



To: Members of the Planning & Regulation Committee

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

**Monday, 19 October 2020 at 2.00 pm**  
**Virtual**

***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 link](#)***

***For further information on this please contact the Committee Officer (details below) bearing in mind the information set out at Item 3.***

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

Yvonne Rees  
Chief Executive

October 2020

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

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

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### **Membership**

Chairman – Councillor Jeannette Matelot  
Deputy Chairman - Councillor Stefan Gawrysiak

#### **Councillors**

Ted Fenton  
Mrs Anda Fitzgerald-  
O'Connor  
Pete Handley  
Damian Haywood

Bob Johnston  
G.A. Reynolds  
Judy Roberts  
Dan Sames

John Sanders  
Alan Thompson  
Richard Webber

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#### **Notes:**

- ***Date of next meeting: 7 December 2020***

## Declarations of Interest

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

Under the Localism Act 2011 it is a criminal offence to

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

### Whose Interests must be included?

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

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

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

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

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

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

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

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

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

### List of Disclosable Pecuniary Interests:

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

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

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

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

# AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 18)

To approve the minutes of the meeting held on 7 September 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. To facilitate new arrangements during the current situation we are asking that requests to speak are sent to [graham.warrington@oxfordshire.gov.uk](mailto:graham.warrington@oxfordshire.gov.uk) no later than 9am Tuesday 13 October together with a written statement of your presentation. The statement can, however, be provided at a later date but no later than 9 am 2 working days before the meeting (Thursday 15 October) and is made available to members of the Committee to ensure that if there are connection issues preventing your participation in the meeting then your views can still be considered.

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 19 - 114)

**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**).

The report relates to two interlinked applications that were deferred from Planning & Regulation Committee on 20 July 2020, to enable further information to be provided to

enable a decision to be made. This report considers the further information provided as requested by members and whether permission should be granted (application MW.0134/19) for an extension area to store the screened soils from the waste soils operation granted under planning permission MW.0049/11. The report also considers further information provided as requested by members and whether permission should be granted (MW.0135/19) 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 applications were reported to Committee on 20 July 2020 at the request of the County Councillor. This was due to objections raised by three parish councils and various local residents. There are concerns for both the extension area and the request for variation to the named conditions due to the increased operations. These concerns are largely related to the consequent increase in HGV movements of expanded operations and the adverse impact on the local highways network and adverse impact on the amenity of local residents.

The report outlines the further information received and the recommendation of the Assistant Director for Strategic Infrastructure and Planning.

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, concrete crushing, increased stockpile heights, reduced vegetation and increased HGV movements.

**It is RECOMMENDED that subject to the applicant entering into a routeing agreement to require all vehicles to be routed to and from the A34 via the A338 and the A420, to avoid the A415 between Frilford Junction and the Marcham Interchange and the junction of the A415 and the A420 at Kingston Bagpuize, the Assistant Director for Strategic Infrastructure and Planning be authorised to:**

- i) approve application no. MW.0134/19 subject to conditions the detailed wording of which to be determined by the Assistant Director for Strategic Infrastructure and Planning 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 Assistant Director for Strategic Infrastructure and Planning including the conditions set out in Annex 3 to the report PN6.**

**7. Details Pursuant to Condition 25 (approval of Dust Management Plan) of Planning Permission P18/V2610/CM (MW.0104/18) at Shellingford Quarry, Stanford Road, Stanford in the Vale, Faringdon - Application No. MW.0090/20 (Pages 115 - 150)**

Report by the Assistant Director for Strategic Infrastructure and Planning (**PN7**).

The planning application to extend the existing Shellingford Quarry to the west for mineral extraction was taken to Planning & Regulation Committee on 15 July 2019. The resolution to grant planning permission was subject to the signing of Section 106

agreement.

Dust was outlined as a key issue and concern by the committee. Approval was granted subject to a detailed dust management plan to be submitted to committee for final approval before work commenced having first been submitted to the public health and the environmental health teams and reflecting the comments raised by members to secure a robust and meaningful scheme.

The planning application was finally issued on the 24 September 2020. The applicant has now submitted a Dust Management Plan (DMP) under details pursuant to condition 25 of the planning permission P18/V2610/CM (MW.0104/18). The DMP was informally sent out for rounds of consultation in January and March, and document is attached to the report under Annex 1. The DMP is required in order to monitor and mitigate any potential air quality significant impact on local residents.

***It is RECOMMENDED that Application MW.0090/20 be approved.***

**8. Extraction of mineral and restoration to agriculture and nature conservation by infilling with imported inert materials (update report)- Land to the west of Hatford Quarry, Fernham Road, Hatford, Faringdon - Application No. MW.0066/19 (Pages 151 - 188)**

Report by the Assistant Director for Strategic Infrastructure and Planning (PN8)

This is an update report to that which was taken to Planning & Regulation Committee on 1 June 2020 when it was resolved subject to completion of a legal agreement and routeing agreement to grant planning permission to the application subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1 of the Committee report of 1 June 2020. The purpose of this report is solely to update the committee that condition 4 in Annex 1 of the original report should be for six years of mineral extraction rather than five.

***That the Committee's resolution of 1 June 2020 to approve application no. MW.0066/19 subject to the applicant signing a Section 106 agreement for the matters outlined in Annex 2 of the committee report of 1 June 2020 and a routeing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry and subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1 of the Committee report of 1 June 2020 be amended such that condition 4 reads as follows:***

***Temporary consent – extraction completed by six years from the date of commencement as notified pursuant to condition 2 and restoration completed by the date seven years from the date of commencement.***

**9. Relevant Development Plan and Other Policies (Pages 189 - 206)**

Paper by the Director for Planning & Place (PN9)

The paper sets out policies in relation to Items 6,7 and 8 and should be regarded as an

Annex to each report.

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**Pre-Meeting Briefing**

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

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 7 September 2020 commencing at 2.00 pm and finishing at 4.28 pm

**Present:**

**Voting Members:**

Councillor Jeannette Matelot – in the Chair

Councillor Stefan Gawrysiak (Deputy Chairman)  
Councillor Ted Fenton  
Councillor Mrs Anda Fitzgerald-O'Connor  
Councillor Pete Handley  
Councillor Bob Johnston  
Councillor Glynis Phillips (In place of Councillor Damian Haywood)  
Councillor G.A. Reynolds  
Councillor Judy Roberts  
Councillor Dan Sames  
Councillor John Sanders  
Councillor Alan Thompson  
Councillor Richard Webber

**Other Members in Attendance:**

Councillor Mark Gray (for Agenda Item 7)

**Officers:**

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

Part of meeting

**Agenda Item**

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**Officer Attending**

C. Kelham (Planning & Place)

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

**28/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Damian Haywood	Councillor Glynis Phillips

**29/20 MINUTES**

(Agenda No. 3)

The minutes of the meeting held on 20 July 2020 were approved for publication.

