | 5 |
| Controlled Reclamation, Dix Pit, Stanton Harcourt, Oxon. | | W | Active | Full | 2 | 1 |
| Sheehan Recycled Aggregates, Dix Pit, Stanton Harcourt, Oxon. | Wash Plant | W | Active | Nil | 2 | 1 |
| Cornbury Park, (Quarrying) Charlbury, Oxon. | | M | Active | Full | 1 | 1 |

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|---|-------------------------|-------------------------|----------|--------|---|--|
| Crawley Scrap Yard | | W | Active | Nil | 1 | 1 |
| Deans Pit CA Site, Chadlington. | | W | Closed | Nil | 1 | 1 |
| Dix Pit, Stanton Harcourt, Oxon. | Conblock | W | Dormant | Nil | 3 | 3 |
| | Dix Pit CA | W | Active | Nil | | |
| | Dix Pit Landfill Site | W | Active | Full | | |
| | North Shore | M | Complete | Full | | |
| | Premix - Hanson | M | | Nil | | |
| Enstone Airfield Waste Transfer. Unit 1, Enstone Airfield, Enstone, Oxon. | Waste Transfer (Unit 1) | W | Dormant | Nil | 3 | 3 |
| | Sound Attenuation Bunds | W | Active | Full | | |
| Ethos Waste Transfer Lakeside Industrial Estate, Standlake, Oxon | | W | Dormant | Nil | 4 | 2 |

Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|---|------------------|-------------------------|-----------|--------|---|--|
| Fraser Evans & Sons, Worsham Quarry, Minster Lovell, Oxon. | Tyre Recycling | W | Active | Nil | 1 | 1 |
| | Landfill | W | Aftercare | Full | | |
| Worsham (Asthall) | | W | Active | Nil | 1 | 1 |
| Gill Mill, Tar Farm, Gill Mill Complex, Ducklington, Oxfordshire. | Rushey Common | M | Aftercare | Full | 3 | 2 |
| | Gill Mill Quarry | M | Active | Full | | |
| Great Tew Quarry, Butchers Hill, Great Tew, Oxon. | | M | Active | Full | 3 | 3 |
| Hardwick Batching Plant, Adj. B4449, Hardwick, Oxon. | CEMEX | M | Active | Nil | 2 | 1 |
| Hardwick Recycling, Adj. B4449, Hardwick, Oxon. | Fergal Yard | W | Active | Nil | 1 | 1 |
| Hickman Bros Landscapes, Burford | | W | Active | Nil | 1 | 1 |
| Alder & Allen, Lakeside Industrial Estate, Standlake | | W | Active | Nil | 1 | 1 |

Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|---|---------|-------------------------|--------|--------|---|--|
| Manor Farm - Waste Transfer, Kelmscott, GL7 3HJ. | | W | Active | Nil | 1 | 1 |
| Ubico, Downs Road WTS, Witney, Oxon. | | W | Active | Nil | 1 | 1 |
| Mick's Skips (Hackett's Yard), Lakeside Industrial Estate, Standlake, Oxon. | | W | Active | Nil | 1 | 1 |
| Mick`s Skips (Witney) | | W | Active | Nil | 1 | 1 |
| Sandfields Farm, Over Norton, Oxfordshire. | | W | Active | Nil | 2 | 2 |
| Rollright Quarry, Chipping Norton. | Phase 1 | M | Active | Full | 2 | 1 |
| | Phase 2 | M | Active | Full | | |
| Showell Farm, Chipping Norton, Oxon OX7 5TH. | | W | Active | Nil | 1 | 1 |
| Slope Hill Quarry, Glympton. | | W | Active | Nil | 2 | 3 |
| Old Railway Halt, Grt Rollright | | W | Active | Nil | 1 | 1 |

Minerals & Waste Compliance Monitoring Sites in West Oxfordshire District

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| Address | Sites | Type - Mineral or Waste | Status | Charge | Target Visits for year 01/04/19 to 31/03/20 | Visits completed for the period 01/04/19 to 31/03/20 |
|---|-------------------|-------------------------|-----------|--------|---|--|
| Steve Claridge Motor Salvage, Carterton | | W | Active | Nil | 1 | 1 |
| Sturt Farm, Units 2A, 4 Sturt Farm Ind, Burford. | | W | Active | Nil | 1 | 1 |
| Watkins Farm, Linch Hill, Stanton Harcourt, OXON. OX29 5BJ. | ROMP area | M | Aftercare | Full | 3 | 3 |
| | Stonehenge Farm | M | Dormant | Full | | |
| | Ireland Land | M | Dormant | Full | | |
| Whitehill Quarry, Adj. A40, Burford, OXON. | | M | Active | Low | 1 | 1 |
| Worton Rectory Farm, Cassington, OXON. OX29 4SU. | Cassington Quarry | M | Active | Full | 4 | 4 |
| | Worton Composting | W | Active | Nil | | |
| | M&M WTS | W | Active | Nil | | |
| West Oxfordshire Total | - | - | - | - | 63 | 59 (94%) |
| Oxfordshire Total | - | - | - | - | 179 | 162 (91%) |

