



To: Members of the Planning & Regulation Committee

Notice of a Meeting of the Planning & Regulation Committee

Monday, 20 July 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 this live stream link](#).

However, 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

July 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: 7 September 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 1 June 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 14th July. 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 (Thursday 16 July).

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. **Swannybrook Farm, Kingston Bagpuize, Abingdon, Oxfordshire OX13 5NE** (Pages 7 - 70)

Application A: Retrospective planning application to extend recycled soil and aggregate area to NAP Grab Hire Ltd.'s adjacent site permitted under P11/V0615/CM/ 11/00615/CM (MW.0049/11); and

Application B: Retrospective Section 73 application for change of use from agriculture to site for the import, storage and screening of waste soils to create topsoil, without complying with conditions 5, 10, 13 and 15 of permission P11/V0615/CM/ 11/00615/CM (MW.0049/11)

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

This report relates to two interlinked applications. The first application considers whether permission should be granted for a screened soil storage extension area to the waste soils operation granted under planning permission MW.0049/11. The second considers if permission should be granted to vary conditions 5, 10, 13 and 15, to regularise the current operations on site and allow for aggregate crushing, increase stockpile heights, amend the existing boundary planting and increase HGV movements, contrary to permission MW0049/11.

The application is being reported to Committee at the request of the County Councillor, due to objections raised by three parish councils and various local residents. There are concerns that the request for variation to the requested conditions due to the increased operations and therefore consequent HGV movements will impact adversely on the local highways network and impact adversely on the amenity of local residents.

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

The development accords with the Development Plan as a whole and with individual policies within it, as well as with the NPPF. The proposals are to regularise the existing operations on site, for the extended site area, crushing, increased stockpile heights, reduced vegetation and increased HGV movements.

It is RECOMMENDED that subject to the applicant entering into a routing agreement to require vehicles to be routed to and from the A34 via the A338 and the A420, to avoid the A415 the Director for Planning and Place be authorised to:

- i) APPROVE application no. MW.0134/19 subject to conditions the detailed wording of which to be determined by the Director of Planning and Place including the conditions set out in Annex 2 to the report PN6; and***
- ii) APPROVE application MW.0135/19 subject to conditions the detailed wording of which to be determined by the Director of Planning and Place including the conditions set out in Annex 3 to the report PN6.***

- 7. Revisions to existing asphalt plant layout, including widening site entrance to Waterworks Road (Grimsbury Green), upgrading site access road, provision of new weighbridges, relocation of administrative buildings and staff parking area ; provision of new relocated concrete batching plant ; provision of aggregate storage and unloading facility with new Bottom Discharge Unit (BDU) rail unloading system at Asphalt Plant, Concrete Batching Plant and adjoining land, Water Works Road, Hennef Way, Banbury, OX16 3JJ (Pages 71 - 112)**

Report by Director for Planning & Place (PN7).

The application seeks permission for the provision of a new permanent aggregate unloading and storage facility which will serve:

- the High Speed 2 (HS2) development;
- the existing onsite asphalt and concrete batching plant; and
- various national and local infrastructure projects in the surrounding area.

The local member has requested that the application be determined by the Planning & Regulation Committee. Objections have been received from Banbury Town Council due to the transport, dust and noise and air quality impacts

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

The development accords with the Development Plan as a whole and with individual policies within it, as well as with the NPPF. It is considered to be sustainable development in terms of environmental, social and economic terms. The proposed development would be beneficial in terms of safeguarding a rail depot site for the importation of aggregates into Oxfordshire. It is considered that potential impacts can be adequately addressed through planning conditions and legal agreements.

It is RECOMMENDED that subject to a routeing agreement and a S.106 agreement to secure highway works first being entered into that planning permission for Application MW.0026/20 be approved subject to conditions to be determined by the Director for Planning and Place including the matters set out in Annex 2 to the report PN7.

8. Relevant Development Plan and Other Policies (Pages 113 - 136)

Paper by the Director for Planning & Place (**PN8**).

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 at County Hall on **Friday 17 July 2020** at **2.00 pm** for the Chairman, Deputy Chairman and Opposition Group Spokesman.

This page is intentionally left blank

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 1 June 2020 commencing at 2.00 pm and finishing at 2.55 pm

Present:

Voting Members:

Councillor Jeannette Matelot – in the Chair

Councillor Stefan Gawrysiak (Deputy Chairman)

Councillor Mrs Anda Fitzgerald-O'Connor

Councillor Pete Handley

Councillor Damian Haywood

Councillor Mrs Judith Heathcoat (In place of Councillor Mike Fox-Davies)

Councillor Bob Johnston

Councillor G.A. Reynolds

Councillor Judy Roberts

Councillor Dan Sames

Councillor John Sanders

Councillor Alan Thompson

Councillor Richard Webber

Officers:

Whole of meeting G. Warrington & J. Crouch (Law & Governance); R. Wileman and D. Periam (Planning & Place)

Part of meeting

Agenda Item

Officer Attending

6 C. Kelham (Planning & Place)

8. B. Stewart-Jones (Planning & Place)

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

15/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Mike Fox-Davies	Councillor Judith Heathcoat

16/20 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor Fitzgerald-O'Connor (Local Member) advised that she was the local member for Item 6 (Land to the West of Hatford Quarry – Application MW.0066/19).

17/20 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 9 March were approved.

There were no matters arising.

18/20 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Gemma Crossley (Agent for Hatford Quarry Ltd)	6. Hatford Quarry – Application MW.0066/19

19/20 CHAIRMAN'S UPDATES

(Agenda No. 5)

There were no Chairman's updates.

20/20 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

(Agenda No. 6)

The Committee considered (PN6) an application to extract 875,000 tonnes of mineral from a 23-hectare extension to the west of the existing Hatford Quarry and restoration of the quarry to agriculture using imported inert materials and materials from the site. The application had been considered against development plan policies and other material considerations and recommended for the grant of conditional planning permission subject to the completion first of a 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 followed the route approved for HGVs associated with the existing quarry.

Gemma Crossley the Agent for the applicant attended to respond to questions.

Catherine Kelham presented the report along with a further comment from the Environmental Strategy Officer raising no objection to the proposed development subject to conditions requiring a barrier to protect trees and woodland to be put in place prior to commencement of site clearance and thereafter maintained for the duration of the development; that farming operations increased the level of soil organic matter to enhance soils and natural capital and that the Landscape and Ecological Management Plan included details of how agricultural operations would be conducted to protect the environmental areas from contamination with fertiliser, pesticide and herbicide drift and surface run off.

Responding to:

Councillor Johnston - she confirmed that about a million tonnes of material would be extracted and tipping undertaken as part of the restoration programme would be monitored.

To Councillor Haywood who had raised the issue of a breach of condition at the site involving mud and sand deposits on the highway as detailed under Item 8 on this agenda she confirmed that recent resurfacing of the long-haul road should help to resolve future issues.

Councillor Heathcoat - there would be no change to the current operation of the hydraulic breaker and with regard to lighting she suggested that the agent might be better placed to provide details for that element of the scheme.

Mrs Crossley confirmed that no new lighting was proposed. Other than headlights on vehicles in the new extraction area lighting would be restricted to existing operational areas such as the site office and weighbridge areas and then only during operational hours such as early am or late pm during winter months. Lighting would be low level and downward facing.

Councillor Handley – a detailed dust management and monitoring plan would be conditioned with bunding along the northern boundary of phase one and moved south to the northern boundary of phase 2 and removed following the restoration of phase 3. There was also a bund on the southern site boundary to mitigate impacts on the footpath and would be in place for the duration of the works.

Councillor Roberts – the noise from the breaker would be assessed by the Environmental Health officer, weighted to the human ear and factoring in the issue of intermittent noise.

Councillor Webber – there were currently 51 conditions. That was not unusual in such applications although there was every likelihood that that figure might reduce with some elements requested by different consultees being merged into one condition.

Responding to Councillor Haywood Mrs Crossley advised that were several reasons for not including the mineral processing plant in with the western extension application:

- It was not just the processing plant that would have needed to be included, but also the silt ponds, internal roads, site office, weighbridge and access road. This supporting infrastructure was positioned in such a way that the red line around all of it would have been rather convoluted.
- There was some life remaining on the existing planning permission which contained the processing plant and other supporting infrastructure and it made sense to ensure getting the western application approved prior to extending the life of the supporting infrastructure.
- The red line boundary was smaller without the existing infrastructure being included, which made the planning application fee lower.
- There were other amendments to submit under a Section 73 Variation of Condition application and so it made more sense to apply for one application incorporating the extension of time, following determination of the western extension application.

RESOLVED: (on a motion by Councillor Johnston seconded by Councillor Sanders and carried nem con) that subject to the applicant signing a Section 106 agreement for the matters outlined in Annex 2 to the report PN6 and a routeing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry 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.

21/20 SERVING OF THE PROHIBITION ORDER FOR THE REVIEW OF THE MINERAL PLANNING PERMISSION (ROMP) AT THRUPP FARM AND THRUPP LANE, RADLEY

(Agenda No. 7)

The Committee had before it a report (PN7) on 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 it had resolved to progress at its

meeting on 9 September 2019. The report set out the issue to be considered which was 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 changed the committee's previous decision as to whether mineral working from the ROMP had permanently ceased or not and therefore the duty to serve a Prohibition Order or not.

However, since the publication of the report, on Wednesday 27 May, officers had received a lengthy Counsel's opinion and summary written statement from the agent for H. Tuckwell and Sons Ltd and John Curtis and Sons Ltd. That opinion had raised various points on which officers considered advice needed to be obtained from the council's own Counsel before officers could reasonably advise the committee with regard to the information contained therein. Given the late receipt of the information, it had not been possible to obtain further Counsel's opinion on behalf of the council prior to the committee meeting and therefore officers were now recommending that the committee defer consideration of item 7 to its next committee meeting on 20 July 2020. If members were minded to do so then officers would not progress service of the Prohibition Order pending the outcome of members' consideration of the item at that committee meeting.

The Committee also noted that a submission has also been received from Radley Parish Council stating that they would wish to make counter representations at the July meeting in respect of any further consideration to set aside the prohibition order which they fully supported.

RESOLVED: (nem con) 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 had permanently ceased and that there was a duty to serve a Prohibition Order be reviewed at its meeting on 20 July 2020 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 and the Counsel's opinion and Written Statement provided on behalf of H. Tuckwell and Sons Ltd and John Curtis and Sons Ltd and received on the 27 May 2020.

22/20 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT

(Agenda No. 8)

The Committee considered (PN8) a report on the regular monitoring of minerals and waste planning permissions for the period 1 April 2019 to 31 March 2020 and progress of planning enforcement cases.

Presenting the report David Periam along with Bill Stewart-Jones responded to members' questions as follows:

Regarding Shellingford Quarry extensive tarmacking would improve the situation regarding mud on the road. Similarly, as reported under Item 6, improvements had been made to the haul road at the Hatford site to improve conditions there.

Shipton on Cherwell - a S73 application had been submitted to address some of the breaches there. That was currently being validated.

Sutton Courtenay Landfill site - Councillor Webber had referred to a number of complaints received regarding odour. Mr Periam advised that he was unaware of any such complaints but undertook to speak with Councillor Webber after the meeting.

Councillor Roberts - the County Council did not specifically send out a questionnaire to parish councils regarding performance but there were a number of liaison groups operating at a number of the larger sites where issues were discussed and parishes represented. He would also look into the number of visits in Cherwell which Councillor Roberts had felt were relatively low.

Alkerton - Mr Stewart-Jones confirmed minerals were being removed under the old permission as part of the ROMP. Regarding land south of Barford Road Mr Periam undertook to look into the issue of unauthorised deposit of waste and respond to Councillor Reynolds after the meeting.

Regarding Harwell UKAE Mr Stewart-Jones advised that he had been due to try and visit the site but the Covid restrictions had prevented that. Mr Periam added that as Harwell was regarded as a very secure and strictly regulated site it had been generally felt to be low priority for additional visits to those already carried out by the nuclear regulatory authorities.

RESOLVED: (nem con) 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

..... in the Chair

Date of signing

Planning Report

For: PLANNING & REGULATION COMMITTEE – 20 July 2020

By: DIRECTOR FOR PLANNING AND PLACE

Development Proposed:

Application A: Retrospective planning application to extend recycled soil and aggregate area to NAP Grab Hire Ltd.'s adjacent site permitted under P11/V0615/CM/ 11/00615/CM (MW.0049/11); and

Application B: Retrospective Section 73 application for change of use from agriculture to site for the import, storage and screening of waste soils to create topsoil, without complying with conditions 5, 10, 13 and 15 of permission P11/V0615/CM/ 11/00615/CM (MW.0049/11).

Division Affected: Kingston and Cumnor

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

Location: Swannybrook Farm, Kingston Bagpuize,
Abingdon, Oxfordshire OX13 5NE

Applicant: NAP Grab Hire Ltd

Application No: MW.0134/19 **District Ref:** P20/V0019/CM
MW.0135/19 P20/V0020/CM

District Council Area: Vale of White Horse

Date Received: 5 December 2019

Consultation Period: 9 January 2020 – 30 January 2020 and
7 April 2020 – 30 April 2020

Recommendation: **Approval**

The report recommends that the applications be approved.

Contents:

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

• **Part 1 – Facts and Background**

Site and Setting (see site plan Annex 1)

1. Both application sites are within Swannybrook Farm. The overall site is mainly agricultural, where part of the operations has been converted for light industrial use. The application sites are located approximately 960 metres south of the Village of Kingston Bagpuize with Southmoor and 600 metres west of the settlement at Fyfield Wick. Frilford is approximately 3 km (2 miles) to the east of the sites, as are Marcham at approximately 4 km (3 miles) and Abingdon-on-Thames at approximately 7.5 km (4.5 miles). The village of Charney Bassett is approximately 3 km (2 miles) to the south-west. Oxford is approximately 9 miles (14 km) to the north east.
2. The existing permitted soil recycling operation and the unapproved extended soil storage area, with which it works in combination, considered under these two applications are adjacent to each other. The existing site covers an area of approximately 0.27 hectare and the extension area covers an area of approximately 0.25 hectare giving a total for the two sites of 0.52 hectare. They are located to the north-west of the existing developed area, which includes areas of light industrial use. Swannybrook Farm is accessed from an unclassified road. This runs from the A415 through Fyfield Wick before joining Hanney Road. The immediate landscape to the north of Swannybrook Farm is areas of woodland with largely flat, agricultural land to the further north and around the eastern, southern and western boundaries. The largely agricultural land has established tree and hedgerow boundaries.
3. Restricted Byway 268/3/10 runs through the overall Swannybrook Farm operations, and is impacted by various operational businesses, including the soil recycling business considered under these applications. The Restricted Byway meets the road running through Fyfield Wick to the A415 to the south, at which point, Restricted Byway 268/2/20 runs west towards Charney Bassett and Bridleway 268/0/10 runs east, to the main entrance of Swannybrook Farm.
4. There are several small residential developments in the vicinity of the applications sites. The closest properties are approximately 600 metres to the south east within Fyfield Wick, on the opposite side of the road from which Swannybrook Farm is accessed.
5. The sites are in Flood Zone 1, which is an area with the least risk of flooding.

Planning History

District Council Permissions

6. Swannybrook Farm as a whole, is classed largely as an agricultural concern. There have been various District Council applications submitted relating to the wider site since at least 1987, including change of use, an agricultural to residential and signage.
7. Application P87/V0744/COU (87/00744/COU) was submitted July 1987. This was for change of use from an agricultural building to the repair of agricultural sprayers. This application was refused 14 October 1987. Application P87/V0745/COU (87/00745/COU) was submitted November 1987. This was for change of use from agricultural building to the repair of agricultural sprayers. This application was refused 27 January 1988.
8. Application P88/V0961/COU (88/00961/COU) was submitted February 1988. This was for change of use from agricultural building to the repair of agricultural sprayers. This was approved and issued 15 September 1988. A section 52 legal agreement was signed 25 August 1988 in relation to this permission. This precludes any of the existing buildings from being used for anything other than agricultural, apart from 'Building 2', which is John O'Leary Caravans. This business repairs, hires and sells touring caravans and has consent to operate from that building until such time as the business closes or relocates, when the building should revert to agriculture.
9. Application P89/V0780/COU (89/00780/COU) was submitted April 1989. This was for change of use of an agricultural building to light industrial use to enable an existing business to expand. This was approved and issued 09 January 1991. Application P93/V0148/COU (93/00148/COU) was submitted November 1993. This was for the change of use of an agricultural building to storage use. This was refused 04 July 1994 and allowed on appeal (T/APP/V3120/A/94/242246/P2) and approved 20 December 1994.
10. Application P98/V0715/COU (98/00715/COU) was submitted June 1998. This was for change of use from agricultural building to light industrial use. This was approved and issued 17 September 1998. Application P01/V0474/COU (01/00474/COU) was submitted March 2001. This was for change of use of grain store and agricultural building to light industrial use. This was refused 17 May 2001.
11. Application P03/V1585/COU (03/01585/COU) was submitted October 2003. This was for change of use of two sheds from agriculture to B1/B8 use. This was refused 06 November 2003. Application P03/V1586/AG (03/01586/AG) was submitted October 2003. This was for the erection of an agricultural building. This was confirmed as

agricultural development and not requiring planning permission from the Local Planning Authority (LPA) on 23 October 2003. Application P05/V0721/AG (05/00721/AFD) was submitted May 2005. This was for the erection of a new agricultural building. This was confirmed as agricultural development and not requiring planning permission from the LPA on 16 June 2005.

12. Application P06/V1415/COU (06/01415/COU) was submitted September 2006. This was for change of use of two existing buildings from agricultural storage to storage of vehicles and equipment. This was approved and issued 31 October 2006. Application V1246/COU (09/01246/COU) was submitted July 2009. This was for change of use of section of farm for a waste transfer station for construction waste recycling /topsoil recycling. This was withdrawn 11 August 2009. Application P15/V2529/AG was submitted October 2015. This was for a storage building for types of seed and general agricultural machinery. This was responded to 13 November 2015.
13. The granted District Council permissions have largely been to the eastern edge of the existing developed area. Conditions on these permissions are matters which fall to be enforced by Vale of the White Horse District Council as the Local Planning Authority. There is no enforceable control by the County Council as the Waste Planning Authority for these or any other operations currently operating on the site outside of the red-line areas of the applications under consideration in this report.

County Council Permissions

14. Application 11/00615/CM (MW.0049/11) was submitted in March 2011. This was to allow for a change of use from agriculture to a site to allow for the import, storage and screening of waste soils to create topsoil. This was minded for approval at the Planning and Regulation Committee in September 2011 and permission was issued on 18 October 2011. This included condition 15 which restricts vehicle movements to a maximum of six per day (3 in, 3 out). The existing permission is therefore for a waste management site which would fall within the capacity of a smaller-scale facility as defined in the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy.

Details of the Development

Application A (WM.0134/19)

15. This application seeks to regularise a stockpile area of screened soils, which has been created adjacent to the waste soil screening operations. Access is via the western side of the existing, permitted operations through a belt of trees. Bunds have been created to the south and west of the extension area, to contain and screen the stored stockpiles of processed material. The sheeted stockpiles are currently visible from the highway, above the bunds.

16. The permitted, adjacent site has a planning condition to limit stockpile heights and whilst this does not apply to the extension area, the stockpiles are significantly higher than the permitted 3 metres. A maximum height of 5 metres for the stockpiles is sought as part of this application and further planting to screen operations and lessen the visual impact is also part of the application.

17. Application A is for the same operator and general site location covered by Application B, although the applications have separate red-line areas. Both sites share a number of common operations, including stockpile heights, appropriate landscaping and associated HGV movements.

Application B (MW.0135/19)

18. This application is to vary conditions 5 (Crushing), 10 (Stockpile heights), 13 (Landscaping) and 15 (HGV movements) of the soil screening operations permitted under P11/V0615/CM/ 11/00615/CM (MW.0049/11).

19. The application seeks to retrospectively vary these 4 conditions attached to the extant permission. This is in response to identified breaches of planning conditions from monitoring visits and complaints received to this authority. The application is to reflect the current operational situation on site.

20. Aggregate processing is prohibited under condition 5 of the current permission, which is one of the four conditions subject to the Section 73 application (MW.0135/19). The expansion of operations would increase the recycling aggregate capacity within the county. There have been some instances of aggregate crushing on site previously, as these are retrospective applications. An unannounced visit by this authority's enforcement officer (24 May 2019) was made to the application site, following complaints received. On this occasion, there was a crusher on site, and waste aggregates had been screened and separated from the waste soil imports on site, contrary to their existing planning permission at least on that date. Application MW.0135/19 therefore seeks to address this breach of condition and formally allow aggregate crushing on site.

21. Stockpile heights are restricted to a maximum of 3 metres by condition 10. It is proposed to increase the maximum stockpile heights from 3 metres to 5 metres, as operations have expanded since permission for soil screening was originally granted, with an increase in the amount of waste being transferred and processed.

22. Condition 13 requires the maintenance of existing vegetation within the site. A change to the landscape planting is requested. The mature planting has been reduced around the site entrance and the planting has not been replaced due to the applicant believing operational

movements would adversely impact replacement planting. The access created to the unapproved soil storage area to the south west (Application A) has also reduced the established vegetation to the permitted site's perimeter.

23. The application also seeks to increase permitted HGV movements from the 6 per day (3 in, 3 out) as permitted by condition 15 to 40 per day (20 in, 20 out), and these movements would be the combined total of movements for both sites, Application B with Application A. The maximum, worst case scenario would be a maximum of 20, up-to 15 tonne loads would be received each working day and assuming up to 6 loads on Saturday mornings. A maximum of 12,042 tpa crushed stone/rock from waste aggregates would be produced from the incoming loads. The applicant has advised that, although each load will vary, an approximate breakdown of each load is:

- 69% topsoil (no other soil products)
- 15% 50mm plus hardcore (this is taken from site by a third party and used for recycling)
- 15% clean stone 40-50mm (which would be crushed)
- 1% or less 'rubbish' i.e. metal/plastic which is taken to landfill.

24. The applicant has also advised that the actual maximum number of working days per year would be 252 weekdays and 52 Saturdays. At a maximum of 20 loads in per day weekdays and 6 on Saturdays this would give a total of 5,352 loads per year. At 15 tonnes per load this would therefore equate to a throughput of 80,280 tonnes per annum which would make the site a strategic facility as defined in the Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy.

25. Application B is for the same operator and general site location covered by Application A. Both share common operations but have separate red line areas.

• **Part 2 – Other Viewpoints**

Representations

26. There have been forty-nine third-party representations received. These were all objections to both applications and are summarised in Annex 7. In addition, a Transport Note and Acoustic Report have been provided in support of third-party representations, which is covered in more detail in Part 4.

Consultations (Fuller responses in Annex 4)

27. Kingston Bagpuize with Southmoor Parish Council – Objection.

Application A:

The parish council objects to the scale of the operation being doubled.

Application B: The parish council objects to:
Condition 5 being removed on the grounds of noise.
Condition 10 being amended to increase the stockpile heights from 3m to 5 m.
Further clearing of vegetation, which condition 13 limits and the applicant wishes to amend.
Condition 15 being amended, which currently limits HGV movements to 3 in/ 3 out on grounds of gross increase in traffic for 5,000 tpa being generated. There is no real change in operations.

28. Charney Bassett Parish Council – Objection.

Application A and Application B

The site is in an area which is served by a network of narrow, rural roads that are unsuitable for regular use by sizeable vehicles.

29. Marcham Parish Council – Objection.

Application B

Condition 15 of the original permission was to restrict the number of HGVs and limit the volume of traffic servicing the site in the interests of amenity of residents on or near approaches to the site. Increased traffic flows in the Air Quality Management Area would be detrimental to living conditions and potentially the health of occupants.

30. Vale of White Horse District Council Planning – No objection.

Application A and Application B

Regard should be given to noise, contamination, landscape impacts, ecology, flood risk and any other relevant policies in the adopted development plan.

31. Vale of White Horse District Council Environmental Protection – No objection.

Application A and Application B

Subject to the site not changing and based on the findings of the noise acoustic assessment that was prepared, no objection to the application.

Supplementary Response on Third Party Representation

The noise assessment provided was carried out whilst traffic movements were reduced. There is a significant degree of uncertainty to the measured sound levels within the report in relation to associated and non-associated vehicles with the site.

The noise assessment provided for the proposed crusher provides a simplified calculation indicating the rated noise level will exceed existing background sound level by approximately 10dBA at the receptor façade. This is a more likely indication of a significant adverse impact.

It is recommended that the applicant submits a noise assessment in accordance with BS4142:2014 – “Method of rating industrial and commercial sound”.

32. Environment Agency – No objection.

33. OCC Transport Development Control – No objection subject to condition.

Initial Response

There is insufficient information and analysis regarding highways safety impacts and key information is missing regarding highways safety parameters.

Revised Response

The previous Crashmap is investigated showing some 2 collisions – this is used as input for COBALT (Costs & Benefits to Accidents – Light Touch) Analysis. After a review of new evidence base, the conclusion is:

- a. relaxation of condition 15 is appropriate but there should be some restriction on the level of traffic from the site to preserve the amenity of neighbouring people.
- b. There is at present no evidence base as to what that level of traffic should be in terms of the maintenance of highways safety other than the level, at which, traffic is currently operating at.

Revised Response

The COBALT programme has limitations. The safest route is to take the current situation and run with that for a number of years – it is left to the planner to decide the exact number. 40 per day (20 in/ 20 out) is acceptable in highways terms. HGVs are slow to accelerate fully laden and onto the major arm of the road may take gapping chances that are not factored. The collisions are low frequency but very serious when they occur. Therefore, conservatively the recommendations are made on this score.

Supplementary Response on Third Party Representation

The additional evidence presented on HGV traffic generation is not convincing, although for an overall picture of traffic the data provided by the objector may be more indicative.

Independent measures of the carriageway were carried out, using a trowel to determine the exact edge of carriageway and a measuring wheel. The survey points are similar to those chosen by the objector’s agent. The recently repaired road may be the reason for the discrepancy between the data sets. The officer data shows a median of over 5.0m and a minimum of 4.8m, measured edge to edge, which is sufficient width for two lorries to pass at the low speeds they are required to drive at in this location.

Collision records for the A415/ Fyfield Wick staggered Junction have been considered in the modelling undertaken by the agent of the applicant. An independent study of the collisions, according to an area of interest (annexe 5 of this report) is considered to be the most likely impacted by development. Fyfield Wick is not a traditional industrial road.

The speculation that increased HGV traffic through Marcham and Kingston Bagpuize is likely to lead to highway safety issues due to narrow carriageway and intermittent footways is not supported by the data from CrashMap (annex 5 of this report).

Final Response

Some 40 movements is one per 12 minutes and that represents a kind of saturation of a maximum possible and therefore is no basis for a restriction.