Minute 27/20 – Swannybrook Farm, Kingston Bagpuize, Abingdon

Officers advised that although all further investigation work requested by Committee in July had been done it had not been possible to complete all the analysis work. That had included the independent traffic survey, which had only been concluded recently and, therefore, it had not been possible to bring a report back to this meeting. A report would be made to the October meeting.

**30/20 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Richard Dudding (Radley PC) Roger Thomas (Friends of Radley) Andrew Coker (Local Resident) Nick Dunn (Agent, Land Management)	) 6. Serving of the Prohibition ) Order for the review of the ) Mineral Planning Permission ) (ROMP) at Thrupp Farm and ) Thrupp Lane, Radley, ) Oxfordshire
Simon Rees (Agent) Councillor Mark Gray (Local Member)	7. White Cross Farm, Reading Road, Wallingford – MW.0033/18

**31/20 SERVING OF THE PROHIBITION ORDER FOR THE REVIEW OF THE MINERAL PLANNING PERMISSION (ROMP) AT THRUPP FARM AND THRUPP LANE, RADLEY, OXFORDSHIRE**

(Agenda No. 6)

The Committee considered (PN6) a report 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 and setting out whether or not 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 and additional information provided with regard to the progression of the application for the review of mineral conditions on the ROMP planning permissions DD1 and DD2 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.

Mr Periam presented the report. He and other officers responded to questions from members.

Councillor Johnston – Mrs Crouch advised that a Freedom of Information request had been received relating to the release of the Operator's Counsel's opinion. The assessment was that that had been supplied as confidential legal advice. A further request to review that decision was currently being considered.

Councillor Roberts referred to a suggestion from the parish council that there was an area not covered by any mineral extraction but part of the ROMP. Would it be possible to continue with the prohibition Order on just that section.

Mr Periam advised that the areas shown on the map were covered by the two relevant permissions and if a ROMP application came forward then that would have to relate to the whole area.

Roger Thomas spoke on behalf of the Friends of Radley. He referred to the Committee's decision in June 2020 to consider the future of the prohibition order in the light of counsel's opinion which had been received on behalf of the operator. That had not been made publicly available and, in his view, made it almost certainly unlawful to make a decision on the basis of a secret submission by the applicant. He did not agree with the decision not to release the document. The question facing the Committee now was would mineral working be likely to resume. A year ago the Committee had concluded that was not likely to be the case but it was now being suggested that it might at a future date. The Committee were being told a lot about Tuckwells and what they may do regarding a planning application and ROMP application but Tuckwells were not the landowner. Curtis were the landowners and extraction would only take place if Curtis wanted it to but what we have seen from them is 30 years of prevarication and obfuscation. He felt the real truth lay in a statement made under oath by the Managing Director of Curtis in 2007 that all extraction at Radley had been completed and reserves exhausted in 1990. Tuckwells have said they need an uninterrupted supply of gravel for their business but, lacking confidence that any extraction would resume at Radley, they are preparing 4

separate applications for extraction at a separate site. That did not suggest to him that work would resume at Radley. Curtis was not a party to this current process and had made no statement. Why not? Their Counsel's opinion apparently discusses the intention of the landowner but we hadn't been able to see that. At the moment the Committee had every reason to uphold its original conclusion that working would be unlikely to resume and so the prohibition order should be progressed. He suggested Curtis be given one month to make a clear statement of their intentions as landowner as all the Committee had before it were the hopes of a contractor so concerned that extraction might never resume at Radley was busy making arrangements to extract elsewhere. He urged the Committee to progress the Order.

Responding to Councillor Johnston Mr Thomas confirmed that as an unregistered and non-practising barrister he felt qualified to have taken a view on the legal opinion had he been allowed to see it.

Andrew Coker who lived at Thrupp House spoke on behalf of those households south of the proposed conveyer system and extraction and, therefore, most affected by this application. He agreed with all the points made by Richard Dudding and Roger Thomas referring particularly to the statement made in 2007 by the Managing Director of Curtis under oath that all extraction had been completed and all reserves exhausted in the 1990s. If that was the case he asked why were we here today? He suggested that it had been because back in 2007 they had wanted a tarmac plant on their land so had been prepared to make such a statement but here we are 13 years later with a proposal to build a conveyor belt to help extract gravel that we all thought wasn't there. The truth was that this blight had been going on for decades with both Curtis and Tuckwells running rings around the planning authorities and, by playing one authority off against the other, enabling industrial units to continue to operate illegally in the Green Belt but if the Committee decided to say no now then that would begin the process to allow for removal of these unlawful activities and buildings and the return of land back into either agricultural land in line with the original condition of the permission or nature reserve. He considered the real reason for the application had been to continue the misuse of the Green Belt and the County Council should stop this application thereby supporting the District Council in securing removal of the illegal industrial units. Had these companies been responsible stewards and worked with the local community our objections would not have been so vociferous. He gave an example of that disregard for both community and environment citing the poisoning of ground water due to illegal infill north of their homes. That had resulted in 5 times the recommended levels of manganese rendering the well water unsuitable for drinking. The track record for these companies was not good and suggested to him they were likely to disregard planning law, string out their extraction for many more years than you allow and leave it in a disgraceful state. But then what was there to extract as according to their managing director extraction had been completed in the 1990s. He urged the Committee to put a stop to this now and end this continual merry go round of obfuscation and planning abuse.

Councillor Johnston advised that in the interests of transparency he had met Mr Coker but asked him whether in his opinion Counsel's opinion had been secured by the applicants purely to derail the ROMP prohibition order and the planning application submitted to stymie the appeal process against the Vale of White Horse District Council's decision to refuse further illegal use of the Curtis site.

Mr Coker replied that he considered that to be the case and if he had been able to see that opinion would have been better placed to give a more rounded view of it.

In response to the Chairman Mrs Crouch advised that the matter before the Committee was whether the Prohibition Order should be served and not the planning application that had recently been submitted. With regard to that and as had been mentioned the county council was currently waiting for the outcome on the screening direction from the Secretary of State. The matter of the planning application was not before the Committee and should not be considered at the present time.

As Richard Dudding had been unable to join the meeting due to technical difficulties his statement on behalf of the parish council was read out to the Committee by the Committee officer.

#### Statement by Richard Dudding

"The site being considered is in the Radley Lakes area, which has wonderful potential for nature conservation and quiet recreation. However, we recognise that this needs to be achieved by a transition which respects commercial interests and is based on dialogue with landowners.

The area with remaining gravel is owned by JCSL. The Parish Council had six times sought dialogue with them and had six times been rebuffed.

During the last 25 years JCSL have extracted no gravel in Radley. We believe that they have had no intention to do so. But rather to keep open the possibility of extraction and, thereby, persuade the Vale District Council to allow 'temporary' uses of their nearby industrial yard. In our view they have been gaming the planning system. In doing so they have blighted the area.

So what's new?

Certainly not the Tuckwells planning application for processing gravel. It is a cut down version of an earlier application, for which permission was given in 2012. That permission did not result in an ounce of gravel being dug and the permission lapsed. It is hard to see why this new application changes things.