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Progress of Enforcement Cases

Contact Officers: David Periam, Interim Team Leader, David.Periam@Oxfordshire.gov.uk 07824 545378
 David Flavin, Principal Planning Officer, David.Flavin@Oxfordshire.gov.uk 07796 948386

| Location | Alleged Breach of Planning Control | Progress |
|--|---|---|
| South Oxfordshire District Council | | |
| New Barn Farm | Breach of Condition – Use of temporary entrance | Vehicles leaving the site tracking mud on the public highway. HGVs ignoring no right turn instructions. The operator scaled up the cleaning of the public highway, improved the surface of the temporary access road, created a wash-down area for lorries leaving the site and installed no right turn signs. Case closed. |
| Chinnor Quarry | Breach of Condition – Aftercare | A complaint about an area of scrub established at Chinnor Quarry, which is not part of the agreed landscaping. Aftercare meeting with the representatives of the landowner conducted. Required actions agreed to be carried out. Overseeing of aftercare actions carried out in 2020 continuing. |
| Great Gardens, Land to the rear of Chiltern Park Aerodrome | Unauthorised waste operations | A large amount of green waste stockpiled on agricultural land by a gardening company. All waste operations ceased, land restored to original condition. Case closed. |
| Land at Lower Icknield Way, Chinnor | Unauthorised deposit of waste | Report of waste soil and rubble not removed following previous housing development. Currently under investigation. |
| Land adj. Sewage Works, Clifton Hampton | Unauthorised deposit of waste | A large amount of waste soil; construction and demolition waste and wood deposited on hardstanding adjacent to the Culham Science Park. PCN served. Enforcement proceedings continuing. |
| Former MOD Warehouse, Pyrton Lane, Watlington | Unauthorised waste operations | Waste wood and carpet have been brought to the site, stored and processed (chipped) without planning permission. A PCN has been served. The waste activity ceased. Enforcement proceedings held in abeyance pending the clearance of the land. Maintain watching brief. |

| Vale of White Horse | | |
|--|---|---|
| W&S Recycling, Hanney Road Steventon | Unauthorised waste operations | Report of an unauthorised waste sorting station. Desk-based assessment and on-site investigation carried out. No breach of planning control was identified. Case closed. |
| Shellingford Quarry, Faringdon Road, Faringdon | Breach of Condition – mud on the public highway. | Complaints about mud and debris being tracked onto the public highway. Officers liaised with the operator. A wheel spinner as an addition to the wheel wash on site was installed. Officers continue to monitor the situation. |
| Shellingford Quarry, Faringdon Road, Faringdon | Breach of Condition – Unsheeted vehicles | New signs were installed to remind drivers of sheeting requirements which is checked by the weighbridge staff. System of warnings and fines to non-complying drivers was put in place by the operator. Case closed. |
| Hatford Quarry, Fernham Road | Breach of Condition – mud and sand deposited on the public highway | Complaint about mud and sand deposited on the public highway by HGVs leaving the quarry. An Assessment of the mud on the road at the time of the last monitoring visit was light to medium staining. Maintain watching brief. |
| Swannybrook Farm, Abingdon Road, Kingston Bagpuize | Breach of Conditions – concrete crushing; operating beyond site boundary; excessive HGV movements; excessive stockpile height | Waste operations being carried out outside of the site boundary of the permitted waste soils recycling site, unauthorised use of concrete crusher, an excessive height of stockpiles and excessive number of HGVs. Planning applications MW.0135/19 & MW.0134/19 were submitted by the operator to regularise the unauthorised activities. These are currently under consideration. Stockpiles were reduced to the permitted height following site visit and liaison with the operator. The site is located within wider industrial area. Majority of HGV movements to and from the area are not related to the waste site. |
| Sutton Wick Quarry, Oday Hill, Basset Lane, Abingdon, Oxon, OX14 4AB | Breach of Condition – development not to plan | Mineral extraction has commenced without provision of necessary recharge trench which may affect hydrology. The operator is seeking advice and guidance on an alternative solution with their hydrologists. Investigations continuing. |
| Bridge Farm Quarry, Sutton Courtenay, OX14 4PP | Unauthorised development | Bridge Farm extension has not been properly implemented as extraction has begun in Phase 7A/B, contrary to the planning permission P16/V2694/CM (MW.0127/16) issued on 1 st June 2018. A planning application (MW.0049/19) was submitted by the operator to regularise the points of non-compliance and planning permission has been granted. Case closed. |