20 movements, at 1 movement per 24 minutes, means that vehicles are unlikely to cross and therefore seems a reasonable basis for restricting the operation by condition. This is also closer to the original application and therefore closer to the spirit of it.

Recommendation:

Limitation of operations to those extant in infringement of condition as surveyed by Helix Transport Consultants.

Conditions not applied for under s73 here but of highways origin should be carried over from the original application, granted as MW.0049/11.

Routeing to be prohibited via A415 at Marcham. The least impact would be the A34 to be joined via the A338 and the A420 by condition.

34. OCC Planning Policy – No overall objection.

Initial Response

Further recycling would assist Oxfordshire County Council to meet the recycling targets as in the Core Strategy.

Supplementary Response

It is hard to get a clear picture. The applicants have given the proportion of stone/rock that would be recovered as being 12-15%. Given that topsoil is a minor part of the total soil constituent it seems likely that most of the material will be taken off the site to be landfilled elsewhere. This would make the site more akin to a waste transfer station with some limited recovery.

The number of lorry movements will have increased by more than 13 times, and so a corresponding increase in tonnages would be at least 65,000tpa.

The site has not been nominated for allocation in the Sites Allocation Document, and so has not been considered for allocation. The site is

just within the area of the location for a strategic or non-strategic site for the County. A strategic site would manage at least 50,000tpa and would cover the County as a whole, or a large part of it. In terms of the broad area of search for a strategic waste facility the application site is within the right area, but in terms of the specific location it would need to be considered against policies W5, C1 – C12.

Extending the site would not be on land in an existing waste use or previously developed. Waste management facilities may be sited on land in greenfield locations where this can be shown to be the most suitable and sustainable option. Further development or extension of an existing site may also offer a better option than the development of a new facility elsewhere. This site was granted permission as a relatively small-scale local operation, and the expansion to a strategic, or even non-strategic site would be a significant change in scale.

Conclusion

- The site complies with policies M1 and W3; it would provide capacity for increased recycling
- In terms of general location under policy W4, the site is within the area for a strategic site that would deal with waste from across the County, and this site would deal with well above the 50,000tpa threshold for such a site.
- The site does not meet any of the priorities for the siting of waste management facilities. The applicant has provided no evidence as to why the site would be the most suitable and sustainable option.
- It does not comply with policy W5, and though the site has been considered suitable for a small-scale local facility, it does not follow that it is suitable for expansion onto adjoining greenfield, nor that it is suitable for a larger scale facility.

35. OCC Countryside Access – Objection.

Initial Response

The route of restricted byway 268/3 is apparently unavailable through the fields to the side of the application site. As this application seeks to formalise the unauthorised extension to the works and change of use of agricultural land, it is considered reasonable that the development formalises the route of the public right of way (PRoW).

Supplementary Response

The route of restricted byway 268/3 is not available across the applicant’s land/ parcels of land operated by the applicant. There are established conifer hedges, material, machinery, operations and a soil bund are causing obstruction. The applicant’s PRoW analysis shows the bund impacting the legal line of the restricted byway at its south-east corner.

The haul road to the site has a PRoW gap and locked gate together with metal ‘bridleway’ signposts south along the haul road and north towards Kingston Bagpuize. The presence of these signs is assumed

to imply express dedication of the haul road as a bridleway. There are operational/ safety issues with this haul road being assumed as the bridleway.

Given the nature, extent and duration of the impact on the restricted byway, the best solution would be for NAP, the other tenants and the site owner to agree a permanent or temporary diversion of the restricted byway to a suitable route and formalise safe access to this. The obstruction and gateway/ route to the north being off line is a separate matter to be dealt with, if alternative provision around the whole Swannybrook Farm cannot be secured through a temporary or permanent diversion onto a suitable route and to a suitable specification.

36. OCC Fire and Rescue Service – No response.

37. OCC Public Health – No objection.

Providing that the applicant exercises the correct dust management to monitor and mitigate fugitive emissions from the site in dry periods and implements the interventions such as the proposed landscape planting, no concerns at this time.

38. OCC Lead Local Flood Authority – No response.

39. OCC Environment Strategy – No response.

40. OCC Ecology Officer – No objection subject to condition.

The condition of the extension area prior to commencement cannot be fully assessed, nor the ecological impacts identified. In accordance with local and national planning policy, a net gain in biodiversity must be achieved and the vegetation loss fully compensated for, based habitats present prior to vegetation loss. Chosen planting should be mindful of the landscape and visual impacts of the scheme and recommendation provided by the County Landscape Specialist. If minded to approve, the following condition should be included:

Condition

A detailed scheme of ecological enhancements shall be provided to, and approved in writing by, the Minerals Planning Authority. A measurable net gain in biodiversity shall be demonstrated, to include landscape planning of known benefit to wildlife. In addition, artificial roost features for bats and birds shall be incorporated, the specifications and locations of which shall be provided. The scheme will include measures to protect existing vegetation and management of all new and existing features.

Reason: In the interests of preserving and enhancing biodiversity in accordance with the OMWCS and NPPF.

41. OCC Landscape Specialist – No objection subject to adequate mitigation.

Initial Response

Application A: The applicant has not demonstrated how the development respects the landscape character and views. Without any acceptable justification, the proposal as put forward is not acceptable in landscape and visual terms.

Application B: The applicant has not demonstrated how the proposed changes respect existing landscape character and views, and will not result in increased landscape and visual impacts. The application seeks to increase the stockpile heights from 3m to 5m. There is concern on the impact of these features on landscape and views. The application also seeks permission to not comply with condition 13. This condition ensures the protection of existing vegetation, which provides an important setting and screening to operations on the site. The condition does not stop the applicant from removing or planting new vegetation but requires permission prior to any work being done. No justification has been found as to why this condition should no longer be complied with, and it is very concerning if the protection of existing vegetation on site was weakened or removed, therefore the variation or omission of this condition cannot be supported.

Combined Revised Response for MW.0134/19, MW.0135/19

Following the previous comments of 31 January, a Landscape and Visual Appraisal (LVA) by Robin Lines Landscape has been submitted. This concludes that the impacts will be localised, with landscape impacts being negligible and visual impacts ranging from negligible to minor/ moderate. Whilst agreeing that impacts are relatively localised, it is considered some of the landscape and visual impacts have been under estimated.

The findings of the landscape and visual appraisal are not fully agreed with, but on balance the development can be made acceptable in landscape and visual terms subject to appropriate mitigation. The conditions below should therefore be attached to any planning permissions granted:

Detailed Landscaping Scheme

Within three months of planning consent a fully detailed landscaping scheme shall be submitted to and approved in writing by the County Planning Authority. Details should include a detailed planting plan showing existing/ proposed vegetation, plant specifications noting species, plant sizes, proposed numbers/ densities as well as seed mixes and their provenance. In addition, information on implementation and ongoing maintenance should be provided. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the County Planning Authority.

Reason: To adequately mitigate impacts on landscape character and views.

Implementation of Approved Landscaping Scheme

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner. Any trees, plants or areas of turfing or seeding which, within a period of 5 years from occupation of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the County Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

42. County Councillor – Local concerns

Requested determination by Planning and Regulation Committee.

Part 3 – Relevant Planning Documents

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

43. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

The relevant development plan documents are:

- Oxfordshire Minerals and Waste Local Plan Core Strategy (OMWCS)
- Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP) saved policies
- The Vale of White Horse Local Plan 2031 Part 1 (VLP1)
- The Vale of White Horse Local Plan 2031 Part 2 (VLP2)

44. The OMWCS (Part 1) was adopted in September 2017 and covers the period to 2031. The Core Strategy set out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire. Part 2: Site Allocations Plan (upon adoption) will set out those mineral and waste sites needed to deliver the Core Strategy and may include further development management policies. The Site Allocations Plan is currently being prepared, and further consultation was carried out January – March 2020.

45. The OMWLP was adopted in July 1996 and covered the period to 2006. Of the 46 'saved' policies, 16 remain saved following the adoption of the OMWCS. These 16 policies are non-strategic and site-specific, which will remain saved until the adoption of the Part 2: Site allocations document.

46. The VLP1 was adopted in December 2016. This sets out the details of strategic sites, policies and considerations for development within the Vale of the White Horse.
47. The VLP2 was adopted in October 2019. This sets out details of policies and additional sites than what is included within the VLP1, for development within the Vale of the White Horse.
48. There is no Neighbourhood Plan for this area.
49. The Government's National Planning Policy Framework (NPPF) 2019, National Planning Policy for Waste (NPPW) and National Planning Policy Guidance (NPPG) are also material considerations.

Relevant Policies

50. Oxfordshire Minerals and Waste Core Strategy (OMWCS):
- M1 Recycled and secondary aggregate
 - W2 Oxfordshire waste management targets
 - W3 Provision for waste management capacity and facilities required
 - W4 Locations for facilities to manage the principal waste streams
 - W5 Siting of waste management facilities
 - C1 Sustainable development
 - C2 Climate change
 - C5 Local environment, amenity and economy
 - C6 Agricultural land and soils
 - C7 Biodiversity and geodiversity
 - C8 Landscape
 - C10 Transport
 - C11 Rights of way.
51. Oxfordshire Minerals and Waste Local Plan 1996 (OMWLP):
None of the saved polices apply to this area.
52. Vale of White Horse Local Plan 2031 (VLP1):
- Core Policy 1 Presumption in favour of sustainable development
 - Core Policy 33 Promoting sustainable development
 - Core Policy 37 Design and local distinctiveness
 - Core Policy 43 Natural resources
 - Core Policy 44 Landscape
 - Core Policy 45 Green infrastructure
 - Core Policy 46 Conservation and improvement of biodiversity.
53. Vale of White Horse Local Plan Part 2 (VLP2)
- Development Policy 16 Access
 - Development Policy 23 Impact of development on amenity
 - Development Policy 24 Effect of neighbouring or previous uses on new developments
 - Development Policy 25 Noise pollution

Development Policy 31 Protection of public rights of way, national trails and open access areas.

• **Part 4 – Analysis and Conclusions**

Comments of the Director for Planning and Place

Waste Management

54. OMWCS policy M1 states that, so far as is practicable, aggregate mineral supply to meet demand in Oxfordshire should be from recycled and secondary aggregate materials, in order to minimise the need to work primary aggregates. The production and supply of recycled and secondary aggregate, including that which improves waste separation and the range or quality of end products, will be encouraged so as to enable the maximum delivery of recycled and secondary aggregate within Oxfordshire. Provision will be made for facilities to enable the production and/or supply of a minimum of 0.926 million tonnes of recycled and secondary aggregates per annum. Sites which are suitable for facilities for the production and/or supply of recycled and secondary aggregates at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Permission will be granted for such facilities at these allocated sites provided that the requirements of policies C1 – C12 are met.
55. OWMCS policy W2 states that 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 targets for Construction, Demolition and Excavation inert waste recycling of 55% in 2016 to 70% in 2031.
56. OMWCS policy W3 states that provision will be made for additional waste management capacity for non-hazardous waste recycling and sets targets. It goes on to state that specific sites will be allocated to meet these requirements in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. The Site Allocations Plan is currently being prepared, and further consultation was carried out January – March 2020.
57. OMWCS policy W4 states that waste management facilities will be located in accordance with the Waste Key Diagram. The Waste Key Diagram provided on page 99 of the plan shows the site is just within the 15km buffer marked for strategic waste facilities in the area around Oxford. Strategic facilities are defined as those with at least 50,000 tonnes per annum capacity.
58. OMWCS policy W5 states that priority will be given, amongst other locations, to siting waste management facilities on land that already

has a waste management or industrial use, been previously developed land or is actively used as a mineral or landfill site. Allowance is made for siting on greenfield locations where this is the most suitable and sustainable location.

59. OMWCS policy C6 states that Proposals for waste development shall demonstrate that they take into account the presence of any best and most versatile agricultural land.
60. VLP1 Core Policy 43 states that provision should be made for the effective use of natural resources where applicable, including minimising waste and making adequate provision for the recycling of waste on site, avoiding the development of best and most versatile agricultural land, by using areas of poorer quality land in preference to that of higher quality and re-using previously developed land, provided it is not of high environmental value.

MW.0135/19

61. The permitted soil screening operation (MW.0049/11) is within a largely agricultural setting between two villages, Kingston Bagpuize with Southmoor and Frilford. The settlements are designated as a 'Larger Village' and 'Smaller Village' respectively within the Settlement Hierarchy for the Abingdon-on-Thames and Oxford Fringe Sub-Area of the VLP1.
62. The Waste Key Diagram (page 99) of the OMWCS, which supports policy W4, designates where waste management facilities will be located within the county. There is a 15km (approximately 9 miles) buffer for designating strategic, waste facilities from the centre of Oxford. This equates to an approximate buffer of 12km (approximately 7.5 miles) from the built-up area of Oxford for a site location, or 5km (3 miles) from specified towns, unless there is impact on an Area of Outstanding Natural Beauty. The original application site, which application MW.0134/19 is adjacent to and application MW.0135/19 seeks to vary conditions of, was established as being 14.48km (approximately 9 miles) from the centre of Oxford. This is approximately 13.8km (8.5 miles) from the built-up edge of Oxford (measured from Littlemore). Facility scales and locations are generally largest to smallest, with the strategic sites nearer the denser areas and smaller scale in rural areas. Strategic sites would, generally, serve the county as a whole. Non-strategic sites would serve approximately a district-wide area and a smaller scale operation would be more localised in scope.
63. The amount of soils being screened/ processed at the site from the incoming loads is unchanged at approximately 5,000 tonnes per annum (tpa), as permitted under the extant permanent permission granted in 2011, for a small-scale operation. The permission currently allows for up to 45 tonnes a day to be processed, based on condition

15 restricting HGV movements to 3 in/ 3 out per day. Based on the applicant's own calculations at 15 tonnes per load and working 252 weekdays and 52 Saturdays, the maximum capacity of the site as permitted is around 13,680 tonnes per annum and so a smaller scale facility.

64. The information provided to support the application is that the site in combination with the proposed extension area is currently processing approximately 210 tonnes per day, and this application seeks to increase the HGV movements to allow processing of up to 300 tonnes per day. The maximum capacity of the site should the proposed limitation on daily vehicle movements be approved to 20, maximum 15 tonne loads in per day, which is 20 HGVs going into site fully laden and leaving the site empty (40 trips in total, 20 in/ 20 out) on the same basis is 80,280 tonnes per annum rendering the application sites in combination with the capacity of a strategic facility.
65. The applicant has stated that an estimated 69% of a load would be topsoil, 15% would be aggregate for crushing on site, 15% would be hardcore which would be removed for use elsewhere, and only 1% is residual waste which would then go to landfill. As a soil screening, crushing and waste transfer operation, this would contribute to meeting the recycling targets in Oxfordshire set out in OMWCS policies W2 and W3 and secondary aggregates in line with OMWCS policy M1. Although it seems clear that the current permission was only for a smaller scale facility suitable to more remote rural area, the site is within the buffer area for Oxford where strategic operations could be sited, and so complies with policy W4 of the OMWCS.
66. The existing consented site is in compliance with OMWCS policy W5 as it is an existing waste management site.

MW.0134/19

67. The extension area has been created in the adjacent farmland (MW.0134/19) to store the processed soils. This field has been classified as Grade 3 quality agricultural land. The planning statement indicates that this is being good to moderate land. As it is not clear from Natural England's dataset what the sub-classification is, and 3A is best and most versatile land, as such the developed extension could be contrary to policy C6.
68. As set out above, in combination with the existing site, it is considered that it would be in accordance with policies M1, W2, W3 and W4 of the OMWCS.
69. Policy W5 lists the land uses where priority would be given for the siting of waste management sites. The extension area is a green field development. Development on land which is classed as green field development is permitted if it can be demonstrated to be the most

suitable and sustainable option. The application sites and wider area had been utilised as an RAF/ USAAF base in the 1940s. However, this had mainly been disbanded and returned to former uses by the time the Town and Country Planning Act came into force 01 July 1948.

70. The former technical support area, comprising mainly of Nissen huts, ceased to be used by the RAF/ USAAF in 1954, and most of these remaining buildings have an agricultural designation, with the exception of those that have been granted specific planning permission for change of use to light-industrial use by the District Council, as Local Planning Authority. Swannybrook Farm is not designated as a strategic employment site in the adopted Vale Local Plan; nor was the site designated a Rural Multi User Site in the previous Local Plan.
71. The increase in the site area for the screened soil stockpiles allows for increased capacity of waste recycling for Oxford, at a location that has permanent permission on the adjoining land for a waste recycling facility. The site is to the north-west corner of the developed area of Swannybrook Farm, with operations to the south and east and the haul road running along the northern boundary. The extension area is also a small area of land at 0.25 ha. The loss of agricultural land when considered against OMWCS policy C6 would therefore also be very limited. Therefore, there is some weight to granting an extension into land which is green field as being the most suitable and sustainable option as allowed for in OMWCS policy W5. The applicant has stated the site would allow for local employment and would continue to add to the local economy by remaining in the current location.
72. The development proposal to increase the soil and aggregate recycling facility by expanding into the adjacent greenfield area, for a small-scale operation, is considered to be in accordance with relevant policies for waste management, including OMWCS policies M1, W2, W3, W4 and W5.

Highways

73. OMWCS policy C10 states that 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 Map. The Lorry Route Map on page 116 of the plan identifies the A338 and A420 as links to larger towns and the A415 between the two is shown as a link to small towns. The policy also states that access should be provided in ways that maintain and, if possible, lead to improvements in the safety of all road users and the efficiency and quality of the road network, including residential and environmental amenity, including air quality.
74. The current permission MW.0049/11 has a limit of 6 HGV movements per day – 3 in and 3 out for an annual amount of up to 5,000 tonnes of soils being processed and being moved to and from site by HGVs with

a load capacity of 15 tonnes. Application MW.0135/19 seeks to increase the permitted number of HGV movements from 6 per day, 3 in/ 3 out, to 40 per day, 20 in/ 20 out, a 567% increase on the current permitted movements. The planning statement submitted to regularise the existing movements states that the averaged HGV movements, which is in breach of the existing planning conditions is 28 in total (14 in/ 14 out). These movements serve the permitted and extension areas for soil recycling and crushing and the extension area, which is the subject of application MW.0134/19. The aggregate crushing/ processing is confirmed as occurring at least once on site and contrary to the existing permission.

75. There are no changes proposed to the access road entrance from the public highway as this has clear sightlines for HGVs accessing and leaving the site. There are also no improvements suggested for the unclassified road that runs through Fyfield Wick to the A415 as part of this application.
76. Repair works were carried out in May 2020 to parts of the carriageway of the road running through Fyfield Wick, between the main entrance to Swannybrook Farm and the A415. It is acknowledged that the road has differing widths along its length by both the applicant and the Highway Authority. However, separate measurements carried out as a result of a further representation in objection to the application, leave the Highway Authority consultee conclusion being that the carriageway is seen to be acceptable in highways terms from the entrance of Swannybrook Farm to the A415 relating to the HGVs connected to the soil screening operations.
77. The HGV movements generated by the soil screening and by-product aggregate crushing are a percentage of the daily HGV movements associated with the whole Swannybrook Farm site. The Transport Statement states that HGV traffic for the soil screening operations would be 4% of all site movements both during the working week and Saturdays. This would equate to 18% of HGV traffic during the week and 22% of HGV traffic on a Saturday, or 1 HGV per hour over the existing levels in breach of condition 15 of the extant permission. This would be a 1.8% increase in existing total traffic, or 7.8% of overall HGV traffic to/ from the Swannybrook Farm site.
78. The applicant has requested 40 HGV movements (20 in, 20 out) which would be sufficient for existing average movements of 28 per day (14 in/ 14 out) and build capacity for the soil screening business. The average HGV movements for the Swannybrook Farm site as a whole during the week is 62 movements, with an average of 36 movements on a Saturday. This was total HGV movements, as measured at the top of the haul road leading to the agricultural/ light industrial area to the south east of the application sites. This area, which is not subject to these applications, also includes operations run by the applicant, including concrete mixing and a low-loader business. The soil

operations were 52% of HGV movements during the week and 73% of movements on a Saturday.

79. Movements were also measured on the road running through Fyfield Wick, to the east of the Swannybrook Farm entrance. This recorded an average of 179 HGV movements daily during the week and an average of 78 HGV movements daily on a Saturday. The soil screening operations would therefore be responsible for 18% of the HGV movements during the week and 22% of movements on a Saturday.
80. An increase in HGV movements in relation to the increase in tonnages being processed for the waste soil screening is not objected to by the county council as Highway Authority. The increase in HGV movements in relation to the soil screening from 6 per day (3 in/ 3 out) to 40 per day (20 in/ 20 out) as sought as part of application MW.0135/19 is acceptable in highways terms. However, to lessen the impact of increased HGVs on the Air Quality Management Area (AQMA) in Marcham, HGVs should be routed from the junction of the highway which provides direct access to the site with the A415. Access to the A34 should be via the A338 or A420.
81. The current HGV movements are averaged as 28 movements per (14 in, 14 out) at the time the supporting Transport Statement was produced, in October 2019. The maximum movements were 34 per day (17 in/ 17 out).
82. The restriction on HGV movements to 6 movements per day (3 in/ 3 out) was conditioned as part of the existing permission in the interests of amenity for the local residents. The impact on amenity of the proposed increase is addressed below but the increase of HGV movements to 40 per day is acceptable in Highway Authority. Subject to this being the maximum daily HGV movements limited by condition and to the proposed routing from the A415 via the A420 or A338 for journeys via the A34 to avoid the A415 through Marcham, this would accord with OMWCS policy C10.

Rights of Way

83. 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. Improvements and enhancements to the rights of way network will be generally encouraged.
84. VLP2 Development Policy 16 states that new development needs to demonstrate a high quality design and that adequate provision is made for loading, unloading, servicing, circulation and turning of vehicles and acceptable off-site improvements to the highway infrastructure including public rights of way where these are not adequate to service the development.

85. VLP2 Development Policy 31 states that development on and/ or over public rights of way will be permitted where the development can be designed to accommodate satisfactorily the existing route, or where the right of way is incorporated into the development site as an attractive, safe and continuous route. Alternative routes will need to be made equally or more attractive, safe and convenient to rights of way users. Opportunities will be actively sought to improve the accessibility and the additions of new connections and status upgrades to the existing rights of way network, including National Trails. Development will not be permitted where proposals remove, narrow or materially impair the approved line of the Thames Path or Ridgeway National Trails, key connecting routes and/ or public access to them.
86. An increase in HGV movements from the permitted 6 per day (3 in/ 3 out) to the requested 40 per day (20 in/ 20 out) could impact adversely on the Public Right of Way 268/3 (PRoW). The route runs north-south from Kingston Bagpuize with Southmoor to the road running thorough Fyfield Wick. The route on the ground is currently off the legal line to the north of Swannybrook Farm, which is acknowledged by the council. The sign-posted route and gates/ access onto Swannybrook Farm are approximately 28 metres to the east of the legal line, approximately 74 metres east of the entrance to the soil screening activities. The gates/ access for the off-line right of way is directly onto the bend of the haul road as it turns west towards the application site. The applicant has maintained warning notices at this point on the haul road and by the site office (the site office is not within the red-line areas of these applications). The signs were installed and are maintained by the applicant to make HGV drivers and users of the Right of Way aware of the users and operations respectively, as part of the current permission (condition 18). This was applied to the extant permission as suggested by the council as Rights of Way Authority.
87. Users of the PRoW could be given the impression that the existing haul road is a dedicated route as there is no other clear access south and due to the location of the footpath signs, off the legal line. An increase in HGV movements could increase operational/ safety issues for those users, as the only obvious route north to south through the site would be utilising the haul road for the soil operations and the open area through the main light-industrialised area of Swannybrook Farm (not part of these applications).
88. The legal route of the Right of Way (268/3) is currently obstructed. This obstruction of the legal route is a combination of factors. This includes the boundary/ bunding on the south-east corner of the permitted soil screening operations and by the various other operations to the south of the application site at Swannybrook Farm. Although it is noted that these operations are outside of the control of the county council as planning authority, the applicant does have control over how their vehicle operations impact on the legal route, in this area. Although the

extent of the impact of the soil screening operation on the legal route of the Right of Way is disputed between the council and the applicant, both agree that the route of 268/3 is diverted from the legal line to the north of the haul road, and that it does cross the haul road as the road runs east-west.

89. There is concern that the safety of users of the right of way would be adversely impacted by the increase in daily HGV movements. The only clear access is via the haul road through the centre of the main Swannybrook Farm site, due to the legal line being obstructed. There is no planned or possible alternative suggested at the current time by either a temporary or permanent diversion order being sought as part of these applications. This is due to the obstruction of the legal right of way being impacted by other operations at Swannybrook Farm other than the applicant.
90. The legal Right of Way (268/3) should be unobstructed and the legal line of the route is not open or accessible as it runs through the Swannybrook Farm site. There has been no temporary or permanent diversion order forthcoming from these applications. However, this is a matter for Oxfordshire County Council as Rights of Way Authority. The legal route of the restricted right of way (268/3) was shown in the committee report when the decision was made to grant the original permission in 2011. The committee report also makes clear that the bunds were in position, as existing, at the time and the Rights of Way officer did not object to the application at that time, only requesting conditioning that warning signs be erected and maintained (condition 18).
91. The situation is unchanged from when permission was granted for the existing waste management site in terms of the obstruction of the legal line of the right of way and so as a section 73 application this could not now be a reason for refusal to application MW.0135/19. The potential mixture of pedestrians/ riders and HGVs at the permitted level of 6 movements a day (3 in/ 3 out) was deemed acceptable with the implementation of the warning signage, which is in place and maintained by the applicant. There is a concern for increased safety risk with 40 movements per day (20 in/ 20 out) despite there being warning signs for the drivers to be aware of pedestrians that could cross the haul road and the 5 mile-per-hour speed limit. It is therefore important that any planning permission granted requires the ongoing maintenance of the warning signs
92. It would be possible to require a condition for a temporary or permanent diversion order to be made to be applied to application MW.0135/19. However, an informative should be applied, for the applicant, landowner and other operators within the site to work with the council as Rights of Way Authority on route 268/3. The options would be to temporarily divert the legal route or permanently on a different, safe route or re-open the legal Right of Way.

93. There is need for discussion to temporarily or permanently re-align the current obstructed legal line of the public right of way through the Swannybrook Farm site as a whole, for improved safety of users of the route. The route should be kept open across the haul route for these applications and maintained where it crosses the applications' haul road. The applications, despite the obstructed legal route, are partially supported by OMWCS policy C11 and VLP2 development policies 16 and 31.

Amenity

94. OMWCS policy C5 states that proposals for minerals and waste development shall demonstrate that there would be no adverse impact on the local environment, human health or residential amenity, including from noise, dust, traffic, light pollution and air quality. OMWCS policy C10 states that access should be provided in ways that maintain and, if possible, lead to improvements in the safety of all road users and the efficiency and quality of the road network, including residential and environmental amenity, including air quality.