Tuckwells have a good record of openness and dialogue, but the officers report leaves important questions unanswered.

- Do Tuckwells have a firm agreement with JCSL to extract on their land?
- Would they be able to start extraction if JCSL continued to want delay?
- Would they go ahead with extraction at Radley if their new areas at Sutton Wick looked more advantageous?
- Would they close business entirely in Radley if they got an attractive offer from Arnold White Estates, who have included their site in development proposals recently submitted to the Vale?

Overall, there is plenty of cause for scepticism and no new evidence of substance that extraction will resume. We consider that the legal tests for the prohibition order continue to be met. Some caution might be understandable, but it is not cost free. Holding back prolongs blight.

We do however have one suggestion. The area to the north of the disused railway has no gravel resources and no one is claiming that the land is needed in connection with extraction. OCC could proceed anyway with a prohibition order for this area even if they believe that the area to the south of the railway line justifies a further review of the evidence. This is a second best but would be progress.”

Nick Dunn (Land & mineral management) then spoke on behalf of H Tuckwell and Sons. The Thrupp Farm ROMP area was owned by J. Curtis and Sons Ltd and Tuckwells had entered into a legal contract with them to work this mineral subject to first submitting the ROMP application for modern planning conditions. He had worked on this application and the required environmental impact assessment since June 2018. In 2014 the Secretary of State had quashed an earlier Prohibition Order and awarded full costs against Oxfordshire County Council. Principal to that decision had been a planning application to transport and process the mineral from the ROMP Area to Tuckwells’ site at Thrupp Lane and the Inspector had considered, in part, that this planning application provided evidence of a genuine intention to extract minerals for the ROMP. Today we are in the same position as Tuckwells had invested around £30,000 in making the planning application to transport and process the mineral at their Thrupp Lane site. Nevertheless, unlike 2014, Tuckwells and Curtis had entered into a legally binding contract to extract the mineral subject to planning conditions being approved. This and other evidence showed that that there was a genuine and even stronger intention to extract minerals than had existed in 2014 when the Prohibition Order had been quashed. That evidence had also been assessed by legal Counsel whose formal Opinion confirmed that the Prohibition Order could not be sustained if put to the Secretary of State at another inquiry. In stark contrast, the 2019 recommendation to issue the Prohibition Order by both your advisors and local objectors had been based on conjecture without any objective supporting evidence and made without any consideration of the available evidence and any consultation with Curtis or Tuckwells who could have provided details of the work undertaken on the ROMP to date. Furthermore, when evidence had been provided to Committee in January 2020 it had been simply disregarded. A recommendation had now been made that the Prohibition Order should be delayed rather than quashed, so that the planning application to process the mineral at Thrupp Lane could be determined.

However, although the processing application provided evidence that the ROMP area was intended to be worked, the working of the ROMP was not reliant on the grant of this planning application. For example, the mineral from the ROMP would be taken off site by road and processed elsewhere or at Thrupp Lane if the processing application was not granted. Transporting mineral to Thrupp Lane without using the road was simply an environmentally preferable option rather than a precursor to the viability of mineral extraction in the ROMP. The outcome of the processing planning application should, therefore, not be used to support the Prohibition Order.

Your officers have also recommended delaying the service of the Order until March 2021 so Tuckwells could provide further information. This was considered

unreasonable, as sufficient evidence, supported by Counsel, had already been provided. There was simply no evidential basis to support the Prohibition Order and we do not understand why county officers were persisting with their assumptions and not listening to the facts. The order should be quashed whereas a decision now supporting the officer recommendation would simply be 'kicking the can down the road' at the expense of creating more ongoing uncertainty and costs for Curtis and Tuckwells who were due to make significant financial investments in the ROMP Area with the installation of piezometers and the start of hydrological and ecological monitoring costing tens of thousands of pounds all at a time when there had been a significant economic downturn and uncertainty caused by the ongoing pandemic, which might take many years to remedy. As a Mineral Planning Authority you have a duty to support sustainable mineral development and ensure a sufficient supply of aggregate in your County which is what was being proposed at the Thrupp Lane ROMP. We therefore respectfully request that you support the sustainable supply of minerals from a site already with planning permission by ending this ongoing uncertainty and cost and make an evidence based decision to quash the Prohibition Order today rather than delaying a decision for another 6 months. Finally it should be noted that representations from local residents are the same as those made to the Inspector in 2014. They had been rejected then as being irrelevant and not based on evidence so those same arguments should, therefore, not be given more weight at this time as they were still wrong and would be likely to result in the award of costs against them and the county council at any further inquiry.

Mr Dunn then responded to questions.

Councillor Gawrysiak asked if the recommendation before the Committee today to pause serving the Order until March was agreed would that, since you'd been working on this since 2018, allow sufficient time to submit a full and frank planning application and secondly whether or not he would be willing to arrange to have the legal opinion released?

Mr Dunn advised that a planning application would need a full environmental impact assessment. Principal to that they would need at least one year for hydrological monitoring and sampling. The intention was to put in piezometers in the autumn with a year to collect data, move forward to design development and then to the planning application stage. That was a long way off but was a typical and responsible process for an EIA. He was not in a position to offer release of the legal opinion but would discuss the matter with his clients.

Councillor Johnston advised that Mr Dunn was the 7<sup>th</sup> or 8<sup>th</sup> consultant he had questioned over 38 years and as no gravel had been extracted for 20 years or so why did he feel it unreasonable for this Committee to ask his clients to wait until March 2021 to see if more evidence could be produced because to date there had been very little information of any substance?

Mr Dunn advised that his Company had worked for Tuckwells for 30 years and as they had now taken on the site with the legal agreement it was full steam ahead. He referred to other similar sites nationally that had opened and while he understood the concerns this situation was not uncommon.

Councillor Roberts asked why if the mineral deposit was specific to area DD2 why would you then object to a prohibition order on area DD1?

Mr Dunn advised that there was some interconnectivity between the 2 sites. There was also an appeal ongoing on one of the sites and how that all fitted together as far as the legal process was concerned would need to be looked at. His focus was getting gravel out of the ground.

Councillor Phillips referred to the claims by the objectors regarding the statement made under oath that no mineral remained on the site. Could you comment on that and confirm how much mineral there was and how long that would take to extract?

Mr Dunn felt unable to comment as he did not know the context in which that statement had been made. He confirmed that there was a good million tonnes of material which could take 10 years to extract depending on market conditions.

Councillor Gawrysiak asked if the applicants would be in a position, if this recommendation were agreed, to give the Committee a substantial and substantive case why this working should be considered in the future in the light of the legal statement stating there was no material and the site hadn't been worked for 20 or 30 years.

Mr Dunn replied that the mineral was there. The intentions of the applicant were clear as evidenced by the intention to install piezometers in 4 months with additional monitoring also costing £1000/1500 per month. He needed to design the site but couldn't do that until they were clear about hydrology on the site and that would take at least a year. There would also be a winter bird survey carried out. Pending that he felt it premature to say anything else.