| | | |
|--|--|--|
| Draycott Moor Farm, Longworth Road, Southmoor, OX13 5JA | Unauthorised development | Report of unauthorised waste sorting site. A site visit conducted. Investigations continuing. |
| Cherwell | | |
| Ferris Hill Farm | Unauthorised picking station plant fixed to the land. | Site monitoring visit established that a waste transfer picking station has been erected on the land but not in accordance with the most recent planning permission – 15/01828/CM (MW.0132/15). The operator has advised that this is a temporary arrangement whilst the groundworks to implement the approved planning permission are completed. A timetable for the completion of works agreed with the operator. Maintain a watching brief. |
| Lower Nill Farm, Hook Norton Road | Unauthorised quarrying and deposit of waste | PCN served and enforcement proceedings continuing. |
| Lodge Farm, Shenington | Unauthorised waste operation – wood recycling | Site visited by an officer, but no evidence of the described activity noted. Case closed. |
| Shipton-on-Cherwell Quarry | Breach of Conditions – development not to plan; the deadline for the cessation of mineral extraction; import of aggregates, submission of aftercare schemes; breach of the approved mineral extraction area; breach of the depth of mineral working; submission of restoration schemes | The operator`s planning agent advised the MPA that they intend to submit a planning application to regularise the non-compliances. At the time of writing the MPA is unaware of the scope and nature of the proposal. PCN served. Enforcement proceedings continuing. |
| Shipton-on-Cherwell Quarry, Bunkers Hill | Breach of routeing agreement & condition restricting HGV movements | Reports of HGVs not complying with the routeing agreement in place and using A4095 via Bladon. The site operator informed us that they supply local developments with aggregate from both Shipton and Hatford Quarries as well as |

| | | |
|---|---|--|
| | | collect construction and demolition waste. Specific movements raised with the quarry operator. The local developments which are under construction have increased the number of vehicles using the prohibited roads for local deliveries and collections as per the terms of the routeing agreement. Traffic monitoring survey commissioned. Investigations continuing as the MPA keeps receiving complaints about the HGV movements. |
| Land adjoining Yarnton Road, Cassington | Unauthorised mineral extraction | Site visit confirmed no quarrying activity. The site used by sub-contractor of SSE to carry out civil works. A portion of the site is used for storage and sorting of inert waste from groundworks. The waste activity was considered to be minor with respect to other operations taking place on the site. The operator is in liaison with the district council to obtain planning permission. |
| Alkerton Quarry, Alkerton | Unauthorised mineral extraction | Complaint received about mineral extraction taking place at a dormant quarry. Reported activities are in line with planning permissions in place. |
| Land south of Barford Road, South Newington | Unauthorised deposit of waste | A large quantity of waste soils imported on land from a development site in Hook Norton to fill a lake on agricultural land. PCN Served. The landowner asserts that the import of material is required to provide for an area of hard surface (for the storage of hay and straw), which is permitted development under Class A of Part 6 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The case was reported to the Environment Agency for their investigation. Maintain a watching brief. |
| Stratton Audley Quarry | Unauthorised deposit of waste and on-going breach of planning conditions – failure to restore | The site was required to be restored by 31 st December 2008. OCC has ten years from that date in which to bring enforcement proceedings for on-going breach of planning control as reported to Planning & Regulation Committee on 29 th October 2018. Enforcement Notice was served and withdrawn. Planning application MW.0120/18 was submitted by the landowner seeking to allow extension of time for the completion of the restoration and withdrawn. In both cases this was by agreement pending submission of a further application to address the need for a revised restoration scheme taking into account the presence of protected habitats and species. |

| | | |
|---|---|--|
| Finmere Landfill & Quarry, Finmere, OXON | Unauthorised deposit of waste & Breach of Conditions | 17/02083/CM (Sand Gravel and Clay) – Phase 2 has been backfilled with a higher quantity of overburden and quarry waste (largely derived from the preparation of landfill cell 10) than the approved 84,510m ³ , required to restore the phase to agriculture. This has resulted in an extensive and substantial stockpile, above the whole phase, not in accordance with permission no. 17/01189/CM which relates to the completion of capping in cells 3,6 and 9 and the further restoration of cells 1,2,3,6 and 9 and the deposit of a topsoil mound not used as part of the restoration. Planning application MW.0041/19 seeking to regularise the temporary retention of the overburden mound was submitted to this authority for consideration and a decision on this is pending, awaiting the submission of further environmental information. Planning application MW.0030/19 was submitted to regularise the positioning of processing and batching plant in the southern part of the site. There are other technical breaches of planning conditions which have been raised with the site operator. |
| West Oxfordshire | | |
| Land at Dix Pit, D&M Plant Hire | Unauthorised development outside of retrospective planning application area | All aggregate and recycling activities noted were carried out within the red-line area of planning application MW.0059/19. Planning application is pending approval subject to completion of a legal agreement. |
| Ethos (William Wyatt`s Yard), Standlake Industrial Park | Unauthorised waste operations | Stockpiling and removal of previous deposit of unauthorised waste. PCN served. Immune from enforcement action. Operator to submit a planning application to the district council. Site is closely monitored by the Monitoring & Enforcement Team. |
| Land West of Fish Hill Farm, Drakes Lane | Unauthorised disposal of waste | A small uncovered pit filled with a significant amount of waste bottles and cans with an adjacent larger area of spoil. PCN served. Landowner confirmed that stripping back of topsoil and excavation to improve the drainage of land is carried out and no import of waste took place. Fly-tipping of waste bottles and cans removed with evidence of proper disposal. Maintain a watching brief. |
| Enstone Shooting Range, Enstone Airfield, Chipping Norton | Unauthorised waste operations | A site importing waste outside of the approved area. Planning permission MW.0043/18 to regularise the use of the site extension was granted. Case closed. |