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

96. VLP2 Development Policy 24 states that development proposals should be appropriate to their location and will not be subject to adverse effects from existing or neighbouring uses. Development will not be permitted if it is likely to be adversely affected by existing or potential source of noise or vibration, dust, odour and other emissions, dominance or visual intrusion or external lighting.

97. VLP2 Development Policy 25 states that noise-generating development that would have an impact on environmental amenity or biodiversity will be expected to provide an appropriate scheme of mitigation that should take account of the location, design and layout of the proposed development, existing levels of background noise, measures to contain generated noise and hours of operating and servicing. Development will not be permitted if mitigation cannot be provided within an appropriate design or standard.

98. Swannybrook Farm overall is approximately 5 hectares in total. The permitted soil screening operations located to the north-west corner comprises 0.27 hectares. There are conditions attached to the extant permission that are in place to protect the amenity of local residents, as the operations are not agricultural or light-industrial, in keeping with the rest of the site. These conditions cover requirements which include the control of dust, plant noise, working hours and no floodlighting at the waste soil screening operations. There has been no request to vary these conditions as part of these applications. None of the existing

conditions currently apply to the unapproved storage extension area, which comprises of 0.25 hectares in total, to the west of the permitted soil screening operations.

99. As the conditions were attached to protect the amenity of local residents when permission was originally permitted, the conditions would need to be reviewed to ensure they would remain robust and enforceable, should the expanded operations that now include the proposed crushing operations as part of application MW.0135/19 (Application B) be granted.
100. A facility to crush waste aggregates removed from the 'muckaway', would complement the permitted soil screening and could be co-located in the interest of recycling activities for this site and meeting the aims of waste policies for increased recycling discussed above. As this is an activity that was not previously envisioned, there is a potential for adverse impact on the amenity for local residents, specifically by noise and dust generation. It is stated in the Planning Statement that the intention is to crush aggregate 2 days per week in the summer months. The likely impacts of any waste aggregate crushing activity would need to be mitigated by ensuring that any noise and dust is kept to a minimum to protect the amenity of local residents. Conditions would need to be in line with the existing conditions, proportionate and enforceable.
101. There is no lighting proposed for the extension area, and there is no lighting as existing for the soil processing operations. The only light source for these areas would be those connected to the associated plant. There has been concern raised during consultation on these retrospective applications on the impact of light on local amenity and local wildlife. There is separate flood-lighting on the wider Swannybrook Farm site, in connection with the agricultural and light-industrial units. These are outside of these two applications red-line areas and not connected with these operations. Therefore, existing or additional lighting impact in these areas are outside of this authority's planning remit and is not for consideration in the determination of these applications.
102. During consultation, there were also concerns raised over the operational hours of the application sites, specifically actual soil processing (or crushing) and HGV movements outside of the permitted times. There has been no change to condition 3 proposed as part of these applications. The condition limits the soil screening operations to between 8:00 am and 6:00pm Monday to Friday and 8:00 am to 1pm Saturday. There is no working permitted Sunday, or Bank or Public holidays. None of the monitoring visits carried out since permission was granted in 2011 has noted working past 5pm. Recent complaints have been received about vehicles leaving the site before 8.00 am but a monitoring visit carried out did not identify such a breach in relation to the soil screening operations.

103. There are other operations under the control of the applicant at Swannybrook Farm, in addition to other businesses that operate from the site. None of these are within the red-line area of these two applications. As such, operating times, lighting arrangements and any associated HGV movements are not controlled by the existing permission and will not be affected or in the remit of consideration for these applications or by the Waste Planning Authority. They can be considered in relation to cumulative impacts of the development overall, including traffic flows to and from the public highway.
104. The number of HGVs in relation to the soil screening operations are currently limited for the protection of the amenity of local residents under the existing permission. This was set at a level to allow for the permitted tonnages for the soil screening operations at that time which was put forward as a small scale activity with little greater impact than the previously existing situation. Although there is no objection from the Highways Authority for an increase to 40 daily HGV movements this is subject to condition to and to a routeing agreement to ensure HGV traffic uses the A338 and A420 to access the A34 to minimise impacts on local communities and extant AQMA areas. The cumulative impact of the existing site, which is expanding and other established operations within the Swannybrook Farm site can be considered.
105. The HGV movements could be increased for the expanded site capacity for soil screening and the introduction of crushing of waste aggregate removed from the waste soils being screened. This is due to the application sites' proximity to Oxfordshire's Lorry Route (Local Route road – A415). However, the increase proposed from 6 to 40 maximum daily movements is considerable. The haul road serving the soil screening/ crushing operations is crossed by a public right of way, which would be directly impacted by a permitted increase of HGV movements for these applications. Vehicles must use an unclassified road of varying and limited width which leads to the HGVs passing residential properties and the potential for greater impacts on pedestrians, cyclists and other road users in cumulation with the otherwise unlimited vehicle movements from the wider Swannybrook Farm site. This is considered to have the potential for an adverse impact on local amenity contrary to development plan policies OMWCS C5 and C10 and VLP2 policy 23.
106. It is appreciated that the existing levels of HGV traffic have led to amenity impact objections to these two applications, from residents in the immediate vicinity to the application sites and residents of villages several miles away. The applicant acknowledges that the level of movements is averaging 28 per day from the combined application sites already. If the committee is minded to accept the officer advice that the increase to a maximum of 40 daily HGV movements would have an unacceptable amenity impact, it is open to consider whether the development could be made acceptable through a lesser restriction

on numbers by condition. The existing permission would remain in place regardless of the decision on these applications, but it is clear that the operations at the site have expanded to facilitate increased waste recycling in line with other policies and a view could be taken that a maximum of six movements is very restrictive and an increase to something of the order at which the site is currently running but no more could be considered acceptable.

107. Subject to members consideration of this point, it is considered that whilst the proposed crushing and improved planting and landscaping, with conditions to control the impacts of noise and dust emissions would, overall, be in line with OMWCS policies C5 and C10 and VLP2 development policies 23, 24 and 25, the increase in vehicle movements from the development as proposed would adversely impact on the amenity of local residents contrary to these policies.

Landscape

108. OMWCS policy C8 states that proposals for minerals and waste development should demonstrate they respect and where possible enhance local character. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape.
109. VLP1 Core Policy 44 states that key features that contribute to the nature and quality of the district's landscape will be protected from harmful development and where possible enhanced, including features such as trees, hedgerows, woodland, field boundaries and watercourses. Where development is acceptable in principle, measures will be sought to integrate it into the landscape character.
110. The overall landscape is rural, with open fields, scattered woodland and straight roads. The inclusion of the bunds to the extension area and the associated stockpiles is an intrusion in the existing landscape and does not enhance the existing pattern. The bunds and stockpiles are not well screened and are visible from the adjacent right of way. There is some screening by the existing boundary vegetation to the northern and western boundaries, but gaps in the planting and the recommended planting from the tree survey do not go far enough to screen the extension area successfully to mitigate the overall impact.
111. The requested increase in stockpile heights from 3 to 5 metres would not be successfully screened from the right of way by the existing vegetation and planting. The LVA that was provided on the request of the Landscape Specialist on balance demonstrates that the mitigation screening and planting to the extension soil storage area would be adequate in screening the increased operations to benefit the amenity of local residents and soften the adverse impact of the higher stockpiles in a flatter landscape.

112. The existing landscape planting to the site, the subject of Condition 13, requires the existing planting to be retained and not removed without consent. A change to the existing planting, to improve what is in place and screen the increased activities would be a benefit to the local landscape. Planting that has been carried out to reinforce the gaps in the existing northern boundary has taken well to screen the site the approved site from the haul road from the north.
113. A change to the requirement to inform the Waste Planning Authority prior to works being carried out should not be relaxed as this could lead to adverse impacts on the landscape. Concerns had been raised during consultation of the impact of the existing development on the landscape, and recent tree felling was used as an example. This was, however, carried out by the landowner around the wider Swannybrook Farm site, and was not connected to the applications to be considered. The planting and landscaping as proposed by the Landscape Specialist via conditions would apply to both the approved and the proposed extension areas. This would reduce the impacts of the increased stockpile heights to the approved site area and lessen the utilitarian impact of the extension area, which is as existing is an intrusion into the flatter, arable landscape.
114. The development as relating to the extension area, and for amending the existing conditions relating to the boundary planting to strengthen the existing vegetation and planting as it affects the overall landscape on the provision of a detailed scheme to be implemented, would be supported by OMWCS policy C8 and VLP1 core policy 44.

Biodiversity

115. OMWCS policy C7 states that proposals for minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity. Development should not cause significant harm, except where the need for and benefits of development at that location clearly outweigh the harm.
116. VLP1 Core Policy 45 states that a net gain in green infrastructure, including biodiversity, will be sought and a net loss through development proposals will be resisted. Proposals for new development must provide adequate Green Infrastructure in line with the Green Infrastructure Strategy and how this will be retained and enhanced.
117. VLP1 Core Policy 46 states that development will conserve, restore and enhance biodiversity. Opportunities for biodiversity gain, including connection of sites and habitat restoration and enhancement will be sought, with a net loss of biodiversity to be avoided.
118. Due to the extension area for soil storage being implemented without planning permission, the effect on the existing ecology prior to

development is not possible to quantify. Development should provide a biodiversity gain, therefore the boundary planting to both the soil processing and soil storage areas should be strengthened to increase biodiversity gain as well as screen the site in a way to also improve and enhance the landscape setting.

119. The submission and implementation as approved of an enhanced planting scheme to the soil storage and soil processing areas would meet and be in line with OMWCS policy C7 and VLP1 core policies 44 and 46.

Sustainable Development

120. The NPPF (2019) contains a presumption in favour of sustainable development. This has environmental, economic and social roles, reflected in OMWCS policies C1 and VLP1 Core policy 1.
121. OMWCS policy C1 states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development to improve economic, social and environmental conditions, unless other material considerations dictate otherwise.
122. OMWCS policy C2 states that proposals for minerals and waste development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low-carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaptation to the impacts of climate change.
123. VLP1 Core Policy 1 states that applications that accord with the Local Plan 2031 and subsequent, relevant Development Plan Documents or Neighbourhood Plans will be approved, unless material considerations indicate otherwise.
124. The development proposes to process more of the imported construction and demolition waste than is currently permitted. Export of unprocessed aggregate would be reduced.
125. The recycling operations would make use of a crusher and existing infrastructure for the soil screening operations, so would not require any further development beyond that applied for here. The operators would be able to process more of the incoming waste on site, removing more recyclable materials in addition to the screened soils. This would move more waste up the waste hierarchy and reduce the amounts being sent out to landfill. The proposed development is considered to be in line with the relevant policy for considering impacts on climate change, OMWCS policy C2.

126. The developments are considered sustainable as, taken together, they will allow for continued and increased waste soil recycling. The co-location of secondary aggregate recycling, as part of the incoming waste to be processed, would increase the secondary aggregate recycling in county. This would lessen the demand on virgin mineral and the capacity for secondary recycling in Oxfordshire would be increased.
127. The development proposals are supported by OMWCS policy C1 and VLP1 Core Policy 1.

Conclusion

MW.0134/19

128. The retrospective planning application for a soil storage extension area is to enable the current soil screening operations that have expanded since 2011 and are diversifying. The extension area is a greenfield development. This is considered acceptable in terms of policy W5 as being environmentally, socially and economically the most sustainable option. The site is adjacent to an area that has an established use for waste. The operations can be adequately mitigated by suitable landscape planting and ongoing maintenance, to lessen the industrial impact on a rural landscape of the storage bunds and processed stockpiles.

MW.0135/19

129. The retrospective planning application to amend condition 5 to allow for aggregate processing in addition to the soil screening operations and condition 10 to increase stockpile heights would allow for an increase in operational capacity for secondary aggregate recycling in the County.
130. The increase in the stockpile heights to the processing area and the existing stockpiles to the soil storage area could be adequately mitigated by screen planting to be agreed. There would be a minor re-wording to condition 13 to allow this. There would be no further changes to the condition, as to amend the condition further would negate the protection of the existing and new screen planting.
131. Amending condition 15 to increase HGV movements to facilitate the existing expanded recycling operations and to allow for further expansion as proposed would be acceptable in highway terms but it is considered would have an adverse impact on the amenity of local residents and other road users. As set out above, it is considered that an increase on the existing six movements per day could nonetheless be acceptable. Whilst objections have been received to the existing traffic movements on the local highway network and their impact, these are in the context of other unrestricted HGV movements from the wider Swannybrook Farm site. The view could be taken that the existing 28 movements per day is a reasonable level to accept but that this should

be the maximum. This would allow the site to continue to operate at this location with the additional capacity which provides for additional waste recycling in line with OMWCS policies but without tipping the development to a point where the impact on amenity would be unacceptable. There is no precise way of defining the point at which the daily movements would reach this point and members may therefore wish to consider this but the officer advice is that the condition be amended to the 28 movements per day (14 in, 14 out).

Recommendation

- 132. It is RECOMMENDED that subject to the applicant entering into a routing agreement to require vehicles to be routed to and from the A34 via the A338 and the A420, to avoid the A415 the Director for Planning and Place be authorised to:**
- i) APPROVE application no. MW.0134/19 subject to conditions the detailed wording of which to be determined by the Director of Planning and Place including the conditions set out in Annex 2 to this report; and**
 - ii) APPROVE application MW.0135/19 subject to conditions the detailed wording of which to be determined by the Director of Planning and Place including the conditions set out in Annex 3 to this report.**

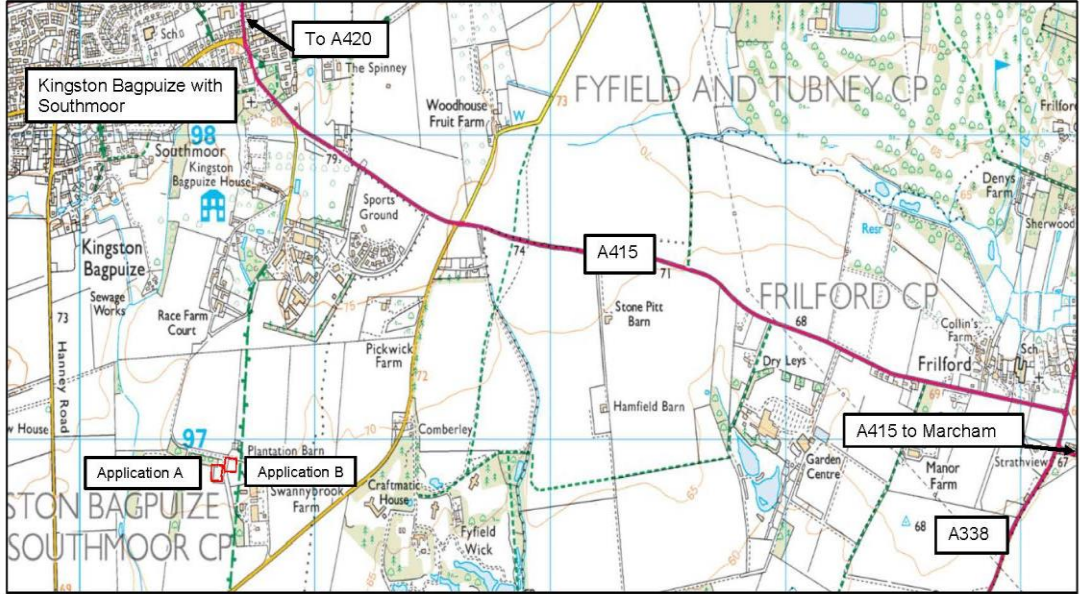
SUSAN HALLIWELL
Director of Planning and Place

July 2020

Compliance with National Planning Policy Framework

In accordance with paragraph 38 of the NPPF Oxfordshire County Council take a positive and proactive approach to decision making focused on solutions and fostering the delivery of sustainable development. We work with applicants in a positive and proactive manner by; offering a pre-application advice service. In this case, there was dialogue with the applicant and the relevant officers to seek resolution of issues that were raised during the consultation period.

Annex 1 – Site Plan



Annex 2 – MW.0134/19 – Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application Form dated 04/12/2019/
- Cover Letter dated 04/12/2019
- J40 Jaw Crusher specifications
- Ecological Walkover survey from Ecological Consultancy for Planning & Research Development, dated 22/09/2019
- Planning Statement dated November 2019
- Site Location Plan 001A
- Topo Survey, drawing no. 20911-200-01
- Transport Statement dated October 2019
- Tree Survey dated August 2019
- Landscape and Visual Appraisal dated 07/04/2020
- Previously approved under MW.0049/11 – Noise Assessment dated June 2011
- Previously approved under MW.0049/11 – Dust Assessment dated June 2011

2. No operations authorised by this permission, including vehicles entering or leaving the site, shall take place except between the following times:

08:00 a.m to 6:00 p.m Mondays to Fridays

08:00 a.m to 1:00 p.m Saturdays

No Sundays and Bank or Public Holidays

3. Only inert waste materials shall be imported to the site.

4. The noise emitted at any time from the site shall not contain any discrete continuous noise, i.e. whine, hiss, screech, hum etc or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) distinguishable to the closest residential location.

5. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile plant except in accordance with details agreed by the Waste Planning Authority in writing.

6. No plant, machinery or vehicles shall be used on the site unless fitted with effective silencers.

7. No mud or dust shall be deposited on the public highway.

8. In periods of dry weather, best practical measures shall be implemented to prevent dust becoming airborne on the access road to the site.

9. No material shall be deposited or stockpiled to height exceeding 5 metres.
10. No floodlighting shall be erected on site.
11. No alternative access point shall be used to service the site, other than that outlined in red on approved plan Site Location dated 24/03/2011.
12. No more than 14 HGVs shall enter the site in any working day and no more than 14 HGVs shall leave the site in any working day in combination with the development permitted by planning permission no. MW.0135/19.
13. From the date of the implementation of this permission the operator shall maintain records of the vehicle movements of waste being imported and exported to and from the site; such records shall contain the vehicle's registration number along with the name of the company to which the vehicle belongs, size and type of the vehicle and the time and date of the movement. Those records shall be made available to the Waste Planning Authority at any time upon request.
14. All plant, machinery and equipment to be used by reason of the granting of this permission shall be maintained and operated so as to ensure that the rating noise level from the equipment does not exceed the background noise level at the boundary of the noise sensitive premises. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142 (1997) 'Method for rating industrial noise affecting missed residential and industrial areas'.

In the event of unacceptable noise or vibration being caused by the plant, machinery and equipment, the applicant or the operator of the site shall investigate and carry out works to resolve the problem to the satisfaction of the Waste Planning Authority.
15. Signs shall be installed and maintained on the access road to inform the vehicle drivers about the Right of Way that passes near to the site.
16. A detailed scheme of ecological enhancements shall be submitted to and approved in writing by, the Waste Planning Authority. A measurable net gain in biodiversity shall be demonstrated, to include landscape planning of known benefit to wildlife. In addition, artificial roost features for bats and birds shall be incorporated, the specifications and locations of which shall be provided. The scheme shall include measures to protect existing vegetation and management of all new and existing features.
17. Within three months of the date of this permission a fully detailed landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. Details shall include a detailed planting plan

showing existing/ proposed vegetation, plant specifications noting species, plant sizes, proposed numbers/ densities as well as seed mixes and their provenance. In addition, information on implementation and ongoing maintenance shall be provided. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Waste Planning Authority.

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the date of this permission. Any trees, plants or areas of turfing or seeding which, within a period of 5 years from occupation of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the Waste Planning Authority.

Informative

Due to the impact the development has had with obstructing part of the legal line of the Right of Way (byway 268/3), a temporary or permanent diversion of the restricted byway onto a suitable route and to a suitable specification needs to be undertaken. This would require the landowner and all users that have impacted on the restricted byway to be involved.

Annex 3 – MW.0135/19 – Conditions

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application Form dated 04/12/2019/
- Cover Letter dated 04/12/2019
- J40 Jaw Crusher specifications
- Ecological Walkover survey from Ecological Consultancy for Planning & Research Development, dated 22/09/2019
- Planning Statement dated November 2019
- Site Location Plan PLAN 001A
- Topo Survey, drawing no. 20911-200-01
- Transport Statement dated October 2019
- Tree Survey dated August 2019
- Landscape and Visual Appraisal dated 07/04/2020
- Previously approved under MW.0049/11 – Site Location dated on 24/03/2011
- Previously approved under MW.0049/11 – Site Location dated on 24/03/2011
- Previously approved under MW.0049/11 – Location Plan dated on 24/03/2011
- Previously approved under MW.0049/11 – Current Layout dated 24/03/2011
- Previously approved under MW.0049/11 – Proposed Layout dated 24/03/2011
- Previously approved under MW.0049/11 – Noise Assessment dated June 2011
- Previously approved under MW.0049/11 – Dust Assessment dated June 2011

2. No operations authorised by this permission, including vehicles entering or leaving the site, shall take place except between the following times:

08:00 a.m to 18:00 p.m Mondays to Fridays

08:00 a.m to 13:00 p.m Saturdays

No Sundays and Bank or Public Holidays

3. Only inert waste materials shall be imported to the site.

4. The noise emitted at any time from the site shall not contain any discrete continuous noise, i.e. whine, hiss, screech, hum etc or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) distinguishable to the closest residential location.

5. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile plant except in accordance with details agreed by the Waste Planning Authority in writing.

6. No plant, machinery or vehicles shall be used on the site unless fitted with effective silencers.

7. No mud or dust shall be deposited on the public highway.

8. In periods of dry weather, best practical measures shall be implemented to prevent dust becoming airborne on the access road to the site.

9. No material shall be deposited or stockpiled to height exceeding 5 metres.

10. No floodlighting shall be erected on site.

11. No alternative access point shall be used to service the site, other than that outlined in red on approved plan Site Location dated 24/03/2011.

12. No more than 14 HGVs shall enter the site in any working day and no more than 14 HGVs shall leave the site in any working day in combination with the development permitted by planning permission no. MW.0135/19 .

13. From the date of the implementation of this permission the operator shall maintain records of the vehicle movements of waste being imported and exported to and from the site; such records shall contain the vehicles registration number along with the name of the company to which the vehicle belongs, size and type of the vehicle and the time and date of the movement. Those records shall be made available to the Waste Planning Authority at any time upon request.

14. All plant, machinery and equipment to be used by reason of the granting of this permission shall be maintained and operated so as to ensure that the rating noise level from the equipment does not exceed the background noise level at the boundary of the noise sensitive premises. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142 (1997) 'Method for rating industrial noise affecting missed residential and industrial areas'.

In the event of unacceptable noise or vibration being caused by the plant, machinery and equipment, the applicant or the operator of the site shall investigate and carry out works to resolve the problem to the satisfaction of the Waste Planning Authority.

15. Signs shall be maintained on the access road to inform the vehicle drivers about the Right of Way that passes near to the site.

16. A detailed scheme of ecological enhancements shall be submitted to and approved in writing by, the Waste Planning Authority. A measurable net gain in biodiversity shall be demonstrated, to include landscape planning of known benefit to wildlife. In addition, artificial roost features for bats and birds shall be incorporated, the specifications and locations of which shall be provided. The scheme will include measures to protect existing vegetation and management of all new and existing features.

17. Within three months of planning consent a fully detailed landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. Details shall include a detailed planting plan showing existing/proposed vegetation, plant specifications noting species, plant sizes, proposed numbers/ densities as well as seed mixes and their provenance. In addition, information on implementation and ongoing maintenance shall be provided. The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Waste Planning Authority.

18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the date of this permission . Any trees, plants or areas of turfing or seeding which, within a period of 5 years from occupation of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the Waste Planning Authority.

Informative

Due to the impact the development has had with obstructing part of the legal line of the Right of Way (byway 268/3), a temporary or permanent diversion of the restricted byway onto a suitable route and to a suitable specification needs to be undertaken. This would require the landowner and all users that have impacted on the restricted byway to be involved.

Annex 4 – Expanded Consultee Responses

Kingston Bagpuize with Southmoor Parish Council – Objection.

Application A: This application is retrospective to double the current stockpile area. The parish council objects to the scale of the operation being doubled, although the applicant has stated separately that the business has not expanded since 2016, which is not supported by referencing Google Earth © images.

Application B: The parish council objects to condition 5 being removed on the grounds of noise. A considerable number of new dwellings have been built close to the site and will be affected if crushing is allowed on site, which it has been speculated could happen. The applicant has said crushing does not happen, but still wishes to remove condition 5.

The parish council objects to condition 10 being amended to increase the stockpile heights from 3m to 5 m, doubling the height of the spoil heaps. The evidence supplied as part of this application shows that the heights of the stockpiles are already 9m above the surrounding land.

The parish council objects to the further clearing of vegetation, which condition 13 limits and the applicant wishes to amend. It has been stated by the applicant that recent tree removal was not related to operations by NAP, but there is no explanation as to why condition 13 should be amended.

The parish council objects to condition 15 being amended, which currently limits movements to 3 in/ 3 out. As the application is seeking to move 5,000 tonnes per annum, this would be 250 x20 tonne lorries. A 5-day working week would require 4 movements per day, not 20 per day. The applicant has also separately stated that it would be possible for HGV movements 24 hours a day – which is inconsistent with condition 15, which limits HGV movements.

The parish's objection is on the grounds of a gross increase in traffic and a traffic hazard at the junction of Digging Lane with the A420. The condition of Digging Lane has suffered potholes to the extent that it is nearly impossible to cycle, and motorists are dangerously swerving to avoid the potholes.

The parish council is not impressed with any applicant who flouts Planning conditions and then seeks retrospective permission. What was important to condition in 2011 remains important, particularly where there is no real change to operations.

Charney Bassett Parish Council – Objection.

Application A and Application B

The site is in an area which is served by a network of roads that are unsuitable for regular use by the sizeable vehicles owned by NAP Grab Hire. The junction from the A415 is narrow and the turning of the lorries poses a hazard to other motorists using the road from the direction of West Hanney and Charney Bassett.

The size and number of vehicles using the site is inappropriate for the narrow rural roads, which are now showing considerable deterioration. Verges are churned up, edges of the road now have considerable damage and there are significant potholes in both size and number along Fyfield Wick and especially along the stretch of road towards the junction of Charney/ Longworth Road. The expansion of this industrial business will lead to further pressure on the environment and is wholly inappropriate for the area, increasing heavy vehicles accessing Stanford-in-the-Vale via Charney Bassett. The submitted Transport Statement advises that all lorries enter and leave the site from the east to find the A415. Whether or not this responds to existing controls, NAP Grab Hire lorries do travel through Charney Bassett. If planning permission is granted for the increased operation, mitigation measures need to be considered to safeguard against the problems outlined above. This should be either in the form of a routing agreement to ensure no NAP lorries use Charney Bassett as a through route or, if this is not feasible, financial contribution toward the cost of highway maintenance and road safety measures which the parish council plans to implement, as per the Vale of White Horse District Council CIL strategy.