Mr Periam drew the Committee's attention to paragraph 18 of the report in which the Inspector set out the context of the statement made on behalf of John Curtis and Son which read as follows: "Whilst Mr John J Curtis and Sons Ltd made a statutory declaration in 2006 suggesting that work had been completed in 1990, I accept that this was a reference to the minerals dug to supply the Tarmac concrete plant and not a reference to all reserves within the ROMP site having been worked out."

Councillor Fenton asked why were the applicants concerned at the current recommendation to delay until March 2021 when the surveys referred to were likely to take upwards of a year to complete?

Mr Dunn replied that the objection revolved around the uncertainty caused. His clients had provided clear evidence to Counsel that they wanted to work the site undertaking significant investment with the promise of more. The order should be quashed now. If it was felt later that nothing was being done then the Order could be served.

Councillor Phillips asked if the recommendation were agreed was it the intention to carry on doing this work? If that was the case then there had been ample opportunities to get this hydrology work and bird survey work done.

Mr Dunn replied that it was the intention to get this done but his clients were under pressure. He had been waiting for legal contracts between the two parties to be agreed. That had been done last summer but then we went into this prohibition order process and Tuckwells had had concerns regarding the merits of making this type of investment against the backdrop of uncertainty caused by that process.

Councillor Roberts considered that as no mineral existed in area DD1 it seemed sensible to move the plant on that site to DD2 and proceed with the order for DD1. That would also assist the Vale of White Horse District Council to resolve issues regarding enforcing permissions on the industrial site.

Councillor Johnston clarified that both sites were tied together insofar as if the order was served on DD1 then the plant would then have to be moved at a cost to the company. It was in their interests to keep the sites contiguous.

Councillor Gawrysiak accepted the need to pause this process until March but he did not go along with the case put forward by Mr Dunn to relieve the pressure on the companies involved. They had done nothing for years but it seemed to him that this process was now beginning to have an effect by making them focus on the issues. However, he felt the Committee needed to be aware that, without pre-empting what might happen at a future meeting, if there was no evidence of progress then consideration might need to be given to serving the order.

He moved the officer recommendation which was seconded by Councillor Johnston.

Councillor Phillips emphasised the need that come March it was imperative to see some progress which would either put the notice into operation or see it withdrawn. It was important to avoid further drift.

The motion was put to the Committee and carried by 12 votes to 0 (Councillor Handley was absent from the meeting during the vote).

**RESOLVED:** that the Planning & Regulation Committee's previous conclusion from its meeting on 9 September 2019 (Minute 39/19) that mineral working on the Radley ROMP site has permanently ceased and that there is a duty to serve a Prohibition Order is not rescinded but that the service of the Prohibition Order is held in abeyance pending:

- i) the progression and determination of application no. MW.0075/20 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
- ii) H. Tuckwell and Sons Ltd providing an update, accompanied by documentary evidence, on progress with regard to the work on the application and Environmental Statement for the review of conditions for the ROMP permission areas DD1 and DD2 to the meeting of the Planning & Regulation Committee on 8 March 2021.

**32/20 PLANNING APPLICATION TO ALLOW THE DEVELOPMENT OF AN OFFLINE RIVER THAMES MARINA BASIN WITH FIXED AND FLOATING PONTOON MOORINGS FOR APPROXIMATELY 280 BOATS, SLIPWAY, SECURE AND PUBLIC CAR PARKING, REFUELLING AND PUMP-OUT DOCK, REFUSE AND RECYCLING AREA, MARINA OFFICE AND CAFÉ, TOILET AND SHOWER BLOCK AND LAUNDRY FACILITIES, BOAT HIRE BUILDING, PICNIC AND BARBEQUE AREA, OPEN WATER AREA, CIRCULAR FOOTPATH, BOAT WORKSHOP, NEW FOOTBRIDGE AND CREATION OF NEW GRAZING MARSH, GRASSLAND, POND, REEDBED AND WET WOODLAND HABITAT WITH A CONSTRUCTION PHASE INVOLVING THE EXTRACTION AND PROCESSING OF SAND AND GRAVEL, THE IMPORTATION OF INERT FILL AND THE CONSTRUCTION OF NEW SITE ACCESSES, LANDSCAPING AND SCREENING BUNDS - WHITE CROSS FARM, READING ROAD, CHOLSEY, OXFORDSHIRE - APPLICATION NO. MW.0033/18**

(Agenda No. 7)

The Committee considered (PN7) an application for the extraction of sand and gravel for the creation of a marina on land at Whitecross Farm, Reading Road, Cholsey.

Catherine Kelham presented the report with updates as since publication of the report revised comments had been received from the County Council's highways team and Environment Agency resulting in a revised recommendation.

She then responded to questions.

Councillor Johnston suggested that in view of the County Council having passed a climate emergency motion this application should be opposed on those grounds in addition to those set out.

Catherine Kelham advised that one of the reasons for refusal was air quality but she would be happy to consider wording for an additional reason if the Committee so wished.

Responding to Councillor Fitzgerald-O'Connor she advised that the likely timescale for the project if approved would be between 5 – 7 years.

Simon Rees spoke in support of the application as a relatively simple, small-scale, low-level, sustainable development bringing a range of both short term and long-term benefits to the County and the local community in the area of Wallingford. It was considered to comply fully with both the National Planning Policy Framework (NPPF) and also local planning policy and had been submitted following an extensive period of consultation with river users, local community organisations followed by a series of public exhibitions and presentations in response to an identified need and demand for new boat moorings and marina facilities together with local community water-based recreation facilities on and adjacent to the Thames Valley. The construction phase of the marina development would provide additional valuable sand and gravel supply into the Oxfordshire market while noting the site had been promoted as a small-scale

mineral site and featuring in earlier iterations of the emerging Oxfordshire Minerals Plan document.

The positive benefits and support for the development included:

- The construction phase offered the recovery and supply to market of high quality sand and gravel that would meet a demonstrable local need noting that no valuable sand and gravel reserves situated within the marina basin would be sterilised by this development.
- The off-line (off-river) marina clearly met an identifiable need for additional boat moorings and associated facilities for various boating user groups in the Thames Valley and reduced pressure for on-river (riverside) boat moorings. These were policies from the EA (who controlled the Thames) and the C&RT (who controlled most other waterways) to restrict and reduce on-line moorings to reduce congestion on the waterways and also direct impacts from boat users on the riversides and towpaths due to the number of boats moored end to end along long stretches of the river.
- Support for the marina development had come from a range of local organisations including the Boys Brigade Canoe & Kayak club, Wallingford Accessible Boat club (organisation for Disabled and special needs river users) and Sport England due to the community facilities offered. There had been numerous statements of support during the exhibitions from the local community as well as river user groups due to the very limited amount of facilities available on the Thames between Oxford and Reading.
- The economic benefits of the proposal had also been supported by the South Oxfordshire District Council Economic Development Officer due to the income generated from both the leisure facility itself and the wider tourism benefits that such a scheme could generate. A 91 page submission to Oxfordshire CC in January 2020 reviewed the existing River Thames marina facilities, the river boat and cruiser markets and also the proposals for a 280 berth marina development with associated boathouse/workshop facilities at Wallingford and concluded that:

“The financial proposals confirm that a successful and sustainable marina business located within the growing Oxfordshire tourism sector can be developed at White Cross Farm, with long term revenues generated in excess of £28m over a 20 year period from both marina fees, (at occupancy rates of 80%) and from associated commercial operations, with about £1million per annum generated for the local economy during the five year construction phase”.