| | | |
|--|--|---|
| Con Rec, Dix Pit, Stanton Harcourt | Breach of Conditions - Extending Height of Landfill | Breach of Conditions – non-compliance with Condition 1 (to complete in accordance with plans and particulars), Condition 2 (to complete restoration to contours by 18 th April 2018), Condition 3 (landscape planting) and Condition 4 (sowing of grass seed) of planning permission reference 16/04159/CM (MW.0141/16) The site remains over-tipped and unrestored. Planning Enforcement Notice served to formally require works to be completed to plan but this quashed on appeal. Subsequently, the Enforcement Notice was quashed by the Planning Inspectorate. Planning application MW.0126/19 to regularise the breach of planning control was approved. Case closed. |
| Manor Farm, High Street, Great Rollright | Unauthorised quarrying and deposit of waste | PCN served on the landowner and the operator. Enforcement considerations continuing. |
| New Wintles Farm, Eynsham, Witney, OX29 4EG | Breach of Conditions – Mud on the road | 17/00055/CM – Condition 1 & 5. Requires that a wheel wash be installed, and that mud not be tracked onto the highway. Spot checks confirmed the breach of planning control. The operator commissioned necessary works and deployed road sweeper. Operator ceased trading. Maintain a watching brief. |

Planning Enforcement – Glossary of Terms

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

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PLANNING & REGULATION COMMITTEE – 1 JUNE 2020

Policy Annex (Relevant Development Plan and other Policies)

Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

POLICY M2: PROVISION FOR WORKING AGGREGATE MINERALS

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

- sharp sand and gravel - 1.015 mtpa giving a total provision requirement of 18.270 million tonnes
- soft sand - 0.189 mtpa giving a total provision requirement of 3.402 million tonnes
- crushed rock - 0.584 mtpa giving a total provision requirement of 10.512 million tonnes from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive.

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

- at least 7 years for sharp sand and gravel;
 - at least 7 years for soft sand;
 - at least 10 years for crushed rock;
- in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.

POLICY M3: PRINCIPAL LOCATIONS FOR WORKING AGGREGATE MINERALS

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

Sharp sand and gravel

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

- The Thames, Lower Windrush and Lower Evenlode Valleys area from Standlake to Yarnton;
- in southern Oxfordshire (South Oxfordshire District and Vale of White Horse District):
- The Thames and Lower Thame Valleys area from Oxford to Cholsey;
- The Thames Valley area from Caversham to Shiplake.

Soft sand

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

Crushed rock

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

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

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

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

POLICY M5: WORKING OF AGGREGATE MINERALS

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

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

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

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

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

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

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

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

POLICY M10: RESTORATION OF MINERAL WORKINGS

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

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

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

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

POLICY W1: OXFORDSHIRE WASTE TO BE MANAGED

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

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

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

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

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

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

POLICY W2: OXFORDSHIRE WASTE MANAGEMENT TARGETS

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

Oxfordshire waste management targets 2016 – 2031

| | | Year | | | |
|------------------------|--|------|------|------|------|
| | | 2016 | 2021 | 2026 | 2031 |
| MUNICIPAL WASTE | Composting & food waste treatment | 29% | 32% | 35% | 35% |
| | Non-hazardous waste recycling | 33% | 33% | 35% | 35% |
| | Non-hazardous residual waste treatment | 30% | 30% | 25% | 25% |

| | | | | | |
|---|---|------|------|------|------|
| | Landfill (these percentages are not targets but are included for completeness) | 8% | 5% | 5% | 5% |
| | Total | 100% | 100% | 100% | 100% |
| COMMERCIAL & INDUSTRIAL WASTE | Composting & food waste treatment | 5% | 5% | 5% | 5% |
| | Non-hazardous waste recycling | 55% | 60% | 65% | 65% |
| | Non-hazardous residual waste treatment | 15% | 25% | 25% | 25% |
| | Landfill (these percentages are not targets but are included for completeness) | 25% | 10% | 5% | 5% |
| | Total | 100% | 100% | 100% | 100% |
| CONSTRUCTION, DEMOLITION & EXCAVATION WASTE | <i>Proportion of Projected Arisings taken to be Inert*</i> | 80% | 80% | 80% | 80% |
| | Inert waste recycling (as proportion of inert arisings) | 55% | 60% | 65% | 70% |
| | Permanent deposit of inert waste other than for disposal to landfill** (as proportion of inert arisings) | 25% | 25% | 25% | 25% |
| | Landfill (as proportion of inert arisings) (these percentages are not targets but are included for | 20% | 15% | 10% | 5% |