Marcham Parish Council – Objection.

Application B

There was a restriction in condition 15 of the original permission to restrict the number of HGVs entering or leaving the site. This was to limit the volume of traffic servicing the site in the interests of amenity of residents on or near approaches to the site.

When considering a recent planning application for housing development in Marcham, the County Council stated it had strategic concern in respect of development in Marcham owing to the impact on air quality. There is an Air Quality Management Area in Marcham on the A415 which passes through the centre of the village. The additional pollution generated by the increased traffic flows in the AQMA would be detrimental to living conditions and potentially the health of occupants of dwellings within the AQMA. This is considered contrary to district council policy and paragraph 181 of the NPPF.

Vale of White Horse District Council Planning – No objection.

Application A and Application B

Regard should be given to noise, contamination, landscape impacts, ecology, flood risk and any other relevant policies in the adopted development plan.

Vale of White Horse District Council Environmental Protection – No objection.

Application A and Application B

Subject to the site not changing and based on the findings of the noise acoustic assessment that was prepared, no objection to the application.

Supplementary Response – Third Party Representation

The noise assessment provided was carried out whilst traffic movements were reduced. There is a significant degree of uncertainty to the measured sound

levels within the report in relation to associated and non-associated vehicles with the site. The assessment calculates a series of hourly LAeq values that are predicted to occur for the proposed 40 HGV movements. This is compared to criteria within BS8233: Guidance on sound insulation and noise reduction for buildings, not usually assessing the effects of changes in the external noise climate. The criteria baseline is also different to the measured baseline here. It is not clear that increasing the number of HGV movements currently permitted would significantly change the acoustic environment. The impact of noise from HGVs particularly in the early morning is likely to be of greater impact. However, the applicant is not seeking to amend their operating hours. The noise assessment shows some vehicle movements outside permitted hours, which it is recommended they are adhered to.

The noise assessment provided for the proposed crusher provides a simplified calculation indicating the rated noise level will exceed existing background sound level by approximately 10dBA at the receptor façade. BS4142 highlights that a difference of around 1 +10 dBA or more is a likely indication of a significant adverse impact. The assessment highlights that noise mitigation measures may be required in the form of relatively high barriers and/ or bunds.

It is recommended that the applicant submits a noise assessment in accordance with BS4142:2014 – “Method of rating industrial and commercial sound”.

Transport Development Control – No objection subject to conditions.

Initial Response

Application A: There is insufficient information and analysis on an important issue of safety.

Key issues include Link with application MW.0135/19, Expansion of the area of operations on site and the impact on the highway. The scope of the Transport Statement, especially with respect to collision records is lacking. A full review of the TS is available in the report for MW.135/19.

The expansion geographically of the area within the farm for operations is of itself not objectionable. However, the same Transport Statement has been submitted for this application as MW.0135/19. This clearly, links the scale of operation, on site, with traffic emanating from the site to serve that geographical area. Therefore, the same questions arise with this application as application MW.0135/19. The spirit of the condition to impose a limit of 3 two-way movements per day is infringed by the current operations. It has not been demonstrated that this is safe due to a lack of information. The scope of the Crashmaps data is limited in the report to Fyfield Wick, whereas, the junction of Fyfield Wick and the A415 is also of interest as it is somewhat of a crash hotspot over the previous 5years. The effects of HGVs on this junction can have a disproportionate effect on the safety performance of this staggered cross roads, which is one of the least safe types of junction. A full review of the Transport Statement is presented in the report for MW.0135/19.

Condition

Standard Highways conditions relating to parking should be applied should planning permission nevertheless be granted despite the objection on highways grounds

Application B: As with the linked application MW.0134/19, there is insufficient information regarding highways safety impacts and key information is missing regarding highways safety parameters.

An analysis of the importance of the conditions (as summarised) in highways terms is presented below and, therefore, which ones are to be considered in this report.

Condition 15 is of most importance, but relaxation of condition 10 is recommended against also.

conditions 5

No crushing or grinding of materials...on site

This condition has few highways consequences.

condition 10

No materials shall be deposited or stockpiled to height exceeding 3m

I see no reason why this should not be complied with in highways terms as it is a reasonable proxy for the creation of mounds of less than their natural angle of repose and thereby promote safety through the condition. Taller mounds may slump onto paths with catastrophic effects.

condition 13

Bushes not felled...

This is not a highways condition

condition 15

No more than 3 HGVs shall enter the site in any working day and no more than 3 HGVs shall leave the site in any working day.

Evidence is not presented that supports the relaxation of this condition and therefore an objection is returned.

This is demonstrated in the following by a review of the Transport Statement (TS, Doc. No. 1918REP01; Oct. 2019) – this is the same report as presented as supporting documentation with Application MW.0134/19.

It states the purpose of the report is to demonstrate that traffic and transportation issues are considered.

This is in line with the following guidance: (with Pre-app. PRE.001.19)

This simply stated that highways safety had to be considered with a number of other items.

The local highways network is not described in detail (section 2.4) as it states Fyfield Wick is approximately 6m wide – the road varies and is considerably narrower than this in part.

Section 2.5 – importantly the scope of this highway safety collision analysis is too narrow to the site and should include the junction of Fyfield Wick and the A415. Here a staggered crossroads (see MW.0134/19 OCC LHA Report) has a record of a number of collisions in the last 5 years.

Section 3 – The impact assessment takes advantage of surveys that were carried out firstly claiming to demonstrate that there are low absolute flows and percentage impact on Fyfield Wick and therefore the impact according to a EIA methodology would generate a low impact from far higher number of HGVs whilst secondly relating that the percentage impact on the main road (A415) would be low due to high flows on the A415. It is this very fact that there are high flows on the A415 that is not analysed in terms of the collision record and by inference the turning movements at the said junction that is missing from the report and the standards of the NPPF are not met therefore, i.e. that severe harm is not demonstrated to be possible from the proposals. This test and not the EIA, is appropriate for the purposes of planning in this instance.

Section 4 – I do not concur with the conclusions of the report therefore.

Condition

A limitation to a mutually agreed level of operations is suggested that is in the spirit of the original application but does not permit or tend to agree with the analysis in the Transport Statement, which is missing vital information, should planning permission be granted despite the objection herein made, on highways grounds.

Revised Response

This is a response to a Repost in the form of a Letter from Helix Transport Consultants (HTC) dated 13th March 2020. The HTC Letter concerns the objection made by OCC as LPA and LHA to the relaxation of conditions 10 and 15.

Condition 10 – In relation to the relaxation of the condition stipulating that 3m should be the highest a mound be made on site: in the absence of evidence I am assuming that over 3m would be beyond a stable natural angle of repose for mounds and that they should not be stacked taller than this for this reason.

I, therefore, at the moment do not agree with the relaxation of this condition.

Condition 15 – §2.5 of my previous report is countered by an evidence base that I shall consider in the following; my previous report for MW.0135/19 (§2.5) states:

“Section [§]2.5 – importantly the scope of this highway safety collision analysis is too narrow to the site and should include the

junction of Fyfield Wick and the A415. Here a staggered crossroads (see MW.0134/19 OCC LHA Report) has a record of a number of collisions in the last 5 years.”

Crashmap is investigated showing some 2 collisions – this is used as input for a COBALT analysis, appraised below.

This analysis is in response to: My previous report for MW.0135/19 (§3), which states:

“Section [§]3 – The impact assessment takes advantage of surveys that were carried out firstly claiming to demonstrate that there are low absolute flows and percentage impact on Fyfield Wick and therefore the impact according to a EIA methodology would generate a low impact from far higher number of HGV whilst secondly relating that the percentage impact on the main road (A415) would be low due to high flows on the A415. It is this very fact that there are high flows on the A415 that is not analysed in terms of the collision record and by inference the turning movements at the said junction that is missing from the report and the standards of the NPPF are not met, therefore, i.e. that severe harm is not demonstrated to be possible from the proposals. This test and not the EIA, is appropriate for the purposes of planning in this instance.”

COBALT (Costs & Benefits to Accidents – Light Touch) Analysis: It was accepted by the LHA that the COBALT approach was a valid one to determine if the above record of collisions was one that was below the national average in terms of impact.

The economic parameter file is DfT approved that accompanies COBALT.

The other file is a scheme-specific input file, containing details such as road or junction type and traffic flow in the base and forecast years.

The ATC surveyed data is a reasonable input to the analysis.

The OCC provided data is acceptable input to the analysis and Temprow is a reasonable method to uplift the data.

The sensitivity test is a reasonable approach to determining the effect of flows on Digging Lane.

The flows on Fyfield Wick have been surveyed by the applicant.

The comparison of with collision data and without collision data and with and without scheme is shown in the table in the HTC Letter.

No significant difference is shown between the comparisons of with and without scheme and the local accident rates are lower than the National Ave.

I concur with the HTC conclusions.

I therefore after a review of the COBALT Analysis as a new evidence base conclude that:

relaxation of condition 15 is appropriate but there should be some restriction on the level of traffic from the site to preserve the amenity of neighbouring people.

There is at present no evidence base as to what that level of traffic should be in terms of the maintenance of highways safety other than the level, at which, traffic is currently operating at.

Recommendation:

No objection subject to Conditions to limit the creation of mounds to 3m and limitation of operations to those extant in infringement of condition as surveyed by Helix Transport Consultants.

It is additionally the case that the other conditions not applied for under s73 here but of highways origin should be carried over from the original application, granted as MW.0049/11.

Supplementary response to Third-Party Transport Objection Note

There are 4 counts of objection raised in the Transport Objection Note produced by ADL Traffic and Highways Engineering Ltd (ADL REF: 4695 30th APRIL 2020):

Reason 1: HGV traffic generated by the application site are much higher than suggested by the applicant;

Reason 2: Carriageway width of Fyfield Wick is not appropriate for a two-way HGV traffic;

Reason 3: Accident situation on the A415/Fyfield Wick staggered junction;

Reason 4: Increased HGV traffic through Marcham and Kingston Bagpuize is likely to lead to highway safety issues due to narrow carriageway and intermittent footways.

I have considered these in the following as a supplementary note to my previous response.

Reason 1: The additional evidence presented is not convincing as it states that some of the traffic recorded would be from a separate permission and therefore the data is contaminated from this source. The original applicant's recordings are taken as being more accurate for the application in hand, although for an overall picture of the traffic on the Fyfield Wick the data provided by the Objector may be more indicative.

Reason 2: I have performed independent measures of the carriageway using a trowel to determine the exact edge of carriageway and a measuring wheel. The survey points are similar to those chosen by the objector's agent. These are tabulated in the following, showing chainages, from reference points:

Chainage from Swannybrook Farm telegraph pole	0m	5.7m
	10m	5.3m
	20m	5.8m
	30m	5.9m
	40m	5.1m
	60m	5.0m
	80m	5.0m
	100m	5.1m
	125m	5.3m
	Fyfield Wick Sign	0m
10m		4.9m
20m		5.1m
30m		5.3m
50m		5.3m
From LongHouse	0m	5.2m
	10m	5.0m
North Cottage	0m	5.4
Pickwick	0m	5.0m
	20m	4.9m
	40m	5.1m
Passing space	0m	7.8m
	20m	5.0m
	40m	5.0m

As the photos show the road is long and straight in most parts and has been recently repaired this may be the reason for the discrepancy between the data sets of mine and the Objector.

My data shows a median of over 5.0m and a minimum of 4.8m, which is sufficient width for two lorries to pass at the low speeds they are required to drive at in this location.

The measures are taken from the carriageway edge to edge.

Reason 3: Collision records have been considered in the modelling undertaken by the agent of the applicant.

I have commissioned an independent study of the collisions in this location according to an area of interest as shown in the attached document, I consider this to be the most likely impacted area by the development. The 14 collisions were almost all slight except a motorcyclist which was unfortunately fatal. None of the collisions involved HGV as primary involved vehicles.

I conclude that the collisions record was sufficient to show that although higher than normal was not related to the activities of the quarry. It is simultaneously, sympathised with the objectors that Fyfield Wick is not

traditionally an industrial road and that there is some difference between the diversified function of the farm and the ordinary farm traffic, in that it tends to be more seasonal.

Reason 4: Speculation regarding increased HGV traffic through Marcham and Kingston Bagpuize is likely to lead to highway safety issues due to narrow carriageway and intermittent footways. This is not supported by the data from CrashMap which is for the last 5 years and does not show any clustering of collisions in Marcham.

There is a cluster of slight collisions at the Frilford Interchange but there is no evidence that this is due to HGVs.

It is recommended that routing be restricted to Oxford Road to access the A34. BY CONDITION

Final Response

Some 40 movements is one per 12 minutes and that represents a kind of saturation of a maximum possible and therefore is no basis for a restriction.

20 movements, at 1 movement per 24 minutes, means that vehicles are unlikely to cross and therefore seems a reasonable basis for restricting the operation by condition. This is also closer to the original application and therefore closer to the spirit of it.

The routing prohibition is the A415 Marcham and the A34 should be joined via the A338 & A420. This has the least impact. This would be attached to any permissions.

Minerals & Waste Planning Policy Team

Initial Response

Further recycling would assist Oxfordshire County Council to meet the recycling targets as in the Core Strategy.

Supplementary Response

In terms of the amount of waste being recycled, it is hard to get a clear picture because the applicant has provided little or no evidence. The original planning permission granted in 2011 does not contain any information about the amount of topsoil that would be recovered from the operation. The current application states that soils and other recycled by-products would be recovered, but gives no indication as to the amount. The applicants have given the proportion of stone/rock that would be recovered as being 12-15%. Given that topsoil is a minor part of the total soil constituent it seems likely that most of the material will be taken off the site to be landfilled elsewhere. This would make the site more akin to a waste transfer station with some limited recovery, and indeed the site is described as a waste transfer station on the NAP company website.

The number of lorry movements will have increased by more than 13 times, and so a corresponding increase in tonnages would be at least 65,000tpa.

Policy M1

Seeks to encourage recycled aggregate mineral supply in preference to primary aggregates. It further states that sites which are suitable for such facilities for the production and supply of recycled aggregates at locations that are in accordance with policies W4 and W5 and other relevant policies will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. The site has not been nominated for allocation in the Sites Allocation Document, and so has not been considered for allocation, nevertheless Policies W3, W4 and W5 apply.

Policy W3

Policy W3 states that planning permission will normally be granted for sites that provide capacity for recycling of waste (including waste transfer facilities which help that provision) that are located in accordance with policies W4 and W5, and that meet policies C1 – C12.

Policy

W4

The site is just within the area of the location for a strategic or non-strategic site for the County. Paragraph 5.34 sets out the guide tonnages for sites – a strategic site would manage at least 50,000tpa. 5.35 also sets out that a strategic site would cover the County as a whole, or a large part of it. Again the applicant has provided no evidence of the area they cover, but their website claims that they serve all of Oxfordshire. In terms of the broad area of search for a strategic waste facility the application site is within the right area, but in terms of the specific location it would need to be considered against policies W5 and policies C1 – C12.

Policy

W5

Extending the site would not be on land in an existing waste use; it would not be previously developed land; it is not on an active mineral or landfill site; does not appear to involve existing agricultural buildings; and is not at a waste water treatment works. It further states that waste management facilities may be sited on land in greenfield locations where this can be shown to be the most suitable and sustainable option.

Paragraph 5.43 states that the further development or extension of an existing site may also offer a better option than the development of a new facility elsewhere. This lends some weight to the possible expansion of waste sites, however this site was granted permission as a relatively small scale local operation, and the expansion to a strategic, or even non strategic site would be a significant change in scale.

Conclusion

Looking at the site in terms of locational policy and not having considered the site fully against policies C1 – C12:

- The site complies with policies M1 and W3 in that it would provide capacity for increased recycling
- In terms of general location under policy W4, the site is within the area for a strategic site that would deal with waste from across the County, and this site would deal with well above the 50,000tpa threshold for such a site.

- The site does not meet any of the priorities for the siting of waste management facilities, and the applicant has provided no evidence as to why the site would be the most suitable and sustainable option.

It therefore appears that on the basis of the evidence provided by the applicant, that the proposal complies with policies M1 and W3, and W4 in terms of general location. However it does not comply with policy W5, and though the site has been considered suitable for a small scale local facility, it does not follow that it is suitable for expansion onto adjoining greenfield, nor that it is suitable for a larger scale facility.

Countryside Access

Initial Response

The route of restricted byway 268/3 is apparently unavailable through the fields to the side of the application site. As this application seeks to formalise the unauthorised extension to the works and change of use of agricultural land, it is considered reasonable that the development formalises the route of the public right of way (PRoW). It is suggested that the best way to do this is thorough an application for a temporary or permanent diversion of the restricted byway onto a suitable route and to a suitable specification. There should also be a provision for a safe crossing of the haul/ access road, vehicle speed management, warning signing and other mitigation measures.

Supplementary Response

The route of restricted byway 268/3 is not available across the applicant's land and across the parcels of land operated by the applicant. There are established conifer hedges, material, machinery, operations and a soil bund causing obstruction. The route of restricted byway 268/3 is obstructed by the soil bund in the s73 extension area, which are reasonable grounds for objection. The applicant's PRoW analysis shows the bund impacting the legal line of the restricted byway at its south-east corner. The bund will need to be moved and reprofiled to give 4m clear width – plus appropriate barriers/ operational clearance.

The haul road to the site has a PRoW gap and locked gate together with metal 'bridleway' signposts south along the haul road and north towards Kingston Bagpuize. The presence of these signs is assumed to imply express dedication of the haul road as a bridleway. There are operational/ safety issues with this haul road and bridleway, which are reasonable grounds for objection and include:

- No enforcement of 5mph limit
- The application increases the HGV movements above consented development with no additional provision for the 'promoted' route of the restricted byway/ bridleway
- There is no clear/ safe route for the restricted byway/ bridleway users along the haul road and no instructions to HGV drivers along the whole of the haul road

Given the nature, extent and duration of the impact on the restricted byway, the best solution would be for NAP, the other tenants and the site owner to agree a permanent or temporary diversion of the restricted byway to a suitable route and formalise safe access to this.

It is acknowledged that the continuation of restricted byway 268/3 southwards is currently obstructed outside of the applicant's land, and the gateway/ route to the north is off line. However, it is deemed to be a separate matter and will be followed up if alternative provision around the whole Swannybrook Farm cannot be secured through a temporary or permanent diversion onto a suitable route and to a suitable specification.

OCC Fire and Rescue Service – No response.

OCC Public Health – No objection.

Providing that the applicant exercises the correct dust management to monitor and mitigate fugitive emissions from the site in dry periods and implements the interventions such as the proposed landscape planting, no concerns at this time.

OCC Lead Local Flood Authority – No response.

OCC Environment Strategy – No response.

OCC Ecology Officer

As outlined in the pre-application advice (26 April 2019), it is disappointing that works commenced without consent and without appropriate ecological advice. The condition of the extension area prior to commencement cannot be fully assessed, nor the ecological impacts identified.

The Oxfordshire Minerals and Waste Core Strategy 2017-31, policy C7 states: "*Minerals and waste development should conserve, and where possible, deliver a net gain in biodiversity*". Also:

"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 accordance with local and national planning policy, a net gain in biodiversity must be achieved and the vegetation loss fully compensated for, based habitats present prior to vegetation loss. Chosen planting should be mindful of the landscape and visual impacts of the scheme and recommendation provided by the County Landscape Specialist. If minded to approve, the following condition should be included:

Condition

A detailed scheme of ecological enhancements shall be provided to, and approved in writing by, the Minerals Planning Authority. A measurable net

gain in biodiversity shall be demonstrated, to include landscape planning of known benefit to wildlife. In addition, artificial roost features for bats and birds shall be incorporated, the specifications and locations of which shall be provided. The scheme will include measures to protect existing vegetation and management of all new and existing features.

Reason: In the interests of preserving and enhancing biodiversity in accordance with the OMWLP and NPPF.

OCC Landscape Specialist

Initial Response

The site is in a rural area south of Kingston Bagpuize within the Local Character Area 'Stanford in the Vale' (CR/3). The site falls into landscape type LM9, where the area is largely characterised by, amongst other things large, open arable and improved grassland fields, crossed by a network of straight roads and scattered woodland plantations of different sizes and a number of small copses to field corners and around farmhouses as a characteristic feature. OMWCS policy C8 and VLP1 Core Policy 44. It is unclear if the developments seek to also introduce lighting, so clarification should be sought.

Landscape policy requires developments to demonstrate they respect and where possible enhance the local character and are informed by landscape character assessment/ appraisal. This requirement was also outlined in the pre-application advice to the applicant, however now landscape appraisal has been carried out to assess the impacts and to inform mitigation measures.

Application A: The application seems to pre-empt the outcome of the related application MW.0135/19, that stockpile heights of 5m will be found acceptable. Current permission only allows stockpiles of 3m height. In the absence of a landscape character assessment/ appraisal, the applicant has not demonstrated how the development respects the landscape character and views. Without any acceptable justification I consider the proposal as put forward not acceptable in landscape and visual terms.

The development is not in keeping with the local landscape character. The extension and the adjacent agricultural field does not take account of landscape patterns and features in the surrounding landscape. The shape and size of the extension is not in keeping with the landscape pattern, and the bunds/ stockpiles are high and utilitarian in nature forming uncharacteristic features in the landscape and views. The height and nature of the bunding and stockpiles is visible in public views from Fyfield Wick road and from the Public Right of Way north to the site. Existing boundary vegetation, where existent along the western and northern boundary helps mitigate visual impact to some degree but is not fully effective. This is not helped by missing or damaged vegetation caused by lack of protection. Impact on views could be reduced by lower, shallower bunds and stockpiles, and by more effective screen planting. Recommendations from the Tree Survey for native hedgerow and tree planting along some boundaries are welcome proposals, but don't go far

enough to successfully mitigate impacts. The location, nature and height of any planting should be informed by a landscape and visual assessment/appraisal. Any potential measures will also have to go hand-in-hand with effective protection of existing and new vegetation.

Whilst the principle of an extension done in a way that is sensitive to its surroundings and in keeping with the landscape character, the proposal as shown is not acceptable in landscape and visual terms. A landscape and visual appraisal should be carried out to inform design and mitigation of any proposal.

Should the development be approved despite these concerns, conditions should be added to cover the following issues:

- Landscape Scheme (including additional planting)
- Protection of trees and other vegetation
- Lighting

Application B: In the absence of a landscape character assessment/appraisal, the applicant has not demonstrated how the proposed changes respect existing landscape character and views and will not result in increased landscape and visual impacts.

Condition 10 (Stockpile height not to exceed 3m)

The application seeks to increase the stockpile heights from 3m to 5m. It is not clear from the supporting information how high stockpile heights on site currently are, but they look too high in views, e.g. from the PRoW north of the site. In the absence of a landscape and visual assessment, which successfully demonstrates why 5m high stockpiles are acceptable in landscape and visual terms, there is concern on the impact of these features on landscape and views and a variation of this condition cannot be supported.

Condition 13 (Protection of existing vegetation)

The application seeks permission to not comply with this condition. This condition ensures the protection of existing vegetation, which provides an important setting and screening to operations on the site. The condition does not stop the applicant from removing or planting new vegetation but requires permission prior to any work being done. No justification has been found as to why this condition should no longer be complied with, and it is very concerning if the protection of existing vegetation on site was weakened or removed, therefore the variation or omission of this condition cannot be supported.

Condition 15 (Protection of existing vegetation)

There is potential conflict between the increase in HGVs and the existing PRoW, which crosses the site in a north southerly direction. There is a discrepancy between its alignment on the OS map and what happens on site, where it appears to run along the access road. As such, it shares the route with HGVs, which creates an unattractive and unsafe walking environment. An increase in HGVs might therefore adversely affect users

of the PRow. This is concerning but will be guided by the Council's Public Rights of Way officer on this.

Revised Response

Further to the previous comments for both applications provided 31 January, a Landscape and Visual Appraisal (LVA) by Robin Lines Landscape has been submitted. This concludes that the impacts will be localised, with landscape impacts being negligible and visual impacts ranging from negligible to minor/ moderate. Whilst agreeing that impacts are relatively localised, the officer considers some of the landscape and visual impacts have been underestimated.

The proposed mitigation outlined in section 6 is welcomed but may not go far enough. There is no Landscaping Scheme provided showing the proposed mitigation outlined in the report, so the substance and width of the proposed planting cannot be judged. In the absence of this, the officer is not convinced that the provision of a hedgerow at the bottom of the bunds will be enough to adequately address impacts. The recommendation is that not only a hedgerow, but a 5-10-metre-wide tree/shrub belt is planted. A detailed landscaping scheme is required.

The findings of the landscape and visual appraisal are not fully agreed with, but on balance the development can be made acceptable in landscape and visual terms subject to appropriate mitigation. To ensure that mitigation is adequate and enforceable, mitigation proposals outlined in the LVA should inform the production of a Detailed Landscaping Scheme. This should also include information on ongoing management of existing and proposed vegetation. The information should be provided prior to determination but can be conditioned if required.

Vale of White Horse District Council Environmental Health Officer
Supplementary Response

The application proposes to amend conditions attached to the original planning permission by increasing the number of HGV movements associated with the site and installing a new concrete crusher to assist the crushing/grinding of material on site.

The noise assessment provided has been carried out whilst traffic movements have reduced due to the current government lockdown which means the activity levels from non-associated vehicles/HGVs as well as from HGVs associated with the site may be lower than would normally be expected. Subsequently there is a significant degree of uncertainty to the measured sound levels within the report. The assessment calculates a series of hourly LAeq values that they predict would occur for the proposed 40 HGV movements and compares this to the criteria within BS8233: Guidance on sound insulation and noise reduction for buildings. BS8233 suggests criteria for different situations, and is primarily intended to guide the design of new buildings, or refurbished buildings undergoing a change of use rather than assessing the effects of changes in the external noise climate as is the case in this assessment. In addition, the criteria within BS8233 are given for 16 hours for daytime and 8 hours for night time rather than the 1 hour time base utilised within the assessment. Subsequently it is not clear to me that increasing the number of HGV movements from the number currently permitted would significantly change the acoustic environment. The impact of noise from HGV traffic, particularly early in the morning is likely to have a greater impact, however, it is noted that the applicant is not seeking to amend their operating hours. The noise assessment provided indicates that some vehicle movements to and from the site are taking place outside the permitted hours of operation and I would recommend that the permitted hours of operation are adhered to.

In respect of the proposed crusher, the noise assessment provided gives a simplified calculation indicating that the rated noise level will exceed the existing background sound level by approximately 10dBA at the receptor facade. BS4142 highlights that a difference of around +10 dBA or more is likely to be an indication of a significant adverse impact. The lower the rating level is relative to the measured background sound level, the less likely it is that the specific sound source will have an adverse impact or a significant adverse impact. The assessment highlights that noise mitigation measures may be required in the form of relatively high barriers and/or bunds.