It could clearly be demonstrated that both the short-term construction phase mineral extraction and the long-term marina development would meet the needs of the local economic agenda, support community organisations that currently could not access the river Thames and help support local tourism in the Wallingford and South Oxfordshire area.

Regarding mitigation of potential impacts the site had been carefully selected in terms of being situated in a preferred area of Oxfordshire for future sand and gravel supply, as well as being situated outside the Oxfordshire Green Belt, not within either of the two local AONB's and not containing any designated environmental designated site, such as SSSI's, SAM's etc. The development was low level and well screened from all residential properties and the Chilterns AONB. The existing riverside habitats also

restricted views into the site from the River Thames itself as there was a 30m stand-off between the edge of the marina and the riverbank. The proposed landscaping, planting and soft end-uses would quickly soften the appearance of the completed development and help it assimilate into the local landscape.

Detailed landscape assessment and evidence from very experienced professional landscape experts made it clear there would be no direct impact on the Chilterns AONB (which would reduce further as the site matured) and no impact on the North Wessex Downs AONB. There were no clear viewpoints of the application site from either AONB. The archaeological and heritage assessments also concluded that there were no direct impacts but that any would be indirect and not substantial. It should also be noted that the Mongewell site that contained the “heritage assets” had recently gained planning permission for over 166 dwellings and that the CABI site just to the north-east of the marina on the eastern river bank (within the AONB) is a permitted housing scheme of over 90 new dwellings.

The proposed marina landform and its surrounding habitats and areas of biodiversity had been designed following extensive consultation with the County Ecologist offering a clear Biodiversity net gain compared with the existing arable land and grazing land that formed the majority of this small area of farmland. It should be noted that the original farm had been split by the construction of the Wallingford by-pass that now formed the northern site boundary.

It was considered that this proposal was clearly a sustainable development having significant positive economic, environmental and social/community benefits; met the South Oxfordshire Local Plan policy R9 in supporting “off-river” boat moorings in “purpose built facilities” and would, therefore, reduce the pressure for “on-river” moorings in South Oxfordshire which Local Plan policy sought to specifically resist due to the congestion they caused in the river and the loss of amenity they caused to river bank walkers and other river users.

In conclusion the officer report placed far too little weight on the positive effects of the development in terms of both sand and gravel supply, which was a material consideration, nor on the long-term benefits of a marina in providing additional off-river moorings, as well as facilities for river user groups and an overall positive contribution to local tourism, the local economy and biodiversity and generally appeared to reduce the identified benefits while emphasising a range of “potential negative effects”, often incorrectly using a suggested lack of need for the development as a justification for certain impacts being judged unacceptable. He considered this was not a proper approach and distorted the planning balance and the judgement to be made as the NPPF did not require the need for a development to be proved. Therefore, it was not accepted that there were any genuine reasons for refusing these proposals as there was no clear and robust evidence to demonstrate that the alleged impacts identified were significant, unacceptable or adverse, which were the criteria set out in NPPF. None of the key consultees had presented any clear evidence that there were any areas of potential impact that breached the threshold of unacceptability. He asked the Committee to either:

- i) grant permission subject to a range of planning conditions to provide control over both the mineral extraction and the development and operation of the proposed marina, or
- ii) defer a decision subject to a site visit to assess the potential impacts and also allow time to fully investigate further the benefits of the scheme.

Mr Rees then responded to questions.

Councillor Gawrysiak asked for comment on the responses from the Environment Agency and OCC Landscape Officer as set out on pages 88- 90 in the report. Firstly the EA had stated that the flood risk assessment supplied did not comply with requirements for site-specific flood risk assessments and there was a lack of detail with regard to pollution or unnecessary impacts to the water environment. Secondly the OCC landscape officer had considered that the development would cause unacceptable harm and impact on the landscape character and visual quality.

Mr Rees advised that a full EIA had been supplied in 2018 and there had been objection at the 1<sup>st</sup> phase of consultation. They then went through a Regulation 25 submission in January 2020. The EA then came back in March/April saying that the flood risk assessment was out of date because the River Thames Flood Risk Model had been updated. We recommissioned a revised flood risk assessment in July and the latest position as he understood it was that the EA had not reviewed that data and so were upholding their objection until that had been done. With regard to pollution he felt that there had been some confusion over how sewage would be dealt with. It was not intended to dispose of sewage into the Thames but either through access to main sewage for which there was capacity or through a tank system which was normal for such developments. On landscape they felt that a lot of work had gone into this but felt that, in principle, the landscape officer had not liked the scheme but had not carried out any assessments or produced any evidence to support that view and without that they could not accept that there would be adverse impact. There had been a lot of subjective and negative comments but no evidence to support that.

Catherine Kelham confirmed that further information submitted in relation to the flood risk modelling had been submitted to the Environment Agency and that the Agency had not yet had time to consider that and respond to it. However, at this point it had not been demonstrated that the flood risk was acceptable but that might change when the EA had reviewed the data.

Councillor Johnston – Mr Rees advised that this was a 280 berth marina with provision for 50 - 80% who paid for a mooring and 20% river traffic. That was about normal for this type of marina development. It would not in itself create additional river traffic. The Thames was a fluid system with boats moving back and for but there was a lot of pressure on mooring space.

Councillor Phillips asked why these applications had been conflated and not separated between County (for extraction) and the District Council (marina development).

Mr Rees advised that in 2015/16 he had dealt with South Oxfordshire District Council. That had involved a pre-application meeting and scoping but because the application

involved minerals the matter had been called in by the County Council as a county matter.

Catherine Kelham confirmed that an application for the winning and working of materials on or under the ground or for machinery proposed in connection with that work was a county matter. Therefore, because the application was for the winning and working of material even if at the end of that work it was proposed to create a marina it fell within the remit of a county application. It could have been viewed as a mineral extraction with restoration to a marina but that is not how the application had been presented.

Councillor Thompson – Mr Rees confirmed that there would be a phased working scheme over 4 years with around 120,000 tonnes pa. There was a clear market locally for the material.

Councillor Sanders referring to the need for the material pointed out that the report indicated that there was no need for further sharp sand and gravel now?

Mr Rees advised that at the time of the application there had been a perceived need but it had taken so long to get to this point things had moved on. At the time of the application there had been a clear emphasis in county policy for extraction of gravel in the south of the county away from West Oxfordshire and the application complied with that. This was essentially a short-term development for a marina with the bonus of a windfall site offering opportunities for economic development and material into the local market. It should not be seen as a site adding to the landbank.