| | | | | | |
|--|--|------|------|------|------|
| | completeness) | | | | |
| | Total (inert arisings) | 100% | 100% | 100% | 100% |
| | <i>Proportion of Projected Arisings taken to be Non- Inert*</i> | 20% | 20% | 20% | 20% |
| | Composting (as proportion of non-inert arisings) | 5% | 5% | 5% | 5% |
| | Non-hazardous waste recycling (as proportion of non-inert arisings) | 55% | 60% | 65% | 65% |
| | Non-hazardous residual waste treatment (as proportion of non-inert arisings) | 15% | 25% | 25% | 25% |
| | Landfill (as proportion of non-inert arisings) (these percentages are not targets but are included for completeness) | 25% | 10% | 5% | 5% |
| | Total (non-inert arisings) | 100% | 100% | 100% | 100% |

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

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

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

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

Non-hazardous waste

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

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

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

Inert waste

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

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

General

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

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

POLICY C1: SUSTAINABLE DEVELOPMENT

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

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

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

POLICY C2: CLIMATE CHANGE

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

POLICY C3: FLOODING

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

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

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

POLICY C4: WATER ENVIRONMENT

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

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

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

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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

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

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

POLICY C6: AGRICULTURAL LAND AND SOILS

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

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

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

POLICY C7: BIODIVERSITY AND GEODIVERSITY

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

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

In all other cases, development that would result in significant harm will not be permitted unless the harm can be avoided, adequately mitigated or, as a last resort, compensated for to result in a net gain in biodiversity (or geodiversity). In addition:

- (i) Development that would be likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other development) will not be permitted except where the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the Site of Special Scientific Interest and any broader impacts on the national network of Sites of Special Scientific Interest.
- (ii) Development that would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged or veteran trees, will not be permitted except where the need for and benefits of the development in that location clearly outweigh the loss.
- (iii) Development shall ensure that no significant harm would be caused to:

 - Local Nature Reserves;
 - Local Wildlife Sites;
 - Local Geology Sites;
 - Sites of Local Importance for Nature Conservation;
 - Protected, priority or notable species and habitats,

except where the need for and benefits of the development in that location clearly outweigh the harm.

All proposals for mineral working and landfill shall demonstrate how the development will make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity (including fossil remains and trace fossils), including contributing to the objectives of the Conservation Target Areas wherever possible. Satisfactory long-term management arrangements for restored sites shall be clearly set out and included in proposals. These should include a commitment to ecological monitoring and remediation (should habitat creation and/or mitigation prove unsuccessful).

POLICY C8: LANDSCAPE

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

Great weight will be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and high priority will be given to the enhancement of their natural beauty. Proposals for minerals and waste development within an AONB or that would significantly affect an AONB shall demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan. Major developments within AONBs will not be permitted except in exceptional circumstances and where it can be demonstrated they are in the public interest, in accordance with the 'major developments test' in the NPPF (paragraph 116). Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

POLICY C9: HISTORIC ENVIRONMENT AND ARCHAEOLOGY

Proposals for minerals and waste development will not be permitted unless it is demonstrated, including where necessary through prior investigation, that they or associated activities will not have an unacceptable adverse impact on the historic environment.

Great weight will be given to the conservation of designated heritage assets: Blenheim Palace World Heritage Site; scheduled monuments; listed buildings; conservation areas; historic battlefields; registered parks and gardens; and non-designated archaeological assets which are demonstrably of equivalent significance to a scheduled monument; and the setting of those assets.

Where an application would affect a non-designated heritage asset, the benefits of the proposal will be balanced against the scale of harm to or loss of the heritage asset and its significance.

Where, following assessment of an application, the loss (wholly or in part) of a heritage asset is considered acceptable in principle, the applicant will be required to record and advance understanding of that asset, proportionate to the nature and level of the asset's significance, and to publish their findings.

Proposals for mineral working and landfill shall wherever possible demonstrate how the development will make an appropriate contribution to the conservation and enhancement of the historic environment.

POLICY C10: TRANSPORT

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

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

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

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

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

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

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

POLICY C11: RIGHTS OF WAY

The integrity and amenity value of the rights of way network shall be maintained and if possible it shall be retained in situ in safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. If permanent diversions are required, these should seek to enhance and improve the public rights of way network.

Improvements and enhancements to the rights of way network will generally be encouraged and public access sought to restored mineral workings, especially if this can be linked to wider provision of green infrastructure. Where appropriate, operators and landowners will be expected to make provision for this as part of the restoration and aftercare scheme.