To help evaluate any potential noise effects to the surrounding residential properties from the proposed changes to the original planning permission I would recommend that applicant submits a noise assessment in accordance with BS4142:2014 -"Method of rating industrial and commercial sound'.

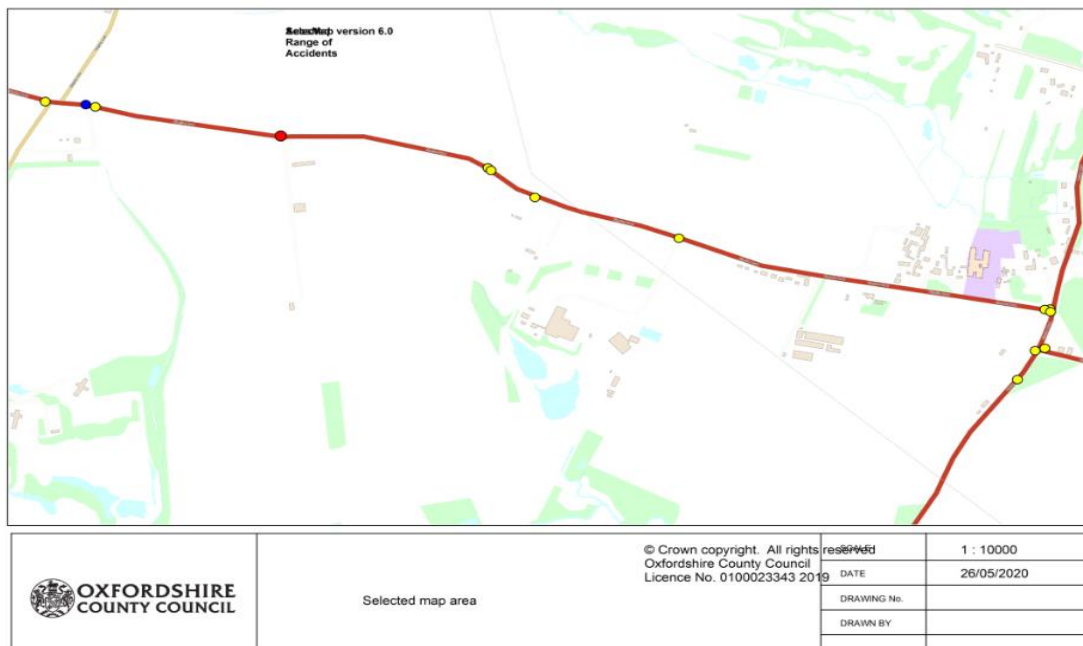
Annex 5 – Additional data from OCC Highways

Supplementary Response – Photos of Road running through Fyfield Wick

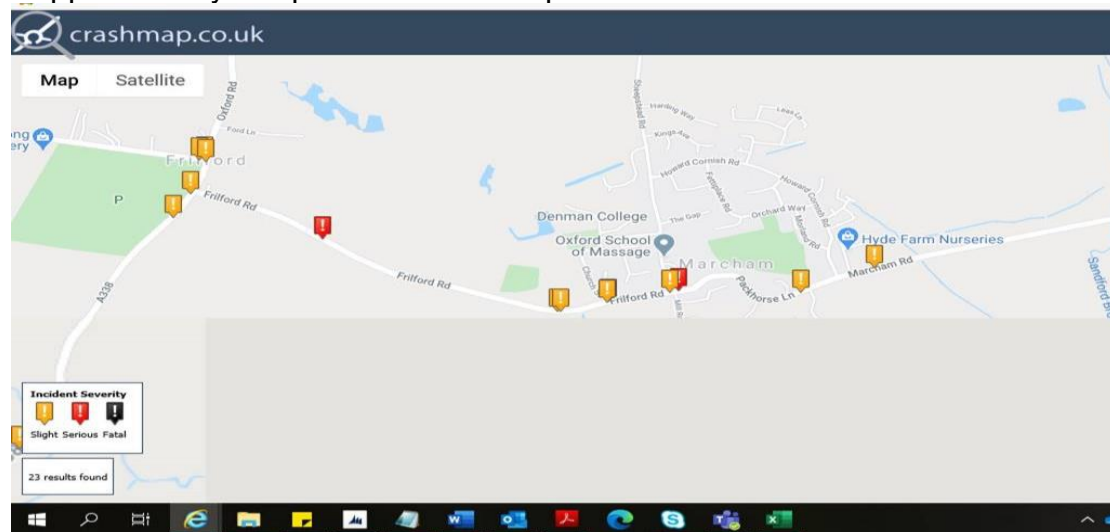




Supplementary Response – Area of interest (A415)



Supplementary Response – Crashmaps Data for Marcham

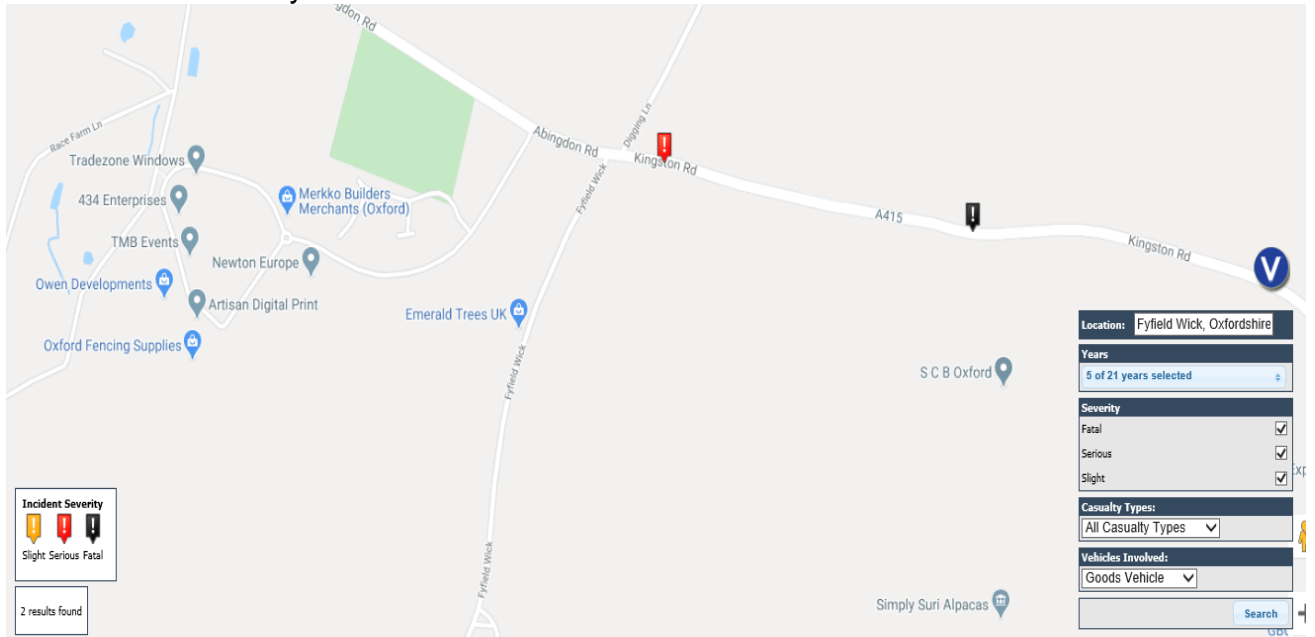


Annex 6 – Crash sites from Crashmap.co.uk data Collected by the planning officer

All Vehicles



Goods Vehicles Only



Annex 7 – Third Party representations

There have been **forty-six** third-party representations received, summarised below:

MW.0134/19

- The prevailing wind across the open landscape is a strong and consistent southerly/ south-westerly, which blows dust and dirt directly over homes. The original permission agreed that in dry conditions the bund would be hosed down, but this does not happen. The strong and consistent wind does and will carry dust, noise, fumes etc across into residential properties and further than the air pollution report considers, as based on a smaller bund.
- The bund is supposed to be 3 metres, but this has grown to over five times this size. It was reduced on 17 January 2020, possibly as an awareness that local residents would object to the retrospective applications. The excavators doing this work were so elevated and forbidding they broke the skyline.
- Screening trees were cut down indiscriminately, which is not good for the environment. This will contribute to local flooding and you can quite clearly see the monstrosity they have in full view from the road and is an ugly outlook from a conservation area, made worse by the removed trees.

MW.0135/19

- The narrow, rural country road between the A415 and Longworth Road has no footpath. In recent times mud and silt has been washed down adjacent tracks which causes unsafe conditions on which several pedestrians have slipped and fallen. It is well used by school children, families, cycling groups, walkers and joggers for a variety of reasons. It is entirely unsuited to the huge increase in HGVs that are now imposed on it. There was no mention of the serious accident at the junction with the A415 in the traffic report.
- Serious concerns over the condition of the un-numbered access road to Swannybrook Farm from the A415. Current traffic levels have badly deteriorated the surface. There are numerous potholes and the edges of the road are not defined and the road is in a bad state of repair. Would like the council to put in some serious enhancements to the road soon.
- Dangerous ruts appearing where heavy wheels gouge out the soil as the grass verges are eroded. This has led to local landowners placing blocks on the verges to prevent further wear, removing a potential escape route for small vehicles or motorcycles should they need to take evasive action when faced with large oncoming lorries. This is a safety concern.
- The introduction of the crushing of construction waste, e.g. concrete, brick etc will cause dust and be considerably noisier for neighbours. This was never envisioned as part of the original application and is happening on site at all times.

- Permission was previously granted for a small operation to screen waste soils, with no crushing and one tipper in use, to process 5,000 tonnes. The six vehicle trips a day would mean operations for approximately 10 weeks a year. The scale of NAP's current business is a large, industrial scale operation on a small, rural site. The growth envisioned by these retrospective applications, which is to include concrete crushing, is unrecognizable in terms of scope and scale of the original permission, which has been vastly overstepped. Any increase permitted under this application may subsequently lead to further uncontrolled damaging expansion in the future.
- The road onto the A415 is not wide enough to allow regular use by large heavy-tonnage industrial vehicles as is currently the case and 2 lorries are unable to pass on the road in places. 5,000 tonnes of waste to be processed is an enormous increase in vehicle movements. The proposals are an increased danger to the public using that road and the A415, including through Marcham.
- Although there is visibility from the Swannybrook Farm entrance, lorries have a tendency to sweep out onto the wrong side of the road. There are concealed entrances on blind bends on the same road, so safety is an issue as is lorries having to pull up to allow other lorries to pass; an almost daily occurrence.
- Concern over dramatic increase in proposed HGV movements from 6 to 40, which would add to those that are already on the road. An audit should be carried out, to include impact on the residents of Marcham, where the narrowing of the road in the village centre presents dangers from heavy lorries, which the road is unsuited for and more vehicles will create more pollution, more damage and potentially more accidents.
- Concerns for increased HGVs through Kingston Bagpuize on an already busy road would damage the amenity of a village community and be a road safety risk.

MW.0134/19 and MW.0135/19

- Heavily loaded vehicles may be having a deleterious effect on properties adjacent the site as vibrations can be felt inside the house when the frequent HGVs go past.
- HGVs have been overloaded and debris has been left on the highway as a result. Debris has been observed coming off the back of NAP trucks at the Swannybrook turn.
- Third-party vehicles are not taken into account to drop off and collect from NAP's site at Swannybrook Farm.
- NAP's traffic impact reports are not reliable. There is evidence of many vehicle movements operating outside of the hours permitted, some as early as 6:30am
- The small-scale soil processing operations were fairly minimal and tolerable alongside other small-scale pre-existing industrial and farming operations. The current soil processing and related

activities have increased steadily over recent years and is now unacceptable and on an industrial scale.

- The operations have a detrimental impact on residents locally due to dust and noise and impact on air quality. Increased HGVs would increase risk to villagers trying to cross local roads.
- The scale of undertakings of soil screening on this site means that there is constant noise most days from high-pitched 'beep beep' reversing sounders, large engines and scraping, digging and noise from huge trucks and multiple large excavators. There is increased noise/ disturbance to nearby properties.
- The operators have been operating without permission for years; they are acting illegally and should be prosecuted. Who knows what hazardous substances are being disposed of or done safely. Have they been inspected by the Environment Agency?
- The operators have disregarded the original planning terms, including vehicle movements, plant operating hours and concrete crushing and have no regard for planning permissions. These breaches will continue, so why should this permission be given. They cannot be trusted to keep to the limits set by new planning permissions.
- The growth in hours – including Saturdays are unreasonable and envisage an industrial scale operation impacting residents locally.
- The expansion of operations will impact on the amenity of the community of Kingston Bagpuize.
- Permission was previously granted for a small operation to screen waste soils, with no crushing and one tipper in use, to process 5,000 tonnes. The six vehicle trips a day would mean operations for approximately 10 weeks a year. The scale of NAP's current business is a large, industrial scale operation on a small, rural site. The growth envisioned by these retrospective applications, which is to include concrete crushing, is unrecognizable in terms of scope and scale of the original permission, which has been vastly overstepped. Any increase permitted under this application may subsequently lead to further uncontrolled damaging expansion in the future.
- The small-scale soil processing operations were fairly minimal and tolerable alongside other small-scale pre-existing industrial and farming operations. The current soil processing and related activities have increased steadily over recent years and is now unacceptable and on an industrial scale. This is a detrimental impact on residents locally.
- Complaints regarding breaches of planning consents for the site have not been satisfactorily dealt with to date by Oxfordshire County Council. There has been no regulation or enforcement of the site's activities to date. Investigations were materially deficient. Either they failed to correctly identify growth or were presented with falsified data. Removal of the concrete crusher was not enforced, and the reduction of the soil stacks was only as a result of objections raised by these applications.

- If they wanted to expand their operations, they should have sought permission first, not try and present it as a fait accompli afterwards and to come back and ask for retrospective permission. This rides roughshod over the original planning permission and is a gross abuse of both the process and the authority of the Council(s) and makes a mockery of the planning process. The conditions laid down are simply going to be ignored, not enforced and then sanitized later. It would appear the operators have felt so confident or arrogant that they have invested in a large amount of equipment that clearly exceeds their mandate. As a minimum there should be formal consultation with local residents, and a full review of all evidence before any planning hearing
- Oxfordshire County Council has failed to adequately consult other authorities in the area to understand the full impact of this type of business by not taking into account growth locally, with the cumulative impact of growth in heavy traffic.

There were several comments received which relate to the operations on the wider industrial site but are not directly related to the developments the subject of applications MW.0134/19 or MW.0135/19:

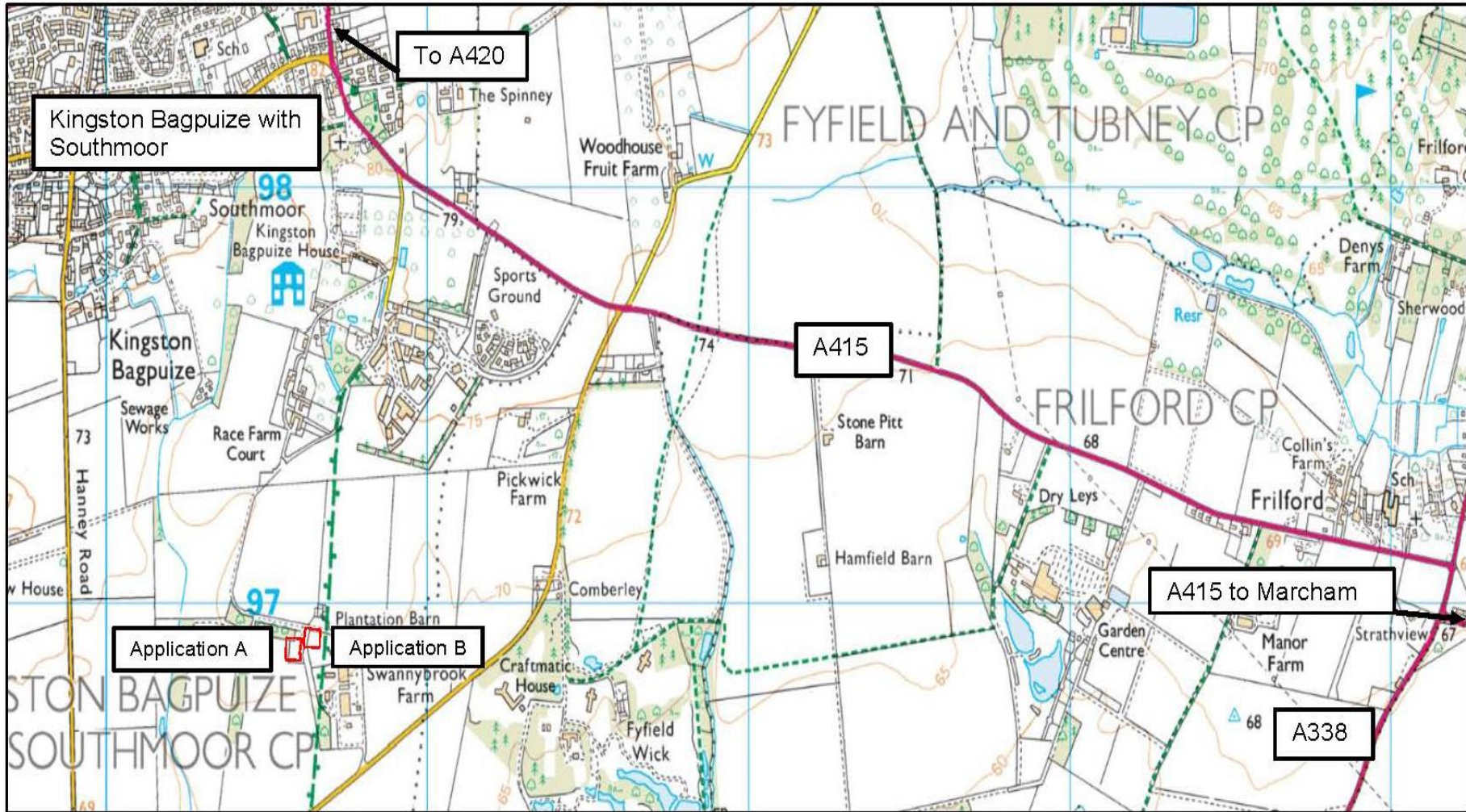
- Floodlights are visible across previously dark fields. This is used continuously and is over the top of the bund, breaching current permissions. The glow emanates from the site throughout the night and will be a significant impact on the local wildlife, which is within an ideal habitat, where we are fast losing our untouched and natural landscapes.
- There is a regular passage of tipper lorries daily to/ from site, with frequent journeys by lorries transporting batch concrete, bulk deliveries of raw cement powder, heavy stone crushing plant and processed materials collection.
- Third-party vehicles are not taken into account to drop off and collect from NAP's site at Swannybrook Farm
- There are more suitable sites – a satellite site to run their huge vehicles from, not in the immediate vicinity.
- A growing company is a great idea for business and the economy and for taxes, not in Southmoor and not by NAP.

Annex 8 - 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 Habitats and Species (Amendment) (EU Exit) Regulations 2019 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.

No further consideration of the Conservation of Species & Habitats Regulations is deemed necessary.



This page is intentionally left blank

Planning Report

For: PLANNING & REGULATION COMMITTEE – 20 JULY 2020

By: Director for Planning & Place

Development proposed:

Revisions to existing asphalt plant layout, including widening site entrance to Waterworks Road (Grimsbury Green), upgrading site access road, provision of new weighbridges, relocation of administrative buildings and staff parking area; provision of new relocated concrete batching plant; provision of aggregate storage and unloading facility with new Bottom Discharge Unit (BDU) rail unloading system.

Divisions Affected: Banbury Grimsbury & Castle

Contact Officer: Naomi Woodcock **Tel:** 07754 103464

Location: Asphalt Plant, Concrete Batching Plant and adjoining land, Water Works Road, Hennef Way, Banbury, OX16 3JJ

Application No: MW.0026/20 **District Ref:** 20/00777/CM

Applicant: Tarmac Trading Ltd

District Council Area: Cherwell

Date Received: 24 January 2020

Consultation Period: 19 March 2020 – 8 April 2020

Extended consultation period*: 9 April - 30 April 2020*

* The consultation period was extended by 21 days to provide consultees and interested parties with additional time to review and comment on this application during the COVID-19 pandemic.

Recommendation:

The report recommends that the application be approved subject to condition.

Contents

- Part 1 - Facts and Background

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

Location and site (see Annex 1)

1. The existing asphalt plant which is the subject of this application is in Banbury and lies immediately west of the Birmingham to Oxford railway line. It is 1.3 kilometres¹ north of the centre of Banbury and 1 kilometre west of junction 11 of the M40 motorway.
2. The site lies north of Water Works Road, which itself is immediately north of the A422 Hennef Way. Water Works Road is also known as Grimsbury Green and carries a public footpath which links the residential areas of north east Banbury to the canal towpath. The site is bounded to the east by the railway line and siding. Beyond that lies an industrial estate extending to the M40 motorway.
3. Open fields border the site to the west and north and are bounded beyond by the River Cherwell. Further to the west lies Grimsbury reservoir, and beyond this the Oxford Canal which is approximately 0.5 kilometres west of the site boundary. The Oxford Canal Walk to the west of the reservoir is a promoted walk managed by the county council. There is permissive access around the reservoir. Banbury Ornithological Society manages a nature reserve to the north east of the reservoir.
4. The reservoir and surrounding habitats are popular for bird watching. Part of the area is managed by the Banbury Ornithological Society as a nature reserve. It also has a recreational use for a sailing club and forms part of the public water supply.
5. The closest designated nature reserve is Fishponds Wood Local Wildlife Site in Hanwell, which lies approximately 2.3 km (1.4 miles) north east of the site. The site lies approximately 170 metres north west from Grimsbury Manor which is a grade II listed building.
6. The application site lies primarily within flood zone 1 with small areas of land falling into flood zone 2.
7. The application site measures 2.67ha and comprises several hard-standing areas. The asphalt plant lies in the southern half of the site. The asphalt plant is surrounded by a concrete plant to the immediate north, a workshop to the west and a car park to the south. A substation lies to the south of the car park. There are also plant structures, ancillary buildings and open storage bays in the

¹ All distances are approximate.

southern half of the site. An informal parking area lies to the north of the concrete plant.

8. The access road runs adjacent to the western site boundary.
9. Access to the site is gained from Waterworks Road, which is also known as Grimsbury Green. This is a no-through road off Hennef Way providing access to the waterworks, reservoir and rail sidings. Most mineral used for the production of Asphalt at the site is imported via the rail siding. Some sand and gravel is imported by road from quarries without rail head access. Asphalt is exported by road.
10. The site has some vegetation along its boundaries, consisting of hedgerows and scrub vegetation with some trees. This provides some screening to the site.
11. The site is not located in a residential area. The closest residential area is Grimsbury in north east Banbury. The closest dwellings in this area lie 150 metres south of the application site on the other side of Waterworks Road, the A422 and the railway. A small group of dwellings lie 150 metres to the east of the site on the other side of the railway line.

Planning Background

12. Permission was granted for an asphalt plant in this location in 1993 under consent CHN.45/90. This was subject to a routeing agreement dated 26 October 1992. The site currently operates under a different consent issued with the same reference number in 2003. The 2003 consent was issued following a section 73 application on the original consent which extended the operating hours. The proposed development would be subject to a new routeing agreement which would revise and update the existing requirements and ensure that HGVs use an agreed route to the main trunk road network.
13. In September 2018 an application² was submitted for the temporary use of the land as a rail unloading and aggregate storage and distribution facility, including offices, two weighbridges, lorry loading and parking areas, maintenance shed, aggregate storage bays and conveyors linking the storage bays to the rail unloading area to the north and the creation of a new vehicular access into Waterworks Road. This application was withdrawn in October 2019.
14. In October 2018 an application³ was submitted for the continuation of the development permitted by CHN.45/90 (permanent consent for coated Roadstone) without complying with conditions 2, 3, 4, 5, 8, 12, 13 and 16 (to remove hours of working for asphalt plant to allow operations at any time of day or night and to update plans to relocate existing office, canteen and WC). This application was also withdrawn in October 2019.

² Planning Application Reference: MW.0116/18

³ Planning Application Reference: MW.0117/18

Details of the Development

15. This application seeks permission for the provision of a new permanent aggregate unloading and storage facility which will serve:
- the High Speed 2 (HS2) development;
 - the existing onsite asphalt and concrete batching plant; and
 - various national and local infrastructure projects in the surrounding area.
16. The new aggregate unloading and storage facility would provide a higher capacity rail terminal, which would enable material to be imported by rail and then exported by road to local construction projects and/or compounds.
17. It is proposed to carry out the development in two phases.

Phase 1

18. For approximately the first 5 years, the aggregate storage/unloading facility would primarily service the construction of HS2.
19. The HS2 compounds to be served by this development are located in Kenilworth, Offchurch, Bascote, Wormleighton, Chipping Warden, Brackley, Steeple Clayton, Aylesbury, Wendover and Great Missenden.

Phase 1 works

20. It is proposed to install a Bottom Discharge Unit (BDU) and a 25,000 tonne capacity “toast-rack” storage facility (with associated conveyor) immediately north of the existing asphalt plant.
21. The existing concrete batching plant would be demolished to facilitate the BDU and storage facility. A replacement concrete batching plant would be installed immediately north of the new BDU and storage facility.
22. It is also proposed to consolidate and relocate the existing asphalt plant office, welfare, storage and toilet facilities to the south of the existing car park. The workshop would be relocated immediately east of the asphalt plant.
23. A turning area and lorry parking for up to 12 HGVs are to be created at the northern part of the site.
24. 10 parking bays for staff would be created immediately north of the replacement concrete plant. The existing car park which lies at the southern end of the site would also be enlarged as part of the works.
25. The table below outlines the lighting which is proposed as part of the works.

Proposed lighting details

Location	Number of lighting poles	Number of lights on each pole	Wattage of each light	Height of lighting pole
At each weighbridge	1	4	300	6m
Asphalt plant car park	4	2	60	4m
Lorry parking area	1	4	300	6 m
Lorry turning area	1	4	300	6 m
Rail siding	16	1	30	4m
Concrete batching plant*	-	-	300	17m
BDU toast rack**	-	-	40	4.5metres

*6 lights are proposed to the top of the cement silo.

** each BDU toast rack would have a light attached on top of its rear wall.

26. The Landscape and Visual Assessment explains that illumination in the vicinity of the weighbridge and asphalt plant would not exceed current levels for receptors moving east along Grimsby Green.
27. The opportunity would be taken to widen and resurface the existing access road and to install a new weigh in and a new weigh out bridge.
28. The site entrance gates would be relocated from immediately north of the substation to immediately south of the substation. It is also proposed to widen the existing access of Grimsbury Green.
29. To facilitate the modifications the site entrance, it will be necessary to remove part of the area of pioneer trees and scrub to the east of the existing access road.
30. New advanced tree and scrub planting are proposed within the existing area of scrub to the east of the site entrance area. New advanced native tree and scrub planting is also proposed between the access road and the western site boundary.
31. As part of the phase 1 works improvements would be made to the road junction opposite the site entrance, including the provision of 2 new footpaths, a 2 metre central refuse to facilitate road crossing and a cycle path.