Councillor Mark Gray the local member advised that there was a massive amount of local opposition to this application including both Wallingford Town and Cholsey Parish Councils. Support by comparison was small. There was already a gravel site operating nearby which challenged the question of need for the material. There were huge environmental issues from a dramatic change of land use on what was the longest uninterrupted stretch of the Thames and much prized by rowing clubs. The path alongside was in constant use and not just for recreation with otters sighted in the area. He was surprised that the SODC Economic officer supported the proposed development as it had been opposed in the Local Development Plan. This had dragged on and he urged the Committee to bring that to an end and refuse the application.

He then responded to questions from:

Councillor Sanders – he was not aware of any moorings on that stretch of river. There were a few around Wallingford and while there was a need for a few more in Wallingford there was no demand for 280 or anything like that number.

Councillor Johnston - he supported an additional reason for refusal based on the potential carbon footprint of the development.

Councillor Webber advised that some 30 years ago he and his family had hired a boat from a boathouse on this stretch of water but that had now closed as it was not

financially viable. Would you agree that brought into question the financial viability of this scheme?

Councillor Gray could not recall the specific detail as to why the boathouse had closed but agreed it was likely that economics would have played a part in its closure.

The Committee noted the following comments from County Councillor Peter Sudbury (Wallingford) who supported the officer recommendation for refusal of the development which he considered were well-argued reasons. The development would be a dreadful eyesore, creating pollution and unwanted extra river traffic. The process of building it would cause years of disruption to already overloaded roads and represented in his view wasteful environmental vandalism.

On the advice of officers Councillor Johnston advised that he would not pursue an additional reason for refusal based on the climate emergency motion as passed by Council.

Councillor Handley expressed some concern that refusing the application might be premature bearing in mind the potential demands in connection with the SODC Local Plan projected housing development.

Catherine Kelham advised that the current landbank figure indicated that there was sufficient material being produced to maintain a 7 year projection. The Committee needed to take a decision in accordance with policies which currently implied there was sufficient material.

Councillor Webber agreed that there was little justification for the extraction of gravel and on those grounds alone the application should be refused.

Responding to Councillor Fitzgerald-O'Connor Catherine Kelham confirmed that there would be 58 HGV movements in and out of the site with a one-way system to avoid crossing lanes of traffic. Those roads were not part of the main strategic network for lorry movements but were connecting roads and seen as suitable for that type of vehicle. With regard to the size of the site SODC had provided substantial comments on that. The original proposal had been for 300 – 350 moorings but that had been reduced by the applicant. No further reduction had been discussed.

Councillor Sanders felt it unfortunate that due to current restrictions the Committee had been unable to visit the site which made consideration of some of the reasons for refusal such as 2 and 3 quite difficult. He was sure this development would be welcomed by some people but nevertheless he could not support it. He moved the officer recommendation as amended by the deletion of refusal reason 8 in the printed papers and the addition of the following reason:

“It had not been demonstrated that the development would not increase flood risk elsewhere as required by paragraph 163 of the NPPF and contrary to draft policy EP4 of the SOLP2034. “

The motion seconded by Councillor Phillips was put to the Committee and –

**RESOLVED:** (10 votes to 1, Councillor Sames recorded as voting against and Councillor Handley as having abstained) that subject to no additional material

comments being received by the completion of the consultation period, that application no. MW.0033/18 for Planning Application to allow the development of an offline River Thames marina basin with fixed and floating pontoon moorings for approximately 280 boats, slipway, secure and public car parking, refuelling and pump-out dock, refuse and recycling area, marina office and café, toilet and shower block and laundry facilities, boat hire building, picnic and barbeque area, open water area, circular footpath, boat workshop, new footbridge and creation of new grazing marsh, grassland, pond, reedbed and wet woodland habitat with a construction phase involving the extraction and processing of sand and gravel, the importation of inert fill and the construction of new site accesses, landscaping and screening bunds be refused for the following reasons:

- 1) There was no identified need for a 280 berth marina of which 80% of the moorings would be for permanent moorings. The development was therefore contrary to saved policy R9 of the South Oxfordshire Local Plan 2011, policy CSS1 of the South Oxfordshire Core Strategy 2012 and policy ENV4 of the South Oxfordshire Local Plan 2034.
- 2) The proposed development would constitute a dramatic land-use change that was both discordant with the landscape character of the area and detracted from the open and undeveloped countryside setting of the River Thames and Chilterns AONB. It was therefore contrary to policies CSEN1 of the South Oxfordshire Core Strategy 2012, C4 and C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and C3 of the South Oxfordshire Local Plan 2011.
- 3) The development would harm the setting of listed buildings and the public benefit of the development was not considered to outweigh that harm. It was therefore contrary to policies CON5 of the South Oxfordshire Local Plan 2011, CSEN3 of the South Oxfordshire Core Strategy 2012 and C9 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and Section 66(1) of the Listed Buildings and Conservation Areas Act 1990.
- 4) The development was not considered to be a well-designed place and did not accord with policies D1 of the South Oxfordshire Local Plan 2011 or policy CSQ3 of the South Oxfordshire Core Strategy 2012.
- 5) There would be a loss of Best and Most Versatile agricultural land contrary to policy C6 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy.
- 6) The accessibility of the site for non-vehicular modes was not considered to comply with policies T1 of the South Oxfordshire Local Plan 2011 and TRANS 2 of the South Oxfordshire Local Plan 2034.
- 7) It had not been demonstrated that the development would not have an unacceptable impact on air quality, pollution and human health contrary to elements of policy EP1 of the South Oxfordshire Local Plan 2011 and policy C5 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy.
- 8) It had not been demonstrated that the development would not increase flood risk elsewhere as required by paragraph 163 of the NPPF and contrary to draft policy EP4 of the South Oxfordshire Local Plan 2034
- 9) It had not been demonstrated that the development would not have an unacceptable impact on groundwater contrary to policies C4 of the Oxfordshire

Minerals and Waste Local Plan – Part 1 Core Strategy and policy SP7 of the South Oxfordshire Local Plan 2011.

- 10) It had not been demonstrated that the development would not have an unacceptable impact on the enjoyment of existing recreational users of the river though additional water traffic generation and is contrary to policy R4 of the South Oxfordshire Local Plan 2011.

..... in the Chair

Date of signing .....

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**For: PLANNING & REGULATION COMMITTEE – 19 October 2020**

**By: ASSISTANT DIRECTOR FOR STRATEGIC INFRASTRUCTURE AND PLANNING**

**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 – Introduction
- Part 2 – Updated Information
- Part 3 – Analysis and Conclusions

• **Part 1 – Introduction**

**Site and Setting**

1. Both application sites for the waste soil recycling are to the north-western corner of Swannybrook Farm. The overall site retains a largely agricultural designation in planning terms, though approximately half the site is used for light industrial purposes. These are planning matters for the Vale of White Horse District Council (VoWH DC).