Vale Local Plan 2031 Part 1 (VLP1)

CORE POLICY 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

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

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

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

CORE POLICY 39: HISTORIC ENVIRONMENT

The Council will work with landowners, developers, the community, Historic England and other stakeholders to:

- i. ensure that new development conserves, and where possible enhances, designated heritage assets and non-designated heritage assets and their setting in accordance with national guidance and legislation¹
- ii. ensure that vacant historic buildings are appropriately re-used as soon as possible to prevent deterioration of condition
- iii. seek to reduce the number of buildings on the “Heritage at Risk” Register and to aid in their protection
- iv. encourage better understanding of the significance of Scheduled Monuments on the “Heritage at Risk” Register and to aid in their protection
- v. better understanding of the significance of Conservation Areas in the district through producing Conservation Area Character Appraisals and Management Plans
- vi. identify criteria for assessing non delegated heritage assets and maintaining a list of such assets as Locally Listed Buildings, and
- vii. encourage Heritage Partnership Agreements, particularly for Listed Buildings on any ‘at risk’ register.

¹Planning (Listed Buildings and Conservation Areas) Act 1990

CORE POLICY 42: FLOOD RISK

The risk and impact of flooding will be minimised through:

- i. directing new development in areas where the lowest probability of flooding
- ii. ensuring that all new development addresses the effective management of all sources of flood risk
- iii. ensuring that development does not increase the risk of flooding elsewhere and
- iv. ensuring wider environmental benefits of development in relation to flood risk.

The suitability of development proposed in flood zones will be strictly assessed using the Sequential Test, and, where necessary, the Exceptions Test. A sequential approach should be used at site level.

A site-specific flood assessment will be required for all developments of 1 hectare or greater in Flood Zone 1 and, for all proposals for new development, including minor development and change of use in Flood Zone 2 and 3 and, in Critical Drainage Areas, and also where proposed development or a change of use to a more vulnerable class that may be subject to other forms of flooding. Appropriate mitigation and management measures will be required to be implemented.

All development proposals must be assessed against the Vale of White Horse and South Oxfordshire District Council Strategic Flood Risk Assessment and the Oxfordshire Local Flood Risk Management Strategy to address locally significant flooding. Appropriate mitigation and management measures must be implemented.

All development will be required to provide a drainage strategy. Developments will be expected to incorporate sustainable drainage systems and ensure that run-off rates are attenuated to greenfield run off rates. Higher rates would need to be justified and the risks quantified. Developers should strive to reduce run-off rates for existing developed sites.

Sustainable drainage systems should seek to enhance water quality and biodiversity in line with the Water Development Framework (WDF).

CORE POLICY 43: NATURAL RESOURCES

The Council encourages developers to make provision for the effective use of natural resources where applicable including:

- i. minimising waste and making adequate provision for the recycling of waste on site
- ii. using recycled and energy efficient materials
- iii. maximising passive solar heating, lighting, natural ventilation, energy and water efficiency and re-use of materials
- iv. making efficient use of water, for example through rainwater harvesting and grey water
- v. causing no deterioration in, and where possible, achieving improvements on water quality
- vi. takes account of, and if located within an AQMA is consistent with, the Council's Air Quality Action Plan
- vii. ensuring that the land is of a suitable quality for development and that remediation of contaminated land is undertaken where necessary
- viii. avoiding the development of the best and most versatile agricultural land, unless it is demonstrated to be the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality, and
- ix. re-using previously developed land, provided it is not of high environmental value.

CORE POLICY 44: LANDSCAPE

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

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

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

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

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

CORE POLICY 45: GREEN INFRASTRUCTURE

A net gain in Green Infrastructure, including biodiversity, will be sought either through on-site provision or off-site contributions and the targeted use of other funding sources. A net loss of Green Infrastructure, including biodiversity, through development proposals, will be resisted.

Proposals for new development must provide adequate Green Infrastructure in line with the Green Infrastructure Strategy. All major applications must be accompanied by a Statement demonstrating that they have taken into account the relationship of the proposed development to existing Green Infrastructure and how this will be retained and enhanced. Proposals will be required to contribute to the delivery of new Green Infrastructure and/or the improvement of existing assets including Conservation Target Areas in accordance with the standards in the Green Infrastructure Strategy and Habitats Regulations Assessment.

CORE POLICY 46: CONSERVATION AND IMPROVEMENT OF BIODIVERSITY

Development that will conserve, restore and enhance biodiversity in the district will be permitted. Opportunities for biodiversity gain, including the connection of sites, large-scale habitat restoration, enhancement and habitat re-creation will be actively sought, with a primary focus on delivery in the Conservation Target Areas. A net loss of biodiversity will be avoided.

The highest level of protection will be given to sites and species of international nature conservation importance (Special Areas of Conservation and European Protected Species) Development that is likely to result in a significant effect, either alone or in combination, on such sites and species will need to satisfy the requirements of the Habitat Regulations*.

Development likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or of importance for geological conservation interests, either directly or indirectly, will not be permitted unless:

- i. the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest;
- ii. it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and
- iii. measures can be provided (and are secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for, the adverse effects likely to result from development.