Site operations during Phase 1

32. The application explains that HGVs associated with the HS2 construction works would enter the site via an upgraded western access road and pass over the

new 'in'-weighbridge. They would then drive up to the toast-rack facility, receive loads via loading shovels and return to the new 'out'-weighbridge before exiting the site. Visitors to the new replacement concrete batching plant would also enter/exit via this route.

33. HGV's associated with the HS2 construction works would generate on average, 17,000 tonnes of aggregate movement per week with a peak of 24,000 tonnes per week. These movements would be undertaken Monday to Friday and Saturday mornings using 32 tonne capacity articulated vehicles, which would generate circa 160 loads per day, or 320 movements per day.
34. These HGV movements would be in addition to the 80 traffic movements which currently taking place on-site.
35. On average, the associated HS2 construction works would generate approximately 28 HGV movements per hour (14 in and 14 out of the site). Deliveries are expected to be significantly reduced at weekends and Bank Holidays.
36. In order to align with the constraints placed on the HS2 compounds, the first delivery would leave the application site at 0500 and the last HGV would return to the site at approximately 2030.
37. During the construction of HS2, deliveries to the site via rail to the BDU would take place approximately four times within a 24 hour period Monday – Friday, with two deliveries expected on Saturdays and occasional deliveries on Sundays.
38. Deliveries of materials by train to the asphalt and concrete batching plant will continue to utilise the existing rail grab.
39. The proposed operational hours of the aggregate storage facility during phase 1 would be:
 - 0500 – 2100 Monday to Friday
 - 0600 – 1500 Saturdays
 - 0800 – 1500 Sundays and Bank Holidays
40. No changes are proposed during phase 1 to the asphalt plant's operational hours. These are:
 - 04:00 – 19:00 Mondays to Saturdays; and
 - 08:00 – 17:00 on Sundays.
41. Similarly, no changes are proposed during phase 1 to the concrete batching plants operational hours. These are:
 - 0700 – 1800 Monday to Friday; and
 - 07:00 – 13:00 on Saturdays.

Proposed planning conditions

42. The application explains that the applicant would be agreeable to conditions which:
- a. restrict HGV movements to and from the existing Grimsbury Green access to no more than 20 between 08:00 and 09:00; and 17:00 – 18:00 Monday to Fridays;
 - b. prevent train deliveries to the asphalt plant via the existing rail grab between 22:00 and 07:00; and
 - c. require the submission and agreement of landscaping details.
43. At the beginning of July, the applicant requested that a revision be made to the proposed hours of use for the existing rail grab. It is now proposed to prevent train deliveries to the asphalt plant via the existing rail grab between 22:00 and 06:30.

Phase 2

44. Following the completion of the operations associated with the construction of HS2, the BDU will be used for the unloading of materials to the site.

Phase 2 works

45. As part of the phase 2 works it is proposed to remove the:
- existing rail grab facility associated with the asphalt plant;
 - turning area and associated lighting from the northern section of the site;
 - weighbridge and associated lighting on the resurfaced western access road;
 - lighting from the lorry parking area and rail siding.
46. The weighbridges and weighbridge office within the asphalt plant would be retained.

Phase 2 operations

47. The application explains that train deliveries would reduce to four per week on average, all via the BDU.
48. The hours of operation for the aggregate storage facility, asphalt plant and concrete batching plant would be aligned as follows:
- 04:00 – 19:00 Monday to Saturday; and
 - 08:00 – 17:00 Sunday.
49. It is anticipated that HGV movements across the site would revert to the current level of approximately 80 movements per day.

Mitigation

Transport mitigation measures

50. A number of transport mitigation measures are proposed as part of the overall development, some of which include:

- Cleaning of the highway as required, with two daily inspections of routes to define need or otherwise; and
- stopping vehicles from laying-up in surrounding roads;

Noise mitigation measures

51. A number of noise mitigation measures are proposed, including:

- no train unloading between the hours of 2200 – 0630 on any day from the asphalt plant rail-grab;
- all feed / transfer hoppers to be lined with resilient material to minimise the noise arising from aggregate hitting metal panels;
- no standard reversing beepers on loading shovels; and
- prohibition of the use of vehicle horns other than in an emergency.

52. The Supporting Planning Statement explains that if the noise mitigation measures identified in the Noise Assessment are implemented, noise levels from the proposed development would be below 48 db LAeg, 1 hour, free field at the dwellings, which is below the: i) noise standards set out in the Planning Practice Guidance Minerals; ii) guidance values set out in the WHO Guidance; and iii) external amenity design criteria from BS8233.

Air Quality mitigation

53. All HGVs associated with the proposed development would be at least a Euro VI standard in order to minimise traffic emission levels.

54. The Air Quality Assessment (AQA) which was submitted in support of this application assessed the impacts of the proposed development, against:

- nuisance, loss of amenity and health impacts associated with the construction phase of the development on sensitive receptors;
- changes in traffic related pollutant concentrations associated with the operational phase of the proposed development; and
- the significance of the impacts from the operational phase of the proposed development on human health receptors as a result of the changes in pollutant concentrations associated with vehicle emissions.

55. Appendix B of the AQA recommends several dust mitigation measures for the construction phase of the development including:

- locating machinery and dust causing activities far away from receptors;
- erecting solid screens or barriers around dusty activities or the site boundary that are as high as any stockpiles on site;
- fully enclosing the site or specific operations where there is a high potential for dust production and the site is active for an extensive period; and
- avoiding dry sweeping of large area.

56. The Planning Statement explains that subject to the implementation of the mitigation measures, the proposed development would have a slight adverse effect at existing receptors, with all but one experiencing a negligible effect.
57. The Planning Statement further explains that the proposed development can be operated in a manner unlikely to cause adverse air quality or dust impacts in its vicinity, and with reference to best practice guidance the overall impact of the development is considered to be not significant.

Dust mitigation

58. The Dust Assessment identifies that the following activities may give rise to dust:
- mineral processing and handling;
 - mobile plant (on-site vehicle movements); and
 - wind scouring of exposed surfaces and stockpiles.
59. The Assessment recommends several mitigation measures to minimise the impact of dust including:
- when working material in very dry, windy conditions, reducing the drop heights of materials when they are being transferred and controlling vehicle speeds;
 - sheeting of HGVs leaving the site before they join Grimsbury Green;
 - Wetting down stockpiled minerals to reduce the risk of wind-blow from exposed surfaces; and
 - using a high-powered road sweeper.
60. The Assessment concludes that provided that mitigation measures suggested are adopted by the site and applied to the proposed development, there would be minimal dust effects at existing receptors as a result of the proposed development.

Ecological Impacts

61. The Extended Phase 1 Habitat Survey which has been submitted in support of the application identifies that the habitats at the Site are of Negligible to Low Ecological Importance and that there would be no important adverse effect from the Proposed Development on fauna, flora, habitats and designated sites.

Submission of further information

62. After the consultation period had ended the following information was submitted to support the application:
- a revised Landscape and Visual Assessment;
 - additional lighting information about the location of the new lighting;
 - an Ecological Management Plan (EMP) has also been submitted after the consultation period to avoid the need for an EMP condition.

Part 2 – Other Viewpoints

Representations

63. A total of 17 third party consultation responses have been received, of which 16 are objections. The issues raised by the objectors are as follows:

- insufficient notification of community engagement in November 2019;
- impact on residential amenity due to increased and intensive noise nuisance, dust/air pollution, traffic congestion and light pollution;
- proposed hours of works and in particular increased working during unsociable hours;
- impact on human health and wildlife;
- road safety concerns at the Grimbury Green access including poor street lighting;
- poor visibility for HGV drivers when exiting the site;
- Impact on the Air Quality Management Area;
- existing noise, light and dust pollution coming from the plant;
- existing and potential issues with mud on road;
- the town council has declared the town a ‘climate emergency’;
- the need for the development at a time when people are losing jobs due to COVID – 19; and
- increased air pollution linked to increased risk of dying from COVID – 19.

64. One letter of support has been received from the main works contractor for HS2. The letter highlights that HS2 has been given the support of the Prime Minister and that a Notice to Proceed has been given to commence construction works. The letter also explains that the proposed development is critical to the delivery of the HS2 works.

65. Councillor Banfield objects to the planning proposal. Her objection is detailed in Annex 3.

Consultation Responses

66. The consultation responses are also detailed in Annex 3.

Part 3 – Relevant Planning Documents

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

67. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise.

68. The relevant development plan documents are:

- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan (saved policies) (OMWLP)
 - Cherwell Local Plan (saved policies) (CLP 1996).
 - Cherwell Local Plan (CLP) 2011 – 2031 Part 1
69. The 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. It is anticipated that Part 2 of the Plan will include Site Allocations and any further development management policies that may be necessary in relation to the allocated sites.
70. The OMWLP was adopted in July 1996 and covered the period to 2006. 46 policies within the OMWLP were 'saved' until the adoption of the OMWCS and 16 of these policies continue to be saved until the Part 2 Site Specific document is adopted. The saved policies are non-strategic site-related policies.
71. Other material considerations are:
- i) The National Planning Policy Framework (NPPF);
 - ii) The National Planning Practice Guidance (NPPG);
 - iii) Banbury Vision and MasterPlan Supplementary Planning Document (December 2016); and
 - iv) Ministry of Housing, Communities & Local Government issued a Chief Planners Newsletter dated March 2020.

Relevant Policies

72. The relevant policies are:

OMWCS

- M6 - Aggregate Rail Depot
- M9 – Safeguarding Mineral Infrastructure
- C1 - Sustainable Development
- C3 – Flooding
- C5 – Local environment, amenity & economy
- C7 – Biodiversity and Geodiversity
- C8 – Landscape
- C10 – Transport

CLP

- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment

PSD1 – Presumption in Favour of Sustainable Development
SLE5 – High Speed Rail 2 – London to Birmingham

CLP 1996

C28 – Layout, Design and External Appearance of New Development
ENV1 – Development Likely to Cause Detrimental Levels of Pollutions

Part 4 – Analysis and Conclusions

Comments of the Director for Planning and Place

73. The key policy issues to consider in determining this application are:

- i) sustainable Development;
- ii) need for the development;
- iii) impact on the built environment;
- iv) environmental amenity;
- v) residential and community amenity;
- vi) impact on the local highway network;
- vii) impact on the natural environment; and
- viii) Other issues (consultation and decision making)

Sustainable Development

74. Policy C1 of the OMWCS and PSD1 of the CLP seek to deliver sustainable development. In particular these policies state that planning applications that accord with the policies in this plan will be approved, unless material considerations indicate otherwise.

75. The key policy issues for this application are summarised above in paragraph 74. The rest of this section of the report assesses whether these key issues of the proposed development accord with development plan policy.

Need for development

New Aggregate Rail Depot

76. Policy M6 of the OMWCS explains that permission will be granted for new aggregate rail depots at locations with suitable access to an advisory lorry route shown on the Oxfordshire Lorry Route Maps and that meet the requirements of policies C1 – C12.

77. The need to create an improved rail depot at the Banbury Tarmac site is supported by policy M6 as the application site is directly accessed from the A423 which forms part of the advisory route shown on the Oxfordshire Lorry Route Maps. The remainder of the report assess whether the development meets the requirements of the OMWCS Core Policies.

Infrastructure for the supply of minerals

78. Policy M9 of the OMWCS safeguards existing and permitted infrastructure that supports the supply of minerals in Oxfordshire against development that would unnecessarily prevent the operation of the infrastructure or would prejudice or jeopardise its continued use by creating incompatible land uses nearby. Safeguarded sites include the existing Hennef Way rail depot site in Banbury which is safeguarded for the importation of aggregate into Oxfordshire.
79. In my view, the planning application is supported by Policy M9 of the OMWCS as the development would use the existing safeguarded Hennef Way rail depot site to import aggregates into Oxfordshire.

HS2 development

80. HS2 is a nationally significant infrastructure project which would be supported by the proposed development. Policy SLE5 recognises that the decision to authorise the railway and associated works will sit with Parliament, and explains that the Council's involvement will be focused on the design and construction of the HS2 rail link and minimising the adverse impacts on the environment, and local communities including managing its construction.

Impact on the Built Environment

81. Policy ESD15 of the CLP and C28 of the CLP1996 requires new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
82. In my view, the provision of a permanent aggregate unloading and storage facility compliments the character of the existing rail depot. In addition, the siting of this facility adjacent to the existing rail sidings and aggregated storage bays would be in keeping with the character of the application site.
83. The new aggregate unloading and storage facility would be visible from within the site. However, I consider its siting would be sensitively located within the site as it would not be widely visible other than from Grimsbury Green and from passing trains.
84. I also consider that the siting of the replacement concrete batching plant adjacent to the other predominant structures on the site would also compliment the character of the site.
85. The replacement concrete batching plant would have an industrial appearance which would not be out of context with the character of the site particularly as its appearance would be similar to the existing concrete batching plant. In addition, there is also an existing asphalt structure on site.

86. In my view, the appearance and layout of the site would be enhanced by the consolidation of the various ancillary buildings (asphalt plant office, welfare, storage and toilet facilities) into one building.
87. The proposed upgrading of the access and the provision of new weighbridges and car parking would also enhance the sites current layout.
88. I therefore consider that the proposed development would be in keeping with the character of its context through sensitive siting, layout and design.

Environmental impacts

89. The local member, Banbury Town Council and several public responses also raised concerns about the noise, air, dust and light and health impacts that the proposed development would have on residential amenity. These issues are assessed in detail under the 'Environmental Impacts' section of this report.

Noise

90. Policy C5 of the OMWCS require proposals for new minerals development to demonstrate that they will not have an unacceptable adverse impact on the local environment including from noise.
91. Policy ENV1 of the CLP1996 explains that development which is likely to cause materially detrimental levels of noise or other type of environmental pollution will not normally be permitted.
92. Paragraph 021 of the Planning Practice Guidance Minerals (2014) explains that the total noise from mineral operations should not exceed 55Db(A) LA eq 1 hour (free field) at noise sensitive properties.
93. The local member raises concern about noise impacts from the existing plant site.
94. Several public responses have also raised concerns about existing noise levels
95. The local member, Banbury Town Council and public respondents are also concerned about the noise impacts of the proposed development, in particular:
- the duration and frequency of the noise nuisance;
 - noise pollution during unsociable hours; and
 - noise from the loading of HGVs, BDU and additional HGV's on the road.
96. One public respondent has suggested that noisy activities be located at the northern end of the site and that a noise barrier should be created.
97. The applicant has made the following comments in response to concerns raised about noise. *'The acoustically shielded BDU shed provided for the aggregates*

offload would be contained within the northern part of the site and, upon completion of HS2, would be used for all rail deliveries. The trucks would be loaded from the toast rack behind the asphalt plant, which would mitigate the noise (compared to the existing location). In addition, the concrete batching plant would be replaced and relocated towards the northern edge of the site, further away from residential properties’.

98. The Environmental Protection Officer explains that in the last 2 years, a total of 2 noise complains about the site have been made to the district council. On in 2018 the other in April 2019. These complaints related to the operation of the grab extractor unloading aggregate from rail waggons at 0600.
99. The Environmental Protection Officer also comments that based on the noise assessment; he has no noise concerns about the operational phase of the development.
100. Cherwell District Council are of the view that a condition should be imposed requiring works to cease if justified complaints are made about noise during unsociable hours and that works shall not recommence until an agreed mitigation strategy has been implemented.
101. The concerns raised about the noise impacts of the proposed development are noted. However, I do agree with the comments of the Environmental Protection Officer as the Noise Assessment demonstrates that if the noise mitigation measures in the Noise Assessment are implemented, noise levels at the nearest noise sensitive property would not exceed the maximum noise levels set out in the Planning Policy Guidance for Minerals (2014).
102. In my view a condition should be imposed to ensure that the development is in accordance with the mitigation measures specified in the noise assessment. A further condition could also be imposed to ensure the noise levels at noise sensitive properties are not exceeded.
103. Whilst concerns are raised about existing noise levels, only 1 complaint has been lodged per year over the past two years. These 2 complaints related to the operation of the grab excavator at 0600. Under this proposal, the grab excavator would not be used between 2200 and 0630 and the grab excavator would be removed at the beginning of Phase 2. In my view, a suitable condition regulating the hour of use for the grab rail facility should be imposed. A condition should also be imposed to ensure that the grab excavator is removed once the HS2 construction works are completed. A suitable condition for the hours of use for the asphalt plant, concrete plant and the new BDU and storage facility should also be imposed to ensure that the operations on site are not carried out outside of the agreed hours.
104. I do agree with the district council that a condition should be imposed requiring works to cease should a justified complaint be made about noise, and that works should recommence once an agreed noise mitigation strategy is in place. In my view this condition is also imperative to ensure that any noises from the

extended hours of operation for the concrete batching plant are also appropriately mitigated.

105. I am therefore of the view that subject to conditions, the proposed development should not have an unacceptable noise impact or cause materially detrimental levels of noise.

Dust

106. Policy C5 of the OMWCS require proposals for new minerals development to demonstrate that they will not have an unacceptable adverse impact on the local environment including from dust.

107. Policy ENV1 of the CLP1996 explains that development which is likely to cause materially detrimental levels of environmental pollution will not normally be permitted.

108. Banbury Town Council and public respondents are concerned that the following activities would give rise to dust pollution:

- HGV's transporting aggregates in dry weather;
- unloading trains;
- using the crane to grab aggregates; and
- loading of trucks

109. In addition, the local member and some of the respondents have expressed concerns about the current dust impacts from the application site. One public response has also expressed that the road outside the entrance to the site is not being watering down. Two public respondents suggest the following measures to minimise dust pollution:

- a dust barrier; and loading aggregates straight into HGVs.

110. Oxfordshire County Council's Monitoring and Enforcement team and Cherwell District Council's Environmental Protection team have confirmed that no dust complaints have been made about the site within the last two years. In addition, two monitoring visits were made to the site last year and dust was not found to be an issue on either occasion.

111. No concerns about dust have been raised by the Environmental Protection Officer.

112. In response to the suggestion of loading aggregates straight into HGV's, the applicant has advised that this is not feasible as *'to ensure a safe method of loading the trucks, Tarmac need an intermediate stocking area (the toast rack). Network Rail have also banned direct discharge tripper hopper trains on their network. Furthermore, HS2 require Tarmac to stock 5 days of materials to ensure resilience against any possible disruption on the rail network'*.

113. In my view the Dust Assessment demonstrates that the proposed development would not have an unacceptable adverse dust impact on the local environment provided that that specified mitigation measures are implemented. I also consider that if the proposed dust mitigation measures are imposed the development should not cause materially detrimental levels of dust pollution.

Light Pollution

114. Policy C5 of the OMWCS require proposals for new minerals development to demonstrate that they will not have an unacceptable adverse impact on the local environment including from light pollution.

115. Policy ENV1 of the CLP1996 explains that development which is likely to cause materially detrimental levels of environmental pollution will not normally be permitted.

116. The local member and public respondents are concerned about light pollution from the existing site and that the existing impact would be made worse by the proposed development.

117. The Environmental Health Protection Officer has raised no concerns about lighting. However, Cherwell District Council and the Landscape Specialist have requested the imposition of an appropriate lighting condition as the information submitted is difficult to understand and interpret.

118. In my view it is difficult to determine the impact that the proposed lighting would have on the local environment as the submitted Lighting Report does not clearly illustrate the light spill outside of the application site. It is also unclear how the lighting would be controlled and when the lights would be in use. I consider that a suitable lighting condition should be applied to ensure that the proposed lighting does not have an unacceptable adverse impact on the local environment.

Air Quality

119. Policy C5 of the OMWCS require proposals for new minerals development to demonstrate that they will not have an unacceptable adverse impact on the local environment including from air quality.

120. Policy ENV1 of the CLP1996 explains that development which is likely to cause materially detrimental levels of environmental pollution will not normally be permitted.

121. The local member, Banbury Town Council and several public consultation responses have raised concerns about air quality. In particular there is concern as the air quality in Banbury is currently poor and the culmination of the proposed operations with the additional HGV movements over a 5 year period would have a detrimental effect on the area.

122. The local member also expresses that Hennef Way is the most polluted road outside of London and the most polluted road in the county. The local member further comments that the nitrogen dioxide reading is double the legal limit.
123. One public respondent comments that a responsible attitude should be taken towards air quality and that Cherwell District Council declared a climate emergency in July 2019.
124. The Environmental Health Protection Officer has commented that Hennef Way Air Quality Management Area (AQMA) was declared for exceedances of the annual mean air quality objective for Nitrogen dioxide of $40 \mu\text{g}/\text{m}^3$. Nitrogen Dioxide levels are falling. The difference in the modelled levels in the submitted air quality assessment between the without and with proposed development was $0.40 \mu\text{g}/\text{m}^3$, which is 1% of the air quality objective level. This is a small change, but because the levels are already above the air quality objective level the impact is identified as 'moderate adverse.'
125. The Environmental Health Protection Officer further comments that a moderate adverse impact would not be a reason to refuse the development on air quality impacts. The officer suggests that the impact of the development on air quality be quantified in monetary terms by requiring the applicant to undertake a Damage Cost Calculation assessment. Any funds identified can then be put towards off-setting measures, such as measures identified in the Air Quality Action Plan, additional monitoring, or put towards road improvement schemes in the area that the County Council are undertaking.
126. The applicant is of the view that a cost calculation assessment would be unreasonable and unnecessary for several reasons including:
- the air quality impacts would be based on a worst-case scenario rather than an accurate reflection;
 - any impacts would be temporary; and
 - the replacement of the external rail grab facility at the asphalt plant with the covered BDU would deliver a longer-term air quality improvements.
127. Given the Environmental Protection Officer's comments above, the findings of the Air Quality Assessment (AQA) and the temporary nature of the Phase 1 operations and HGV movements, I am of the view that the proposal has demonstrated that the impact on air quality would not be unacceptably adverse. Subsequently I consider that the proposed development is not likely to cause materially detrimental levels of environmental pollution provided that the air quality measures are implemented. An air quality condition could be imposed to ensure that mitigation measures specified in the assessment are implemented.
128. In my view a damage cost calculation is not needed to make the development acceptable in planning terms, especially as the air quality impacts of the should not conflict with the aims of policies C5 of the OMWCS or ENV1 of the CLP1996.

Residential and Community Amenity

129. Policy C5 of the OMWCS requires proposals for new minerals development demonstrate that they will not have an unacceptable adverse impact on residential amenity.
130. Policy ESD15 of the CLP seeks to: i) ensure that new development considers the amenity of existing development; ii) limit the impact of light pollution from artificial light on local amenity; and iii) ensure that new development delivers healthy places to live and work in.
131. The local member, Banbury Town Council and several public consultation responses have raised concern about the impact that the proposed development would have on the quality of life for residents and the local community.
132. They are particularly concerned that the dust, noise, light and air quality impacts could impact on mental health, and lead to an increase in heart attacks, strokes, respiratory diseases in older people and children, miscarriages and increased risk of dying from COVID-19.
133. The public respondents are also concerned that the noise and light impacts of the development would intrude on the community's peace and quiet for prolonged periods of the day and during unsociable hours.
134. Some of the respondents have expressed that they are currently affected by the noise, dust and light pollution coming from the site and as a result:
- their sleep is affected;
 - they close windows in their properties to block out the noise;
 - they frequently wash the dust of their homes; and
 - their washing gets covered in dust.
135. The Public Health Officer has explained that he is unwilling to comment on coronavirus as the understanding of the novel is still evolving.
136. Cherwell District Council suggest a construction environment management plan condition to minimise the environmental impact of the development during the construction phase.
137. Whilst I do agree that dust, noise, light and air quality impacts can impact on health, I do not consider that operational development would have an unacceptable adverse impact on residential amenity, particularly when considered in culmination with the environmental conditions set out in the environmental impacts of this report. In addition:
- phase 1 of the development would be temporary;
 - the replacement of the grab rail facility with the covered BDU would deliver a long-term benefit to residential amenity;
 - HGVs associated with HS2 would have at least Euro VI standard;

- effective dust, noise and air quality mitigation measures are proposed as part of the development; and
- whilst outside the scope of planning, the pollution control regimes from regulatory bodies would ensure that the development complies with regulatory standards.

138. I do agree that a construction environment management plan condition should also be applied to any consent granted to ensure that residential and community amenity is not unacceptably adversely impacted on during the construction phase of the development.

139. I therefore consider, that subject to conditions, the proposed development is in line with the aims of policy ESD15 of the CLP.

Impact on the local highway network

140. Policy C10 of the OMWCS requires minerals development to make provision for safe and suitable access to the advisory lorry route in a way which maintains the safety of all users, the efficiency of the road network and residential and environmental amenity. Where development leads to a need for improvement, the developer is expected to provide such improvement or make an appropriate financial contribution. Policy C10 explains that minerals development should be located and operated to enable the transport of minerals by rail. This policy also explains that minerals development that would generate a significant amount of traffic will be expected to be supported by mitigation measures where applicable.

141. Policy C5 of the OMWCS requires new mineral development to demonstrate that they would not have an unacceptably adverse impact from traffic. Where appropriate, mitigation measures will be required.

142. The Banbury Vision and Masterplan Supplementary Planning Document 2016 explains that the traffic associated with the construction of HS2 is likely to be significant for Banbury.

143. The local member, Banbury Town Council and most of the public consultation responses have raised concern about the traffic impact that the additional 320 daily HGV movements would have on a busy part of the road network over a 5-year period.

144. Banbury Town Council are of the view that significant mitigation measures should be funded and put in place to address the traffic impacts.

145. Public consultation responses also raise concerns about road safety as the site is located on a busy junction with poor sight lines, and there is no crossing or footpath on Grimbsury Green.