**Application Details**

2. Application MW.0134/19 is a full planning application an extension to waste soil screening operations, granted permanent permission under MW.0049/11. The application is retrospective to regularise the existing operations. This is for the storage of screened soils, to permit stockpile heights to 5 metres and allow for landscape planting to screen the extension area operations.
3. Application MW.0135/19 is a Section 73 application to vary conditions 5 (Crushing), 10 (Stockpile heights), 13 (Landscape Planting) and condition 15 (HGV movements) of the extant planning permission. The application is retrospective to allow for crushing of waste aggregate on site from the waste soils being processed and stockpile heights to be increased from 3 metres to 5 metres. The application is also to vary condition 13 as planting has not been carried out to replace vegetation that has been removed or died off and to vary condition 15 to allow for 40 HGV movements per day (20 in/ 20 out). Currently, 6 HGV movements per day (3 in/ 3 out) are permitted.
4. The applications were deferred by the Planning & Regulation Committee on 20 July 2020. This was to allow for further information to be provided to the members, which was to include:
  - Noise levels
  - Dust
  - Discussion with VoWH DC enforcement team for their position on the planning status for the rest of the Swannybrook Farm
  - An independent traffic count survey to be carried out to confirm existing lorry movements from the application site
  - Landscaping Scheme details (to be agreed in writing)
  - Height of stockpiles
  - State and condition of roads
  - Width of lorries
  - Clarity of routeing agreement; and
  - Right of way situation.

The 20 July report is attached at Annex 4.

### **Representations**

5. Fuller representations in relation to both MW.0134/19 and MW.0135/19 are within the committee report for 20 July (Annex 4). These are briefly summarised below:

#### *Third Party Representations*

6. There have been fifty-seven third-party representations received in total, fifty-six prior to Planning and Regulation Committee on 20 July and one following the deferral of these two applications. These were all objections to both applications. These representations included a Transport Note and Acoustic Report, as set out in Part 4 of the committee report for 20 July and summarised in Annex 7 of the same.

#### *Consultee Responses*

7. Kingston Bagpuize with Southmoor Parish Council – Objection to both applications.
8. Charney Bassett Parish Council – Objection to both applications.
9. Marcham Parish Council – Objection to MW.0135/19 (Application B).
10. Vale of White Horse District Council Planning – No objection to either application.
11. Vale of White Horse District Council Environmental Protection – No objection to either application.
12. Environment Agency – No objection.
13. OCC Transport Development Control – No objection subject to condition and a routing agreement.
14. OCC Minerals and Waste Planning Policy – No overall objection.
15. OCC Countryside Access – Objection.
16. OCC Fire and Rescue Service – No response.
17. OCC Public Health – No objection.
18. OCC Lead Local Flood Authority – No response.
19. OCC Environment Strategy – No response.
20. OCC Ecology Officer – No objection subject to condition.

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

22. County Councillor – Local concerns.

• **Part 2 – Updated Information**

**Noise**

23. The applicant submitted a noise assessment for the proposed use of the crusher on 17<sup>th</sup> August. This concluded that there would not be an adverse impact on local amenity, as the worst case scenario would not raise the noise levels at the nearest sensitive receptors above levels set out in national Planning Practice Guidance. This assessment was provided to VoWH DC's Environmental Health Officer (EHO) and OCC Public Health. The response from the VoWH DC's EHO states:

*The LF Acoustics report provided by the applicant utilises the background sound levels recorded in historical monitoring carried out in 2011 & 2018 at properties to the north, the Longhouse and North Cottage as a proxy for current baseline monitoring. This indicates that the background sound level is greater than that reported within the noise assessment provided by the objectors (ACA Acoustics, 05 May 2020). The location will principally be influenced by noise from road traffic and as the baseline monitoring utilised within the ACA Acoustics report was carried out whilst traffic movements were reduced due to the government lockdown this background noise level is likely to be lower than under normal conditions and may not be representative.*

*The comments previously made was based upon the ACA Acoustics report. Utilising the historical background sound levels the LF Acoustics report indicates that the rated noise level will be 1dB below the background at properties to the north; 2dB below the background at the Longhouse; and 4dB below the background at North Cottage if the height of the existing screening bunds along the northern, eastern and southern boundaries are increased to 5m. This report goes on to highlight that this can be reduced by a further 5dB if the crusher is carefully orientated such that the engine cowl did not face towards the properties.*

*The LF Acoustics report indicates that with utilising 5m bunds the crusher would comply with condition 17 on the current planning permission and would comply with the more stringent condition proposed within the noise assessment provided by the objectors of being at least 5dBA below the background sound level if the crusher was carefully sited.*

OCC Public Health have yet to respond. Following email correspondence with the agent regarding the practicalities of maintaining 5-metre high stockpiles, a revised noise assessment, was

submitted on 28 September which is based on the maintenance of 3 metre high bunds and concludes that the impacts on sensitive receptors would still be acceptable. This has been provided to the EHO, who is expected to comment by 15 October and Public Health. If this further revised document does not make any further changes, then there is currently no change to the current response that there is no overall objection to the applications.

### **Dust**

24. The applicant submitted a Dust Management Plan for the waste soil processing and proposed aggregate processing on 6 August. The Dust Management Plan was provided to VoWH DC's Environmental Health Officer and OCC Public Health. Comment was received 9 September from OCC Public Health that aspects of the Dust Management Plan required clarification by the applicant: specific metrics for importing, exporting and processing, which would include what wind speed or other events would trigger actions to ensure mitigation measures were applied. This clarification was received from the applicant on 6 October. Neither Public Health nor the VoWH's EHO have yet responded if the further information would change the current responses that neither has an objection to either application.

### **District Council position on Swannybrook Farm planning status**

25. The VoWH DC enforcement team issued a Planning Contravention Notice (PCN) to the landowner of Swannybrook Farm on 7 August and had correspondence with the landowner with some details and requesting clarification on other matters. The formal response to the PCN has been received by the VoWH DC enforcement team.
26. The planning matters under the control of VoWH DC are therefore currently being actively investigated as to what could or could not be possible to achieve regarding the planning status of the overall non-waste operations at Swannybrook Farm.

### **Independent Traffic Count**

27. An independent traffic count was requested to confirm the number of HGVs connected to the application sites and those to the wider site. Queries were raised over the traffic movements provided by the applicant's traffic consultant. This was due to a seeming difference between the counted vehicles and the filmed vehicles at two locations on the road running through Fyfield Wick. There was also concern raised over cumulative traffic impacts on local residences.
28. The traffic count was organised to be carried out at three locations at Swannybrook Farm, similar to those used by the applicant's traffic consultant. This was arranged to be carried out as soon as was

practicable following the committee meeting and the survey occurred between 21 – 27 August.

29. The count on the road running through Fyfield Wick and the entrance to the main yard area to Swannybrook Farm was carried out using automatic count road strips. The count for HGVs related solely to the application areas was a manual count with two enumerators, due to the uneven ground of the haul road which would not enable an accurate automatic count. The results of the survey carried out by the County Council was provided 2 and 8 September. This count demonstrated that the applicant's HGV movements related to the application sites account for approximately half of all HGV movements connected to Swannybrook Farm and along the road running through Fyfield Wick between 8am and 6pm.