The habitats and species of importance to biodiversity and sites of geological interest considered in relation to points i) to iii) comprise:

- Sites of Special Scientific Interest (SSSI)
- Local Wildlife Sites
- Local Nature Reserves
- Priority Habitats and species listed in the national and local Biodiversity Action Plan
- Ancient woodland and veteran trees
- Legally Protected Species
- Locally important Geological Sites

The level of protection and mitigation should be proportionate to the status of the habitat or species and its importance individually and as a part of a wider network.

It is recognised that habitats/areas not considered above (i.e. Nationally or Locally designated and not priority habitats) can still have a significant biodiversity value within their local context, particularly where they are situated within a Conservation Target Area and/or they have good potential to be restored to priority habitat status or form/have good potential to form links between priority habitats or act as corridors for priority species. These habitats will be given due weight in the consideration of planning applications. If significant harm to these sites cannot be avoided (though locating on an alternative site with less harmful impacts) it will be expected that mitigation will be provided to avoid a net loss in biodiversity or, as a last resort, compensation will be required to offset the impacts and achieve a net gain in biodiversity.

*Habitats Directive 93/43/EEC of 21 May 1992.

Vale of the White Horse Local Plan 2031 Part 2 (VLP2)

DEVELOPMENT POLICY 16: ACCESS

All proposals for new development will be required to be of high quality design in accordance with Core Policy 37: Design and Local Distinctiveness. In addition to those criteria set out in Core Policy 37 and other relevant Local Plan policies, proposals for development will also need to provide evidence to demonstrate that:

- i. adequate provision will be made for loading, unloading, circulation, servicing and vehicle turning, and
- ii. acceptable off-site improvements to the highway infrastructure (including traffic management measures), cycleways, public rights of way and the public transport network can be secured where these are not adequate to service the development.

DEVELOPMENT POLICY 17: TRANSPORT ASSESSMENTS AND TRAVEL PLANS

Proposals for major development will need to be supported by a Transport Assessment or Statement and Travel Plan in accordance with Oxfordshire County Council guidance, including their Walking and Cycling Design Standards, and the latest National Planning Practice Guidance. The scope of the assessment should be agreed with the county council as highway authority, in association with the district council as the planning authority. Highways England should also be consulted as appropriate, in accordance with Highways England guidance.

The Transport Assessment and Travel Plan should consider opportunities to support the take up of electric and/or low emission vehicles, in accordance with latest best practice, and in particular if part of mitigation identified in line with Development Plan Policy 26: Air Quality.

The Transport Assessment and Travel Plan will need to demonstrate consistency with Core Policy 37: Design and Local Distinctiveness in addition to the sustainable transport priorities identified in Local Plan 2031: Part 1 and other relevant Local Plan policies.

DEVELOPMENT POLICY 23: IMPACT OF DEVELOPMENT ON AMENITY

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

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

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

DEVELOPMENT POLICY 25: NOISE POLLUTION

Noise-Generating Development

Noise-generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation that should take account of:

- i. the location, design and layout of the proposed development
- ii. existing levels of background noise
- iii. measures to reduce or contain generated noise, and
- iv. hours of operation and servicing.

Development will not be permitted if mitigation cannot be provided within an appropriate design or standard^a.

Noise-sensitive Development

Noise-sensitive development in locations likely to be affected by existing sources of noise^b will be expected to provide an appropriate scheme of mitigation to ensure appropriate standards of amenity are achieved for future occupiers of the proposed development, taking account of:

- i. the location, design and layout of the proposed development
- ii. measures to reduce noise within the development to acceptable levels, including external areas, and
- iii. the need to maintain adequate levels of natural light and ventilation to habitable areas of the development.

In areas of existing noise, proposals for noise-sensitive development should be accompanied by an assessment of environmental noise and an appropriate scheme of mitigation measures.

Development will not be permitted if mitigation cannot be provided to an appropriate standard with an acceptable design.

^aCurrently set out in British Standards 4142:2014 and 8233:2014. The Council is currently developing guidance relating to noise mitigation.

^bBusy roads, railway lines, aerodromes, industrial/commercial developments, waste, recycling and energy plant, and sporting, recreation and leisure facilities.
Development Policy 24: Noise Pollution.

DEVELOPMENT POLICY 36: HERITAGE ASSETS

Proposals for new development that may affect heritage assets (designated or non-designated) must demonstrate that they conserve and enhance the special interest or significance of the heritage asset and its setting in accordance with Core Policy 39: (Local Plan 2031 Part 1) and particularly where they:

- i. make a positive contribution to local character and distinctiveness and/or
- ii. make a positive contribution towards wider social and economic benefits and/or
- iii. provide a viable future use for a heritage asset that is consistent with the conservation of its significance and/or
- iv. provide a sustainable, non-damaging use for a heritage asset that is currently at risk of neglect, decay or other threats.