146. Public consultation responses also raise concerns about mud on the road.

147. The Rights of Way Officer and Cherwell District Council comment that consideration should be given to the proposed pedestrian and cycle improvements to ensure that they are safe. The district council further comment that these improvements should fit with the existing network.
148. Transport Development Control has considered the comments of the Rights of Way Officer and the district council about the proposed pedestrian and cycle improvements and are of the view that the proposals are acceptable and should be secured through a S.278 agreement along with the other highway works.
149. In Transport Development Control's view, conditions should be imposed for the duration of phase 1 limiting the daily HGV movements to and from the site to 400 and the limiting the peak hour HGV movements to and from the site to 20. Transport are also of the view that a construction traffic management plan and a signage condition should be imposed.
150. Cherwell District Council comment that the construction traffic management plan should include a timetable of works to ensure that the highway works within the vicinity of the site and the wider town are timed to minimise disruption.
151. Cherwell District Council and Transport Development Control both consider a routeing agreement to be necessary. Transport Development Control further advise that the route should require HS2 traffic to travel directly to/from the M40 via Hennef Way (A422), or to/from the north or via Southam Road (A423) and Hennef Way.
152. The applicant has confirmed that they would be agreeable to conditions restricting HGV movements during phase 1 of the development.
153. The application site is immediately off an advisory lorry route and the application includes measures to improve the access to the site. In my view, requiring the applicant to enter into a legal agreement for the proposed highway works would go some way to mitigating the safety concerns which have been raised. The legal agreement would also ensure that safety is maintained (and improved) for all users. A condition requiring that the development is to be carried out in accordance with the transport mitigation measures specified in the Transport Assessment should further enhance the safety of the road by ensuring that the local road network is kept free of mud.
154. Whilst the application would place an additional 320 HGVs on the road network, the development also seeks to minimise traffic generation by utilising the railway for the transportation of aggregates. Conditions capping the number of daily HGV movements and peak hour HGV movements to and from the site would be an appropriate way to help mitigate the traffic impacts of the development during phase 1. The applicant is agreeable to a routeing agreement along the lines described in paragraph 151, and a signage condition could be imposed to remind drivers to use the agreed route. Subject to a legal agreement and conditions requiring the development to be carried out in accordance with these

mitigation measures, I am of the view that the development accords with policies C5 and C10 of the OMWCS.

Impact on the Natural Environment

Landscaping

155. Policy C5 of the OMWCS and ESD13 of the CLP ensure that new development respects local landscape character and that proposals include appropriate measures to mitigate adverse impacts on the landscape.
156. The Landscape Specialist comments that the northern end of the site is comparatively more natural and darker than the southern part of the site, and subsequently considers it appropriate to impose an external lighting condition to limit the effects at the northern end of the site.
157. Whilst not fully agreeing with some of the detailed landscaping assessments, the Landscape Specialist comments that on balance the Landscape and Mitigation Enhancement Plan is acceptable, and the landscape and visual effects of the proposed development would not be significant.
158. Although the site may become more densely used, I do not consider that the existing landscape character would be adversely harmed as the site is relatively well contained and that the additional landscaping is proposed. I do however agree that a suitable lighting condition should be imposed to ensure that the proposed development complies with policy C5 of the OMWCS and ESD13 of the CLP.

Protected Species

159. Policies C7 of the OMWLP and ESD10 of the CLP seek to conserve and where possible, deliver a net gain in biodiversity.
160. The Ecology Officer is satisfied that the potential impacts on protected species and habitats has been given due regard and that the implementation of the Ecological Management Plan (EMP) will deliver an overall net gain in biodiversity.
161. Some of the public responses express concern about the impacts that the proposed development would have on local flora and fauna.
162. I note the concerns about flora and fauna. However, the Extended Phase 1 Habitat Survey concludes that the proposed development would not have an important adverse effect on fauna or flora. In addition, the Ecology Officer has not raised the conservation of biodiversity as an issue and the EMP would deliver a net gain in biodiversity. I am therefore of the view that the proposed development is in line with Policies C7 of the OMWLP and ESD10 of the CLP

Flooding

163. Policy C3 of the OMWCS and ESD6 of the CLP explain that 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 approach.
164. As part of the application site lies within flood zone 2, the sequential test should be applied.
165. Stage 1 of the sequential test seeks to identify if the development can be allocated in flood zone 1. In this instance the development cannot be allocated in flood zone 1 as the development proposal relates to an existing and well-established site whose operations relies on the adjacent railway siding. It would therefore seem impractical to suggest that a more suitable alternative location be sought. In addition, the proposed HS2 construction works need to be within the vicinity of the railway siding as the aggregates would be delivered by rail.
166. Stage 2 of the sequential test seeks to allocate development which cannot be allocated in flood zone 1 into flood zone 2. The exception test should be applied at stage 2 if the development is highly vulnerable. Table 2 of the NPPG: Flood Risk and Coastal Change identifies minerals working and processing as less vulnerable development. The Flood Risk Vulnerability Classification table considers the siting of less vulnerable development within flood zone 2 to be appropriate development and identifies that the exception test does not need to be undertaken. I am therefore of the view that the proposed development accords with Policy C3 of the OMWCS and ESD6 of the CLP.
167. Policy ESD7 of the CLP requires development to use sustainable drainage system (SuDS) for the management of surface water run-off.
168. The LLFA are of the view that the submitted drainage scheme is not in line with local standards and have recommended a condition requiring the submission and approval of a surface water drainage scheme.
169. I agree that a surface water drainage scheme condition should be imposed to ensure that the development is in accordance with policy ESD7 of the CLP.

Other issues

Community engagement

170. One public consultation response raises concern about the length of notification given about the community engagement meeting in November 2019.
171. The community engagement meeting being referred to was undertaken during the pre-application stage by the applicant/agent. Whilst it is unfortunate that the respondent did not receive adequate notification about the meeting, Oxfordshire

County Council did undertake a consultation exercise on the development proposals as part of the planning application process.

Impact of COVID-19 on the planning application process

172. In March 2020 the Ministry of Housing, Communities & Local Government issued a Chief Planners Newsletter which contains COVID-19 advice. The newsletter explains that it is important for authorities to continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy. The newsletter also encourages councils to be pragmatic and to work proactively with applicants, where necessary, agreeing extended periods for making decisions.
173. During the consultation period the local member and some of the public respondents commented that the application should be put on hold as people who may ordinarily be interested in commenting on the application are pre-occupied with the coronavirus pandemic and its impacts. One public respondent also queried the need for HS2 at such an unprecedented time.
174. In line with the Chief Planners Newsletter, the Development Management team chose not to ask the applicant to put the application on hold, but, instead worked proactively with the applicant to extend both the consultation period and the determination period of this application by 21 days.

Conclusions

175. Planning permission is being sought for the provision of a new permanent aggregate unloading and storage facility which will serve:
- the High Speed 2 (HS2) development;
 - the existing onsite asphalt and concrete batching plant; and
 - various national and local infrastructure projects in the surrounding area.
176. The need for the development is supported by policies M6 and M9 of the OMWCS and policy SLE4 of the CLP.
177. The proposed development would be in keeping with the character of its context through sensitive siting, layout and design.
178. Subject to conditions, the proposed development should not have a materially detrimental or unacceptable adverse impact on the local environment or on residential amenity in terms of dust, light pollution, air pollution, and noise.
179. Subject to condition, the application accords with the aims of OMWCS policies C3, C5 and C10; and CLP policies ESD13, ESD15, ESD7, SLE14. The application also accords with CLP policy ESD6.

180. The imposition of a suitable ecological condition should ensure that the proposal accords with Policies C7 of the OMWLP and ESD10 of the CLP.

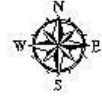
181. Subject to condition and legal agreements to cover the routeing agreement and the highway works, the planning proposal constitutes sustainable development.

RECOMMENDATION

182. **It is RECOMMENDED that subject to a routeing agreement and a S.106 agreement to secure highway works first being entered into that planning permission for Application MW.0026/20 be approved subject to conditions to be determined by the Director for Planning and Place including the matters set out in Annex 2 to this report.**

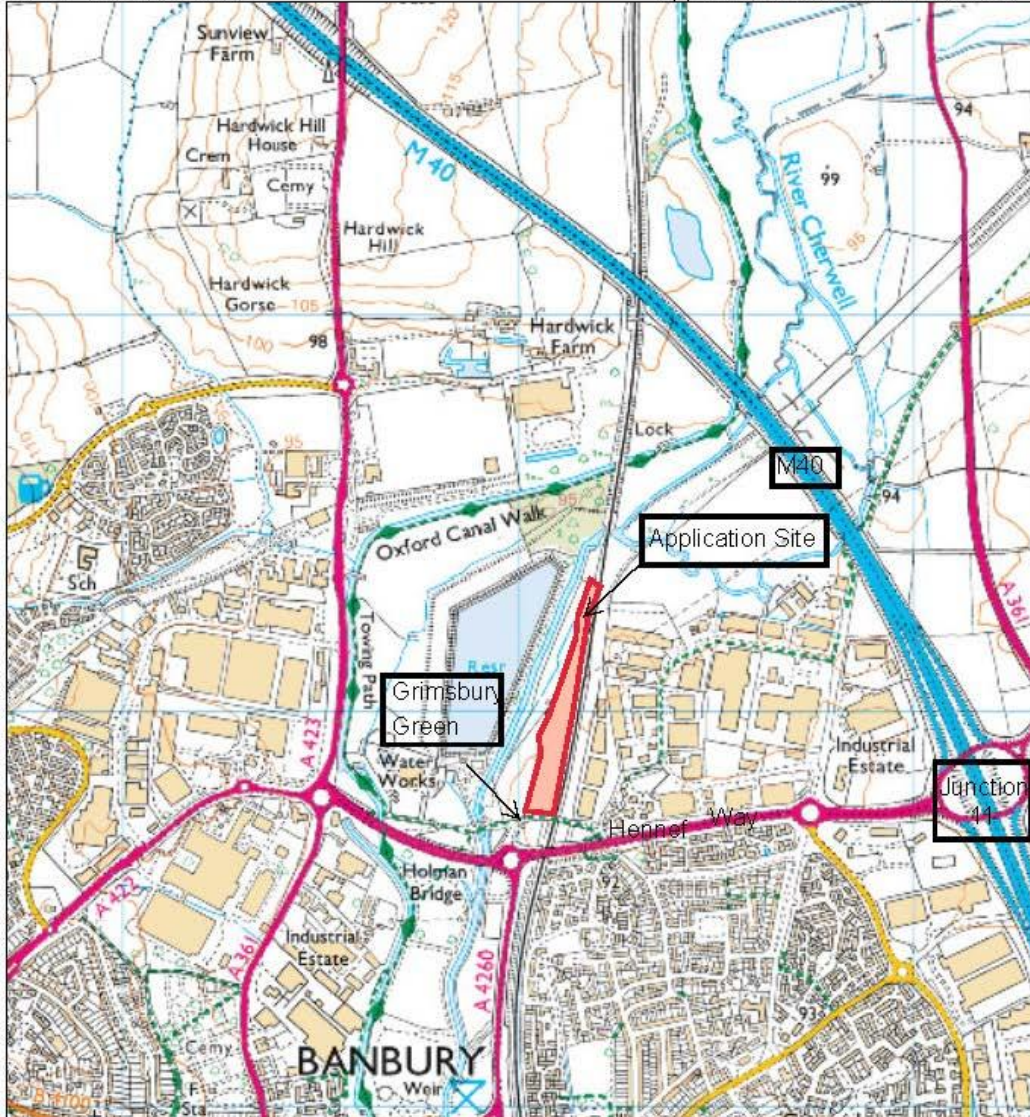
SUE HALLIWELL
Director for Planning and Place

July 2020



Annex 1: Location Plan

Application Number: MW.0026/20



© Crown copyright and database rights 2020 Ordnance Survey 0100023343

1:14,498

You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.

446,007.1819 242,382.6748

Plot Date: 07/07/2020

You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form

Oxfordshire County Council
Author: Oxfordshire County Council

Annex 2 – Conditions

1. Phase 1 of the development to begin no later than 3 years of the date of this permission.
2. Development to be carried out in accordance with the approved application.
3. Rail grab not to be used for deliveries by rail to the asphalt and concrete batching plant between 22:00 and 06:30 Mondays – Sundays.
4. Removal of the existing rail grab at the start of phase 2.
5. Local Planning Authority to be notified within 1 week of the completion of phase 1.
6. No development shall take place except in accordance with the dust mitigation measures specified in the dust assessment.
7. No development shall take place except in accordance with the noise suppression measures specified in the noise assessment.
8. No development shall take place except in accordance with the air quality suppression measures specified in the air quality assessment.
9. No development shall take place except in accordance with the transport mitigation measures specified in the transport assessment.
10. Submission of lighting scheme.
11. Erection of signage which indicates that the agreed lorry route is direct to the M40 via Hennef Way and shall be used between 18.00-06.00 hours Mondays to Saturdays and 14.00-06.00 hours on Sundays.
12. During phase 1 there shall be no more than a daily total of 20 HGV movements between the peak hour periods of 0800-0900 hours and 1700-1800 hours Mondays to Fridays.
13. No more than 400 HGV movements to or from the site per day during phase 1.
14. Records of HGV movements to be kept and made available.
15. Submission of construction Traffic and Environment Management Plan for approval and implementation of approved construction traffic and environment management plan.

16. Submission of Surface Water Drainage Scheme for approval, and implementation of approved scheme.
17. During phase 1 the operational hours of the BDU and storage facility during are to be 0500 – 2100 Mondays to Fridays, 0600 – 1500 Saturdays and 0800 – 1500 Sundays and bank holidays.
18. Operational hours of the asphalt plant to be 04:00 – 19:00 Mondays to Saturdays and 08:00 – 17:00 on Sundays during phase 1.
19. Operational hours of the concrete batching plant to be 0700 – 1800 Monday to Friday and 07:00 – 13:00 on Saturdays during phase 1.
20. Operational hours of the site to be 04:00 – 19:00 Monday to Saturday; and 08:00 – 17:00 Sunday during phase 2.
21. Temporary cessation of asphalt and concrete batching plant operations if justifiable complaints received about operations of these plants between 0400 – 0600 and 1800 – 1900 hours Monday to Fridays, 0400 – 0600 and 1400 – 1900 on Saturdays and 0800 to 1700 hours on Sundays. Details of measures to overcome complaints to be submitted for approval. Operations to recommence once approved measures have been implemented.
22. Lighting for the weighbridge on the resurfaced western access road and the lighting from the lorry parking area and rail siding must be permanently switched off immediately after phase 1 has been completed.
23. Removal of turning area and associated lighting from the northern section of the site; weighbridge and associated lighting on the resurfaced western access road; lighting from the lorry parking area and rail siding within 1 month of the commencement of phase 2.
24. Noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour), freefield at the noise sensitive receptors detailed in the noise assessment.

Annex 3 – Other viewpoints

Representations

Cllr Banfeld - As the elected representative for this geographical location at a District and County level, my only conclusion and recommendation are that this planning application numbered MW.0026/20 submitted from Tarmac Trading Ltd must be rejected. I have grave concerns for my constituents if this planning application is granted due to a number of different serious issues with this application and my only conclusion is if planning permission is granted there will be a great number of negative health repercussions for my constituents, and this would be a to greater physical and mental price for my constituents to pay.

Especially for my constituents with homes located near or on Waterworks Road and in the location of Hennef Way as some residential properties are located just 75 meters from this plant. At this time this plant is already responsible for noise, dust, and light pollution and of course, we can't deny or ignore the very real Nitrogen Dioxide air pollution problem on Hennef Way. As Hennef Way is at this time the most polluted road in the county and the third most polluted road in the whole of the country outside London. With a Nitrogen Dioxide reading that is at this time double the safe legal limit. In all honesty, we have now all seen within the last year the scientific research, which has confirmed that high levels of Nitrogen Dioxide pollution cause heart attacks, strokes, and respiratory disease in older people and respiratory diseases such as asthma in children. High levels of air pollution also increase the risks of miscarriage for expecting mothers. At this time Tarmac generates 80 HGV movements on Waterworks Road and Hennef Way per 12 hour period if Tarmac secures planning permission this will increase to 400 HGV movements driving in these locations in a 12 hour period. What will this do to the already illegal Nitrogen Dioxide pollution levels located on Hennef Way? Noise pollution coming from this plant is already a big problem for my constituents even with the new sound barrier fencing which has been erected recently by Tarmac. As I have been copied into a written complaint from a constituent just last month, and I think we can't deny the very real link between mental illness and noise pollution, sleep deprivation. At every level of local government, we have now made the commitment by way of a written motion that we are within a climate emergency situation within our county and country. Air pollution and it's associated health risks are a major component of the climate emergency and thus elected members and officers must include this important factor when voting and giving their official recommendations.

Consultations

Banbury Town Council - Object on the grounds that:

- The proposal will generate a significant increase in HGV traffic over extended periods of the day on an already congested part of the Highway network. It will cause unacceptable additional congestion and consequent delays to the travelling public. Notwithstanding the importance of the HS2 project this is considered to be an unacceptable impact over the projected 5 year construction period unless significant mitigation measures are funded and put into place;

- As this operation is only 75 metres from residential property it is likely that there will be problems with dust migrating from the plant to the nearby houses. Banbury Town Council are concerned about the assessment of the dust and noise impacts of the proposal. OCC are asked to ensure that CDC's Environmental Protection Officers are fully involved in assessing these impacts and that mitigation measures are required to minimise nuisance;
- The extra operating hours and high volume of HGV movement will be detrimental to the already poor air quality in this area. This area already suffers from congestion and to add the proposed number of vehicle movements will put extreme pressure on the local environment; and
- Local residents will have to endure noise, dust and traffic congestion for up to 19 hrs per day 5 days per week. They will not even have a rest from this pollution onslaught at the week end as the plant is open from 6.00 am until 3.00 pm (sat) and 8.00 am until 3.00 pm on a Sunday.

Cherwell District Council – Comments as follows:

- CDC welcome that no development is proposed on the field to the west of the site and would like to reiterate the importance of such spaces around Banbury. Policies including ESD10, ESD13, ESD17 and Banbury 11 of the Cherwell Local Plan seek to protect such spaces.
- CDC note the objection of the Highway Authority and would request that the detailed points are addressed through the submission of additional information to remove the current objection.
- CDC Environmental Protection have raised no objection to the application, however with regard to Air Quality, would request that a Damage Cost Calculation be undertaken to mitigate for the moderate adverse impact identified. The funds identified should be put towards off-setting measures or additional monitoring.
- CDC would support the request for additional information made by the Oxfordshire County Council Landscape Specialist relating to Landscape Matters.
- OCC are asked to carefully consider the position of the office/ welfare building to the south of the site and its impact on the bank/ existing vegetation.
- CDC would request the Routing Agreement to be updated.
- CDC would request that careful consideration is given to ensuring that the proposed pedestrian/ cycle improvements are safe and the Council wish to query how these proposals fit with existing infrastructure.
- In terms of conditions relating to Environmental Protection matters, CDC would strongly request careful monitoring to ensure the appropriate standards are adhered to and to encourage enforcement action to be taken where there are any breaches.
- CDC are mindful of the number of proposed highway works within the vicinity of the site and the wider town and would request that works are timed so that highway impacts are minimised alongside the timing proposed by this application. A construction timetable is recommended to be sought.

Cherwell District Council Environmental Protection Manager 1st response –Dust

Based on the finding of the Dust Assessment Referenced ZTTBAN_DA_Rev_E January 2020 submitted by DustScan AQ there would be no objections to the operational phase of the proposed development with regards to dust. We have not received any complaints about dust or other pollution matters as a result of the operations of the current roadstone coating and cement batching plants.

Noise

The methodology used in the BS4142:2014 Assessment Noise Report Referenced:4954 January 2020 submitted by WBM Acoustic Consultants is satisfactory. Two complaints were received, one in 2018 and one in April 2019, about noise from the operation of the grab excavator unloading aggregates from rail wagons at around 6am. However, the grab excavator will not to be used between 2200 and 0700, and the proposals also include for rail unloading via a new Bottom Discharge Unit system (BDU) which, following completion of the HS2 construction, will be used for all materials imported by train. Based on the findings of the noise assessment report there would be no objections to the operational phase of the proposed development with regards to noise.

Air Quality

The main traffic route for the proposed development is through the Hennef Way Air Quality Management Area (AQMA) which was declared for exceedances of the annual mean air quality objective for Nitrogen dioxide of 40 µg/m³. Levels have, however, been falling over the last few years; 84.8 µg/m³ in 2017, 74.9 µg/m³ in 2018 and 72.1 µg/m³ in 2019. The Air Quality Assessment Referenced ZTTBAN AQA_C_Rev_E January 2020 submitted by DustScan has modelled levels in 2021 (year one) without (61.8 µg/m³) and with (62.2 µg/m³) the proposed development. The methodology used for the assessment and the verification of the model are accepted. The difference between the without and with the proposed development is 0.40 µg/m³, 1% of the objective level, and although this is identified as a moderate adverse impact it would not be a reason to refuse the development. The impact can, however, be presented in monetary terms by requiring the applicant to undertake a Damage Cost Calculation assessment and any funds identified put towards off-setting measures or additional monitoring. Although the 'with proposed development' is based on a worst case scenario of 400 vehicle movements a day for a temporary period of 5years for the HS2 construction work. Based on the findings of the air quality assessment report there would be no objections to the proposed development with regards to air quality subject to the applicant being required to undertake a Damage Cost Calculation assessment.

Contaminated Land

No comments

Odour

No comments

Light

No objections to the proposed development with regards to lighting.

Construction Phase

A Construction Environment Management Plan (CEMP) will be required to ensure noise and dust from construction works do not adversely affect other sensitive receptors in the area.

Cherwell District Council Environmental Protection Manager final response – in request to clarification over previous air quality comments.

We are currently working on the 2020 Annual Status Report which will report on the monitoring undertaken in 2019 and therefore I was able to report the 2019 figure. The table below shows the Hennef Way data for 2017 to 2019 at the monitoring location, and also distance corrected to the nearest point of relevant exposure.

Year	Level at Monitoring Location ($\mu\text{g}/\text{m}^3$)	Distance Corrected to Nearest Exposure ($\mu\text{g}/\text{m}^3$)
2017	91.6	84.8
2018	81.2	74.9
2019	77.5	72.1

The level distance corrected to the nearest point of exposure is the figure that we are interested in and therefore the figures reported in my comments on the planning application are the correct levels. The predicted levels in the air quality assessment submitted with the planning application were also modelled to points of relevant exposure.

The reason for including the data for 2017 to 2019 in my comments on the planning application was to show the trend in levels falling, and the modelled data in the submitted air quality assessment predicts the levels will fall further by 2021. The air quality assessment only modelled data for 2021 (year one) as this represented a worst case scenario because in future years it would be expected that levels will fall further as more cleaner vehicles enter the fleet.

I mentioned in my previous comments that the Hennef Way Air Quality Management Area (AQMA) was declared for exceedances of the annual mean air quality objective for Nitrogen dioxide of $40 \mu\text{g}/\text{m}^3$. The difference in the modelled levels in the submitted air quality assessment between the without and with proposed development was $0.40 \mu\text{g}/\text{m}^3$, which is 1% of the air quality objective level. This is a small change, but because the levels are already above the air quality objective level the impact is identified as 'moderate adverse'. However, a moderate adverse impact would not necessarily be a reason to object to the proposal on air quality grounds, if it were, developments would not take place in or in the vicinity of an AQMA. What we look to do therefore is quantify the impact of the development on air quality in monetary terms by requiring the applicant to undertake a Damage Cost Calculation

assessment, which was recommended in the comments on the planning application. Any funds identified can then be put towards off-setting measures, such as measures identified in the Air Quality Action Plan, additional monitoring, or put towards road improvement schemes in the area that the County Council are undertaking.

The impact on air quality with the proposed development was based on a worst case scenario of an increase in HGV movements from 80 to 400 a day. This increase is for a temporary period of 5 years so that the site can supply materials for the HS2 construction project after which vehicle movements will return to present levels. There has also been a commitment that all HGVs, particularly those associated with the HS2 work, will be the latest, at least Euro VI, standard so as to minimise the impact from traffic related emissions during this 5 year period.

Environment Agency (1st response) - Requested sight of the topographical survey so that the flood risk of the development could be assessed.

Environment Agency (final response) - The proposed development is outside of Flood Zone 3b and the 1% annual probability flood extent with a suitable allowance for climate change. Therefore, the flood risk both to and from the development is negligible. We therefore have no objection to the application. In accordance with the National Planning Policy Framework (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.

National Rail (1st response) – Initially submitted a holding objection but this was withdrawn as they were liaising with the applicant about the proposal.

National Rail (final response) - No further comments to make on this application.

Natural England – No comments to make on this application.

County Archaeologist - Lidar survey and a geophysical survey of the land to the west of the application site indicate that truncation and ground disturbance has been undertaken across the application site. As such there are no archaeological constraints to this application.

Rights of Way Officer - The provision of a foot/cycleway to Grimsbury Green is noted. My only comment is to recommend you seek Transport Development Control's view about whether a controlled pedestrian or ped/cycle crossing is needed on a temporary or permanent basis to ensure the public has safe access along Grimsbury Green. A controlled crossing covering both parts of the staggered junction would remove potential issues about multi-direction hazard avoidance. I would support such a measure if it was deemed appropriate.

Transport Development Control (1st response) - Objection, on the basis that the information does not provide an adequate assessment of the traffic impact of the development.

Grimsbury Green is a well used and strategically important pedestrian/cycle link between residential and employment areas of Banbury – particularly important since there are no pedestrian/cycle facilities on Hennef Way itself. To provide assurance that the risks to pedestrians and cyclists have been thoroughly considered in the proposals, I request that a Stage 1 Road Safety Audit is carried out and the results published with this application.

Vehicle swept path analysis is required for rigid bodied vehicles, and to demonstrate the manoeuvre left off Grimsbury Green towards Hennef Way. Additionally, whilst the swept path drawings show the new access into the power generation site off Grimsbury Green, the access arrangement drawings do not and there is a potential conflict between the pedestrian crossing facilities on the south side of Grimsbury Green and the power generation site access. This needs to be clarified and the design modified if necessary.

Traffic impact

I am concerned that the number of trips associated with the Banbury development are underestimated, because some of the scenarios being considered at J10 appear to show many more movements coming from the north. For this reason, I recommend that daily movements associated with the site are capped by a condition, in addition to peak hour movements.

Additionally, according to the Code of Construction Practice for HS2, the working hours for the project are 0800 – 1800 with a one hour start up and close down. I therefore query why traffic from this site would be on the network from 0500 to 2030 given the likely journey times to work sites.

Site layout

I note that within the site layout, parking for the lorry fleet is not shown. At 4.1.7 it says that vehicles will be parked on site overnight or at a nearby compound, but no information is provided on where that compound is. Clarification is needed.

Mitigation

Various assurances are given at 4.13. However, the applicant should confirm that all HS2-related traffic from the site should conform to HS2's requirements set out in the Code of Construction Practice, Local Traffic Management Plans and any other requirements of the HS2 Act. This includes tracking of all vehicles, clear HS2 signage/livery on vehicles, and complaints handling.

Transport Development Control (2nd response)

No objection subject to Planning Obligations and Conditions as set out below:

Planning obligations:

1. Prior to first use of the development by HGVs, to complete the highway works as set out in drawing TAR ICS 01 XX DR C 122 Rev P04 - Section 278 works plan, which include a widened bellmouth access, cycle and pedestrian facilities on Grimsbury Green and a pedestrian refuge on Waterworks Road;

together with signing and road markings at the junction of Waterworks Road and Hennef Way (see comments below). A S278 agreement with OCC will be required to be entered into prior to implementation of the development.

2. Prior to first use of the development by HGVs, to enter into a routing agreement with OCC requiring routing of HGV traffic direct to the M40 via Hennef Way.

Planning conditions

1. Erection of signage which indicates that the agreed lorry route is direct to the M40 via Hennef Way and shall be used between 18.00-06.00 hours Mondays to Saturdays and 14.00-06.00 hours on Sundays.
2. No more than 20 HGV movements to or from the site between 0800-0900 hours and between 1700-1800 hours Mondays to Fridays.
3. No more than 400 HGV movements to or from the site per day.
4. Submission of construction Traffic Management Plan and implementation of approved construction traffic management plan.

Our previous response was an objection, on the basis that the information did not provide an adequate assessment of the traffic impact of the development. Taking each of the key points we raised in turn, our objections have been addressed as follows.

- Limits needed on daily movements as well as peak hour:
 - In an email from DTA of 10 June, Simon Tucker said that 'we agree in principle to your proposed conditions'. These conditions included a daily limit on HGV traffic movements of 400, in line with the transport assessment. The removal of the highways objection is subject to this condition being applied, to protect the local roads from the risk of HS2 increasing demand from the site.
 - With regard to the condition to restrict movements within the peak hour, DTA argue that the condition should be set to limit peak hour movements to 20, because that is the level of traffic which currently uses the site under exiting consents (which are not restricted by condition). Clearly the intention is not to increase this by adding any HGV traffic associated with this planning condition, as in the same email, Simon Tucker says 'we are content to accept a condition to ensure this is not increased.'
 - A condition on this planning application could not be applied to restrict existing consented operations. However, it is my understanding that if this proposal is implemented, the current operations at the site would not be able to continue. On that basis,

I accept that the condition restricting total peak hour movements to 20 is sufficient to remove our objection on this point.

- Inadequacies with the transport assessment
 - The A361 is included in the assessment, but not the commentary – but this does not affect the overall assessment.
 - Updated accident data and commentary has been provided. This does show a number of accidents, and, having consulted colleagues, I understand this roundabout has one of the highest frequencies of accidents in the county (comparing with other junctions of similar size and nature). A significant increase in traffic using the Grimsbury Green arm of the junction will inevitably increase the risk of accidents at the junction. Suitable mitigation could take the form of modifications to lane marking and signage. I am investigating this with colleagues and would propose that reasonable mitigation of this nature is added to the S278 works.
 - Data sheets for the traffic counts have been provided and are satisfactory.
 - My comments regarding what traffic is included in the reference case still apply. However, my objection on this point would be overcome by the condition restricting peak hour movements to 20, because the assessment of network capacity is based on the network peak times.
 - My points 5 and 6 are also not relevant with this restriction.
 - 8. It has been confirmed that there is a typo in the HS2 dates so the assessment year is relevant.

- Incorrect assumptions with regard to HS2 - I stand by my comments that traffic between the railhead and the M40 is not included in HS2's ES and not subject to controls under the HS2 Act. Under the Act, HS2 and its contractors are only required to take responsibility for traffic routing, restrictions, or mitigation of impacts between the Strategic Road Network and the destination HS2 work site. This becomes irrelevant to this application in transport terms provided the condition restricting peak hour traffic is applied. The limit on daily movements will prevent traffic ramping up significantly such that the periods between the peak hours are affected, and is particularly relevant to the air quality assessment.

- Significant increases in HGV traffic through AQMA - I note that CDC have commented on the air quality assessment and requested an air quality damage cost calculation. Whilst this is a matter for CDC, I have noted that the email from Andy Shepley at David Jarvis of 18 June states that 'the wider transport network (including Hennef Way) forms part of the already approved routes contained within the HS2 Bill and as such vehicles utilising this will comply with all the requirements of the HS2 Bill in respect of wider HGV routing and timing.' Hennef Way IS on one of the official HS2 construction routes, but only for vehicles travelling between the M40 and HS2 work sites in Warwickshire. As stated above, the impact of vehicles travelling between the

railhead and the M40 is not included in the ES and these movements are not subject to HS2 controls.

- Overnight parking for lorries - It has been explained that not all lorries will be parked overnight at the site and alternative sites are being sought. OCC will require waiting restrictions in Grimsbury Green as part of the S278 works to ensure that no lorries park or wait there. The relevant fee can be secured through the S278 agreement.
- Road safety audit - A Stage 1 RSA has been provided for the site access arrangements. This highlights poor quality surfacing in the area of the proposed cycle lane. Resurfacing to ensure the safety of cyclists will be required as part of the S278 works.
- Swept path analysis - Further swept path drawings have been provided, which show that the new proposed pedestrian refuge would not be overrun by vehicle movements.

Transport Development Control (3rd response)

Satisfied for the condition restricting peak hour HGV movements to apply during phase 1 only provided that there is a condition restricting the total daily movements to 400 in phase 1.

Landscape Specialist (1st response) – Clarification and further information required on:

1. Scheme Elements - how the new structures compare in height, bulk and appearance compared to what's currently on site.
2. Landscape proposals - A revised more comprehensive Landscape Plan is required showing existing vegetation, vegetation to be removed (species, size, condition), vegetation retained (species, size, condition) and vegetation proposed as well as information on protection during construction and operation. This should also include proposed improvements to existing boundary hedgerows, and any potential planting along the southern boundary of the neighbouring field (West). More detail is required with regard to the design and appearance of the widened entrance including vegetation context (vegetation lost, retained, new), details of fencing, gates, signage and lighting. Whilst some landscape details such as a plant specification, method of planting and management notes can be conditioned, I consider it necessary to see a comprehensive landscape plan prior to determination.
3. Landscape and Visual Appraisal - Clarification sought on scheme elements and proposed mitigation.
4. Lighting Impacts - Clarification is sought on the proposed level of lighting and its related impact.

Landscape Specialist (final reply) – As mentioned in the previous comments (April 2020) I welcome that the application no longer seeks to place the proposed operations into the open field West of the site but to contain the development within

the existing site boundaries. This assists considerably in reducing the landscape and visual impact of the proposal.

As per my previous comments I have no principle issue with the proposal but had sought further clarification on:

- a) how the proposal compares in height and bulk with what's currently on site;
- b) Landscape proposals;
- c) Landscape and Visual Appraisal (LVA);
- d) Lighting impact.

Taking these in turns:

a) The LVA states that the height of the cement silos will not exceed the height of the existing chimney (18m) and that it is therefore unlikely that the proposed development would present a new prominent detracting feature. Whilst I welcome that the proposed structures will not be higher I don't fully agree with this assessment as the cement silos are considerably bulkier and will be located further north in the site where such high structures currently do not exist. I therefore expect the visual impact to increase.

b) The landscape proposals

Further information on the landscape proposal have been provided in the Landscape Mitigation and Enhancement plan in the LVA. This is on balance acceptable.

c) Landscape and Visual Appraisal (LVA)

The LVA has been updated and includes now more information, including a viewpoint map and corresponding photographs. I don't fully agree with the some of the detailed assessments, however, I am content that landscape and visual effects will not be significant.

d) Lighting impact

Considerable information on lighting has been submitted, however, it is mostly technical and does not explain how proposed lighting compares with what's currently on site. With proposed operations extending across the whole site including the less-used northern part, I would expect lighting impacts to increase especially in this area. Here the site's context is more natural and darker increasing the effects of lighting. This is also reflected in the CPRE's (Campaign to Protect Rural England) England's Light Pollution and Dark Skies Map (<https://www.nightblight.cpre.org.uk/maps/>), which shows the northern part being located in a darker area.

A lighting plan provided in appendix E2 of the Ecological Management plan shows some lightspill beyond the site boundaries especially in the northern part of the site near the turning circle and lorry parking. I am still not clear whether and what measures have been employed to minimise lightspill eg through the use of hoods, focussed inward-facing or downward-facing lighting and 'warm' LED lights, but recommend that such measures are employed. A condition is recommended.

Conclusion:

No objection but I recommend that the following conditions are added to any potential planning consent: i) implementation of approved lighting scheme and ii) external lighting.

Ecology Officer - Overall, I have no objection to the proposals on ecological grounds. I have reviewed the documentation provided, in conjunction with additional communications with the ecological consultant (Jennifer Kearney, Crestwood Environmental) regarding clarification over survey effort. I am satisfied that the potential impacts on protected species and habitats has been given due regard. If minded to approve, please include the following condition in respect of ecological enhancements to ensure an overall net gain in biodiversity will be achieved. The scheme shall include full details of all vegetation to be lost and all compensatory planting, including its long-term management. Additionally, a lighting scheme for light-sensitive wildlife shall be included.

Public Health - It is important that the applicant adheres to the dust mitigation measures set out in Section 6 of the Dust Assessment.

I note that the Air Quality Assessment estimates that the number of daily vehicle movements will increase significantly from 80 to 400 a day. Hennef Way is a declared AQMA. The most recent annual mean data for NO₂ in this area is 74.9µg/m³. This is still significantly above the 40 µg/m³ level that places this road in exceedance to required levels. I would have concerns about the impact of this proposed increase in HGV traffic on air quality management plans and the likelihood of the levels of NO₂ in the area increasing, without reviewing the management plan for the area in the light of significant increase in HGV traffic.

I have read the objection you have sent me due to the possible effects of pollution on coronavirus. As the understanding of the novel coronavirus is still evolving and I am unwilling to comment on this matter. However there is good understanding of the effects on health due to NO₂ emissions and these should be considered in the light of the area already being an AQMA where levels of NO₂ are significantly in exceedance of acceptable levels.

Public Health (2nd response) - I am happy to defer to the comments from my colleague in Environmental protection in CDC regarding air quality and modelling of NO₂ levels.

Lead Local Flood Authority - The drainage strategy has not demonstrated it is in line with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire. Although the site is proposing to discharge at greenfield rates and is proposing an increase in attenuation of 879m³ which seems more than enough, the strategy has not demonstrated how this will be achieved in the proposed layout. We have concerns that the proposed storage requirements cannot be met on the existing site and will end up increasing flow rates to the River Cherwell post development. For brownfield sites, the proposed rate needs to accord with the Standards S3, L3 and S5 in the local guidance. The Strategy needs to demonstrate that the flow rates have been reduced to as close as practical to greenfield runoff post development. Further guidance on this can be found on Page 19. As this is

already a working site, we are happy for the outstanding concerns to be dealt with by condition.

Ecology Officer (1st response)- Overall, I have no objection to the proposals on ecological grounds. I have reviewed the documentation provided, in conjunction with additional communications with the ecological consultant (Jennifer Kearney, Crestwood Environmental) regarding clarification over survey effort. I am satisfied that the potential impacts on protected species and habitats has been given due regard. If minded to approve, please include the following condition in respect of ecological enhancements to ensure an overall net gain in biodiversity will be achieved. The scheme shall include full details of all vegetation to be lost and all compensatory planting, including its long-term management. Additionally, a lighting scheme for light-sensitive wildlife shall be included.

Ecological Officer (final response) - I'm happy with the EMP.

Public Health - It is important that the applicant adheres to the dust mitigation measures set out in Section 6 of the Dust Assessment.

I note that the Air Quality Assessment estimates that the number of daily vehicle movements will increase significantly from 80 to 400 a day. Hennef Way is a declared AQMA. The most recent annual mean data for NO₂ in this area is 74.9µg/m³. This is still significantly above the 40 µg/m³ level that places this road in exceedance to required levels. I would have concerns about the impact of this proposed increase in HGV traffic on air quality management plans and the likelihood of the levels of NO₂ in the area increasing, without reviewing the management plan for the area in the light of significant increase in HGV traffic.

I have read the objection you have sent me due to the possible effects of pollution on coronavirus. As the understanding of the novel coronavirus is still evolving and I am unwilling to comment on this matter. However there is good understanding of the effects on health due to NO₂ emissions and these should be considered in the light of the area already being and AQMA where levels of NO₂ are significantly in exceedance of acceptable levels.

Public Health (2nd response) - I am happy to defer to the comments from my colleague in Environmental protection in CDC regarding air quality and modelling of NO₂ levels.

Lead Local Flood Authority - The drainage strategy has not demonstrated it is in line with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire. Although the site is proposing to discharge at greenfield rates and is proposing an increase in attenuation of 879m³ which seems more than enough, the strategy has not demonstrated how this will be achieved in the proposed layout. We have concerns that the proposed storage requirements cannot be met on the existing site and will end up increasing flow rates to the River Cherwell post development. For brownfield sites, the proposed rate needs to accord with the Standards S3, L3 and S5 in the local guidance. The Strategy needs to demonstrate that the flow rates have been reduced to as close as practical to greenfield runoff post development. Further guidance on this can be found on Page 19. As this is

already a working site, we are happy for the outstanding concerns to be dealt with by condition.

Annex 4 - European Protected Species

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

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

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

PLANNING & REGULATION COMMITTEE – 20 JULY 2020

Policy Annex (Relevant Development Plan and other Policies)

Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

POLICY M1: RECYCLED AND SECONDARY AGGREGATES

So far as is practicable, aggregate mineral supply to meet demand in Oxfordshire should be from recycled and secondary aggregate materials in preference to primary aggregates, in order to minimise the need to work primary aggregates.

The production and supply of recycled and secondary aggregate, including that which improves waste separation and the range or quality of end products, will be encouraged so as to enable the maximum delivery of recycled and secondary aggregate within Oxfordshire. Where practicable, the transport of recycled and secondary aggregate materials (both feedstock and processed materials) from locations remote from Oxfordshire should be by rail.

Provision will be made for facilities to enable the production and/or supply of a minimum of 0.926 million tonnes of recycled and secondary aggregates per annum.

Sites which are suitable for facilities for the production and/or supply of recycled and secondary aggregates at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Permission will be granted for such facilities at these allocated sites provided that the requirements of policies C1 – C12 are met.

Permission will normally be granted for recycled and secondary aggregate facilities at other sites, including for temporary recycled aggregate facilities at aggregate quarries and landfill sites, that are located in accordance with policies W4 and W5 and that meet the requirements of policies C1 – C12, taking into account the benefits of providing additional recycled and secondary aggregate capacity and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.

Sites for the production and/or supply of recycled and secondary aggregate will be safeguarded under Policy M9 and/or W11 and safeguarded sites will be defined in the Site Allocations Document.

POLICY M6: AGGREGATE RAIL DEPOTS

Permission will be granted for new aggregate rail depots at locations with suitable access to an advisory lorry route shown on the Oxfordshire Lorry Route Maps (policy C10) and that meet the requirements of policies C1 – C12.

POLICY M9: SAFEGUARDING MINERAL INFRASTRUCTURE

Existing and permitted infrastructure that supports the supply of minerals in Oxfordshire is safeguarded against development that would unnecessarily prevent the operation of the infrastructure or would prejudice or jeopardise its continued use by creating incompatible land uses nearby.

Safeguarded sites include the following rail depot sites which are safeguarded for the importation of aggregate into Oxfordshire:

- Hennef Way, Banbury (existing facility);
- Kidlington (existing facility);
- Appleford Sidings, Sutton Courtenay (existing facility); and
- Shipton-on-Cherwell Quarry (permitted facility);

as shown on the Policies Map; and

- any other aggregate rail depot sites which are permitted, as identified in the Annual Monitoring Report.

Other safeguarded sites will be defined in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document.

Proposals for development that would directly or indirectly prevent or prejudice the use of a site safeguarded for mineral infrastructure will not be permitted unless:

- the development is in accordance with a site allocation for development in an adopted local plan or neighbourhood plan; or
- it can be demonstrated that the infrastructure is no longer needed; or
- the capacity of the infrastructure can be appropriately and sustainably provided elsewhere.

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
MUNI CIPAL WAST	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**	25%	25%	25%	25%

	(as proportion of inert arisings)				
	Landfill (as proportion of inert arisings) (these percentages are not targets but are included for completeness)	20%	15%	10%	5%
	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 W3: PROVISION FOR WASTE MANAGEMENT CAPACITY AND FACILITIES REQUIRED

Provision will be made for the following additional waste management capacity to manage the non-hazardous element of the principal waste streams:

Non-hazardous waste recycling:

- by 2021: at least 145,400 tpa
- by 2026: at least 203,000 tpa
- by 2031: at least 326,800 tpa

Specific sites for strategic and non-strategic waste management facilities (other than landfill) to meet the requirements set out in in this policy, or in any update of these requirements in the Oxfordshire Minerals and Waste Annual Monitoring Reports, at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document. Other sites which are suitable for strategic and non-strategic waste management facilities and which provide additional capacity for preparation for re-use, recycling or composting of waste or treatment of food waste (including waste transfer facilities that help such provision) at locations that are in accordance with policies W4 and W5 and other relevant policies of this Plan and of other development plans will also be allocated in the Minerals and Waste Local Plan: Part 2 – Site Allocations Document.

Permission will be granted at allocated sites for the relevant types and sizes of waste management facilities for which they are allocated provided that the requirements of policies C1 – C12 are met.

Permission will normally be granted for proposals for waste management facilities that provide capacity for preparation for re-use, recycling or composting of waste or treatment of food waste (including waste transfer facilities that help such provision) at other sites that are located in accordance with policies W4 and W5 and that meet the requirements of policies C1 – C12, taking into account the benefits of providing additional capacity for the management of waste at these levels of the waste hierarchy, and unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. Where permission is granted for such a facility at a time-limited mineral working or landfill site this will normally be subject to the same time limit as that applying to the host facility and the site shall be restored in accordance with the requirements of policy M10 for restoration of mineral workings at the end of its permitted period. Except where a new planning permission is granted for retention of the facility beyond its permitted end date, temporary facility sites shall be restored at the end of their permitted period.

Proposals for non-hazardous residual waste treatment will only be permitted if it can be demonstrated that the development would not impede the movement of waste up the hierarchy and that it would enable waste to be recovered at one of the nearest appropriate installations, and provided that the proposal is located in accordance with policies W4 and W5 and meets the requirements of policies C1-C12. Account will be taken of any requirements for additional non-hazardous residual waste management capacity that may be identified in the Oxfordshire Minerals and Waste Annual Monitoring Reports in the consideration of proposals for additional non-hazardous residual waste management capacity for the principal waste streams.

Proposals for disposal by landfill will be determined in accordance with policy W6.

POLICY W4: LOCATIONS FOR FACILITIES TO MANAGE THE PRINCIPAL WASTE STREAMS

Facilities (other than landfill) to manage the principal waste streams should be located as follows:

- a) Strategic waste management facilities should normally be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, as indicated on the Waste Key Diagram. Locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network in accordance with Policy C10.
- b) Non-strategic waste management facilities should normally be located in or close to Banbury, Bicester, Oxford, Abingdon and Didcot, the other large towns (Witney and Wantage & Grove) and the small towns (Carterton, Chipping Norton, Faringdon, Henley-on-Thames, Thame and Wallingford), as indicated on the Waste Key Diagram. Locations further from these towns may be appropriate where there is access to the Oxfordshire lorry route network in accordance with Policy C10.
- c) Elsewhere in Oxfordshire, and particularly in more remote rural areas, facilities should only be small scale, in keeping with their surroundings.

The locations for strategic and/or non-strategic waste management facilities around Oxford, Abingdon, Didcot and Wantage and Grove exclude the Oxford Meadows, Cothill Fen, Little Wittenham and Hackpen Hill Special Areas of Conservation and a 200 metre dust impact buffer zone adjacent to these SACs.

As indicated on the Waste Key Diagram, strategic and non-strategic waste management facilities (that comprise major development) should not be located within Areas of Outstanding Natural Beauty except where it can be demonstrated that the 'major developments test' in the NPPF (paragraph 116), and as reflected in policy C8, is met.

POLICY W5: SITING OF WASTE MANAGEMENT FACILITIES

Priority will be given to siting waste management facilities on land that:

- is already in waste management or industrial use; or
- is previously developed, derelict or underused; or
- is at an active mineral working or landfill site; or
- involves existing agricultural buildings and their curtilages; or
- is at a waste water treatment works.

Waste management facilities may be sited on other land in greenfield locations where this can be shown to be the most suitable and sustainable option.

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 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 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.

Cherwell Local Plan 2011-2031 (CLP) – Part 1

POLICY ESD 6: SUSTAINABLE FLOOD RISK MANAGEMENT

The Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.

In addition to safeguarding floodplains from development, opportunities will be sought to restore natural river flows and floodplains, increasing their amenity and biodiversity value. Buildings over or culverting of watercourses should be avoided and the removal of existing culverts will be encouraged.

Existing flood defences will be protected from damaging development and where development is considered appropriate in areas protected by such defences it must allow for the maintenance and management of the defences and be designed to be resilient to flooding.

Site specific flood risk assessments will be required to accompany development proposals in the following situations:

- All development proposals located in flood zones 2 or 3
- Development proposals of 1 hectare or more located in flood zone 1
- Development sites located in an area known to have experienced flooding problems
- Development sites located within 9m of any watercourses.

Flood risk assessments should assess all sources of flood risk and demonstrate that:

- There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)
- Developments will not flood from surface water up to and including the design storm event or any surface water flooding beyond the 1 in 30 year storm event, up to and including the design storm event will be safely contained on site.

Development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.

POLICY ESD7: SUSTAINABLE DRAINAGE SYSTEMS (SuDS)

All development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.

Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems.

In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as LLFA and SuDS Approval Body, and proposals must include an agreement on the future management, maintenance and replacement of the SuDS features.

POLICY ESD 10: PROTECTION AND ENHANCEMENT OF BIODIVERSITY AND THE NATURAL ENVIRONMENT

Protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources
- The protection of trees will be encouraged, with an aim to increase the number of trees in the district
- The reuse of soils will be sought
- If significant harm resulting from a development cannot be avoided (though locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted
- Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated

- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value
- Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution
- Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably
- A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management

POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

POLICY ESD 15: THE CHARACTER OF THE BUILT AND HISTORIC ENVIRONMENT

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions
- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their settings
- Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages
- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette

- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognizable landmark features
- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation
- Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout
- Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD1-5 on climate change and renewable energy)
- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality
- Use locally sourced sustainable materials where possible.

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site.

POLICY PSD 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

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

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

POLICY SLE5: HIGH SPEED RAIL 2 – LONDON-BIRMINGHAM

The design and construction of the High Speed 2 Rail Link must minimise adverse impacts on the environment, the local economy and local communities and maximise any benefits that arise from the proposal.

The implementation of HS2 will also be expected to:

- Deliver high quality design to protect communities and the environment from noise and visual intrusion
- Manage the construction to minimise the impact on communities and the environment
- Adopt sustainable procurement and construction methods
- Minimise adverse social and economic impacts, by maintaining accessibility and avoiding the severance of communities and agricultural holdings
- Ensure that community and other benefits are fully realised.

HS2 is a national infrastructure project. The line of the railway and associated works will be established and authorised by the way of primary legislation, requiring a Hybrid Bill to be introduced to Parliament which, if passed, will become an Act of Parliament. Cherwell District Council will work with High Speed 2 Ltd, with the aim of influencing the design and construction of the route through Oxfordshire.

Recognising that the decision to authorise the railway and associated works will sit with Parliament, the Council's involvement will be focused on seeking the best outcome for the environment, local communities and businesses affected by the proposed railway scheme.

The Council will work with HS2 Ltd to:

- Develop a route-wide planning regime to be included within the Hybrid Bill, which supports the Council's aspirations for a well designed, sustainably constructed railway.
- Support work necessary to ensure a robust Environmental Impact Assessment is carried out to determine significant environmental effects of the railway in Cherwell District.
- Support the development and implementation of a Code of Construction Practice to address the construction impacts of the scheme.
- Achieve its sustainability objectives.

Cherwell Local Plan 1996 (CLP)

POLICY C28: LAYOUT, DESIGN AND EXTERNAL APPEARANCE OF NEW DEVELOPMENT

Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

POLICY ENV1: DEVELOPMENT LIKELY TO CAUSE DETRIMENTAL LEVELS OF POLLUTION

Development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.

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 33: PROMOTING SUSTAINABLE DEVELOPMENT

All development proposals will be required to make provision for the efficient use of natural resources, including:

- i. making adequate provision for the recycling of waste
- ii. using recycled and energy efficient materials
- iii. minimising waste
- iv. maximising passive solar heating, lighting, natural ventilation, energy and water efficiency and reuse of materials
- v. causing no deterioration and, where possible, achieving improvements in water and air quality
- vi. ensuring that the land is of a suitable quality for development and that remediation of contaminated land is undertaken where necessary, and
- vii. re-using previously developed land provided it is not of high environmental value.

CORE POLICY 37: DESIGN AND LOCAL DISTINCTIVENESS

All proposals for new development will be expected to be of high quality design, such that the layout, scale, mass, height, detailing, materials, landscaping and relationship to context make a positive contribution to the character of the locality.

All new development schemes should also:

- i. connect to the surrounding area and existing development
- ii. relate well to existing and proposed facilities
- iii. have access to public transport where possible
- iv. have locally inspired or otherwise distinctive character
- v. sensitively incorporate any existing distinctive features on site, such as landscape or structures, as well as having a suitable level of new landscaping
- vi. ensure that buildings and streets are well defined with landscaping and buildings that relate well to the street
- vii. be legible and easy to move through
- viii. encourage low vehicle speeds and allows streets to function as social spaces
- ix. have a sufficient level of well-integrated parking
- x. have clearly defined public and private spaces
- xi. include sufficient external space for bins, recycling and bicycle
- xii. ensure that public and communal spaces are overlooked in the interest of community safety, and
- xiii. be compatible with urban design principles, including Secured by Design and Active Design principles.

Development will be expected to follow the design principles set out in relevant SPD and National Guidance.

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:

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

DEVELOPMENT POLICY 23: IMPACT OF DEVELOPMENT ON AMENITY

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

- 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 24: EFFECT OF NEIGHBOURING OR PREVIOUS USES ON NEW DEVELOPMENTS

Development Proposals should be appropriate to their location and should be designed to ensure that the occupiers of new development will not be subject to adverse effects from existing or neighbouring uses.

Development will not be permitted if it is likely to be adversely affected by existing or potential sources of:

- i. noise or vibration
- ii. dust, heat, odour, gases and other emissions
- iii. pollution, contamination of the site or its surroundings and hazardous substances nearby
- iv. loss of privacy, daylight or sunlight
- v. dominance or visual intrusion, or
- 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 31: PROTECTION OF PUBLIC RIGHTS OF WAY, NATIONAL TRAILS AND OPEN ACCESS AREAS

Development on and/or over public rights of way will be permitted where the development can be designed to accommodate satisfactorily the existing route, or where the right of way is incorporated into the development site as an attractive, safe and continuous route. Alternative routes will need to be made equally or more attractive, safe and convenient to rights of way users.

The Council will actively seek opportunities to improve the accessibility and the addition of new connections and status upgrades to the existing rights of way network including National Trails. Proposals of this nature will be supported where they would not lead to increased pressure on sensitive sites, such as those of important ecological value.

Development will not be permitted where proposals remove, narrow or materially impair the approved line of the Thames Path or Ridgeway National Trails, key connecting routes, and/or public access to them.

This page is intentionally left blank