Heritage Assets are an irreplaceable resource, and will be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation (and the more important the asset, the greater the weight that will be given). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification.

In weighing applications that directly, or indirectly affect non-designated heritage assets, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset.

These judgements will be made in accordance with national policy.

Developers will also be expected to report, publish and deposit the results of any investigations into heritage assets with the Historic Environment Record (HER) and the relevant local and county authorities.

DEVELOPMENT POLICY 37: CONSERVATION AREAS

Proposals for development within or affecting the setting of a Conservation Area must demonstrate that it will conserve or enhance its special interest, character, setting and appearance. Development will be expected to:

- i. demonstrate that it contributes to the conservation area's special interest and its relationship within its setting
- ii. take into account important views within, into or out of the conservation area and show that these would be retained and unharmed
- iii. respect the local character and distinctiveness of the conservation area in terms of the development's: siting, size, scale, height, alignment, materials and finishes (including colour and texture), proportions, design and form, in

- accordance with the Design Guide Supplementary Planning Document and any relevant Conservation Area Character Appraisal
- iv. be sympathetic to the original curtilage of the dwelling and pattern of development that forms part of the historic interest of the conservation area
 - v. by sympathetic to important spaces such as paddocks, greens, gardens and other gaps or spaces between buildings which make a positive contribution to the pattern of development in the conservation area
 - vi. ensure the wider social and environmental effects generated by the development are compatible with the existing character and appearance of the conservation area, and
 - vii. ensure no loss of or harm to any building or feature that makes a positive contribution to the special interest, character or appearance of the conservation area unless the development would make an equal or greater contribution in terms of public benefit.

Wherever possible the sympathetic conservation or restoration and re-use of structures which make a positive contribution to the special interest, character or appearance of the Conservation Area, will be encouraged to prevent harm through the cumulative loss of features that are an asset to the Conservation Area.

DEVELOPMENT POLICY 38: LISTED BUILDINGS

Proposals for additions or alterations to, or the demolition of, a Listed Building (including partial demolition), and/or for development within the curtilage and/or within the setting of, a Listed Building must demonstrate that they will preserve or enhance its special architectural or historic interest and significance.

Proposals directly affecting a Listed Building must demonstrate that they will be sympathetic to the Listed Building and its setting in terms of its siting, size, scale, height, alignment, materials and finishes (including colour and texture), design, form and character, in order to retain the special interest that justifies its designation through appropriate design, in accordance with Core Policy 37 and the Design Guide Supplementary Planning Document.

Proposals within the setting of a Listed Building must demonstrate that they will:

- i. respect, preserve or enhance features that contribute to the special interest and significance of the building, including, where relevant, structures and trees, the historic curtilage or context, such as burgage plots, parkland or fields or its value within a group and/or its setting, such as the importance of a street frontage or traditional shopfronts, designed landscape or historic farmyards.

Proposals for the change of use of a Listed Building or building within its curtilage will be viewed favourably where it can be demonstrated that the new use can be accommodated in a manner appropriate to its significance and historic character without any adverse effect on the special architectural or historic interest of the building and its appearance or character.

DEVELOPMENT POLICY 39: ARCHAEOLOGY AND SCHEDULED MONUMENTS

Development will be permitted where it can be shown that it would not be detrimental to the site or setting of a Scheduled Monument or nationally important designated or non-designated archaeological remains.

When researching the development potential of a site, applicants will be expected to undertake an assessment of appropriate detail to determine whether the site is known or is likely to contain archaeological remains and demonstrate how the development proposals have had regard to any such remains.

Where the assessment indicates known archaeological remains on site, and development could disturb or adversely affect important archaeological remains and/or their setting, applicants will be expected to:

- i. submit an appropriate archaeological desk-based assessment or
- ii. undertake a field evaluation (conducted by a suitably qualified archaeological organisation) where necessary.

Nationally important archaeological remains (whether scheduled or demonstrably of equivalent significance) should be preserved in situ. Development proposals that would lead to substantial harm or total loss of significance of such remains will only be permitted in exceptional circumstances where:

- iii. it can be clearly and convincingly demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the circumstances in paragraph 133 of the NPPF apply.

For other archaeological remains, the effect of a development proposal on the significance of the remains, either directly or indirectly, will be taken into account in determining the application. As such assets are also irreplaceable, the presumption will be in favour of the avoidance of harm. The scale of the harm or loss will be weighed against this presumption and the significance of the heritage asset.

Where harm to or loss of significance to the asset is considered to be justified, the harm should be minimised and mitigated by a programme of archaeological investigation, including excavation, recording and analysis. Planning permission will not be granted until this programme has been submitted to, and approved by, the local planning authority, and development should not commence until these works have been satisfactorily undertaken by an appropriately qualified organisation. The results and analysis of findings subsequent to the investigation should be published and made available to the Historic Environment Record (HER) and the relevant local and county authorities.

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