### **Landscaping Scheme details**

30. A landscape mitigation and enhancement scheme was submitted on 24 August to address the visual impacts of the extension area (MW.0134/19) by the applicant. This was provided to the county ecologist and landscape specialist. The county ecologist had no objection to the proposals, other than that elm should be removed from the species list and another species specified, as elm is susceptible to disease. The landscape specialist believes the scheme should be reasonably effective in mitigating views from the South, West and East, but there is no additional planting proposed to screen views from the northern boundary and it should be explored how screening to the north could be improved. In addition, the tree and hedgerow planting was broadly welcomed, with some changes to species mix for various reasons, including the removal of elm as echoed in the ecology comments. There is also a requirement for a consistent approach on landscape notes on the plans, and there is limited reference to maintenance, which is essential to ensure the establishment of the planting. Additional information is required on how the scheme will be managed in the short-term and long-term.
31. A landscape mitigation and enhancement scheme was submitted on 28 September. This scheme is to address the trees removed from the western boundary of the permitted waste soil operations for the access to the extension area and the vegetation that has not been replaced to the site entrance, which was in place previously and has subsequently died off. This was provided to the county ecologist and landscape specialist. The county ecologist had no objection to the proposals, other than that elm should be removed from the species list and another species specified, as elm is susceptible to disease. The landscape specialist believes the scheme should be reasonably effective in mitigating views from the South, West and East, but there is no additional planting proposed to screen views from the northern boundary and it should be explored how screening to the north could be improved. In addition, the additional planting along the southern and

eastern boundaries is welcomed, with some changes to species mix for various reasons, including the removal of elm as echoed in the ecology comments. The question is also raised of how high the 'new topsoil bund' along the eastern boundary of the site will be. There is also a requirement for a consistent approach on landscape notes on the plans, and there is limited reference to maintenance, which is essential to ensure the establishment of the planting. Additional information is required on how the scheme will be managed in the short-term and long-term.

### **Stockpile heights**

32. There was concern over the stockpile heights, which should not be higher than 3 metres in the permitted soil storage area. At the time of the committee site visit on 15 July there were no significant stockpiled material on site, in either the permitted area or the extension area. The stockpiles noted on site during the spot check visit on 4 August were all below 3 metres, therefore in compliance with the existing condition in the permitted operating area.

### **State and condition of roads**

33. There have been no further changes to the state/ condition of the road since the repairs carried out on Fyfield Wick between the Swannybrook Farm Entrance and the A415. Road measurements were provided by a Transport objection note by a local resident. The road was also surveyed by the Transport officer as there were differing opinions on the state of the road between the applicant and local residents. The Transport officer's measurements were provided on 26<sup>th</sup> May and included in the committee report. This information is covered in more detail in Part 3.

### **Width of Lorries**

34. The width of HGVs as stated in a letter from Bluestone Planning 26 May that the applicant's HGVs measure 3m wide and can be reduced to 2.55m by retracting the mirrors. This measurement is disputed by local residents, who state that the technical data for 6 wheeler HGVs, being those typically used by the applicant as 3.2m wide.
35. An email response from the agent for the applicant received 24 August states that the applicant's grab/ concrete lorry widths are in fact 2.4m.

### **Clarity on the proposed Routeing Agreement**

36. The routeing agreement which the Highway Authority has said would be required for the HGVs connected to the waste soil operations would prohibit use of the A415 at Marcham, to protect the Air Quality Management Area (AQMA). HGVs that would need to access the A34

would be required to use the A338 (Oxford Road) at Frilford crossroads to join the A420 at Tubney Wood Roundabout.

37. It would not be acceptable for HGVs to access the A34 by alternative routes via Marcham or the A420 at Kingston Bagpuize with Southmoor and this would be prohibited if the routeing agreement were to be entered into. These alternative routes are not suitable for an increase in traffic (see Annex 6) that would be associated with the applications.

#### **Right of Way situation**

38. The applicant provided topographical and composite maps to address how the red line of the original permitted area impacts on the legal route of the right of way. The applicant maintains that the proposed development as part of these applications does not impact on the legal route.
39. OCC Countryside Access does not agree that the redline and operations do not impact on the legal route. The council's position is that the bunds that form the south-east corner of the permitted development intrude onto the legal route and that a safe, permanent diversion is required.

### **• Part 3 – Analysis and Conclusions**

#### **Comments of the Assistant Director for Strategic Infrastructure and Planning**

40. Consideration of the application was deferred at the 20 July meeting of the Planning and Regulation committee to allow for additional information to be provided, as set out above. Due to the time available, some of this information and comments from consultees were still awaited by the 7 September meeting of this committee, so both an addendum and verbal update were not possible to this committee. There is still some comment from technical consultees outstanding at the time of writing this report, so an addendum will be provided once this information has been received.

#### **Noise**

41. The noise assessment now submitted relates principally to the proposal for a concrete crusher to be located and used at the site as a variation to condition 5 of the existing planning permission. The noise assessment submitted concludes that with additional boundary noise mitigation measures the operation of the crusher would generate levels of noise at surrounding properties that would not exceed existing background noise levels.
42. The opinion of the Environmental Health Officer (EHO), received 08 September and set out in paragraph 23 of this report, notes that the

background noise levels provided relating to the proposed crushing activities is greater in the LF Acoustics report submitted by the applicant (dated August 2020) than the background noise assessment provided by ACA Acoustics, provided by the objectors (dated 05 May 2020). The EHO states that this differential between May and August could be partly due to restrictions brought about by the COVID-19 lockdown, so the lower baseline (05 May 2020) may not be a true representation. The monitoring points for the LF Acoustics report were carried out near to Race Court Farm, a previously identified sensitive receptor, to the north of the application sites. The second monitoring point was on the Road running through Fyfield Wick, between 'North Cottage' on the north of the Road and 'The Longhouse' to the south of the road. The EHO's comments also state that the LF Acoustics report indicates that utilising 5 metre bunds would mitigate the impact of the crusher being operated on the local residential properties and comply with the existing condition 17 (MW.0049/11) and orientating the crusher so that its engine cowl did not face towards sensitive properties

43. The existing attenuation bunds to the permitted site are 3 metres in height, not 5 metres. The stockpiles of material are within these bunds, and would not provide adequate noise mitigation, as the heights of the stockpiles would change due to operational needs, which would not be sufficient to provide noise mitigation when the crusher would be in operation. The applicant's agent has stated via email (10 September 2020) that the stockpiles would be kept at 5 metres to enable mitigation of the noise of the crusher, in line with the LF Acoustics report. However, it is recorded in the report for a spot check carried out on the site by this authority on 17 August 2020 that the applicant operates a 'just in time' service. Therefore, it is not clear how it would be possible to maintain the stockpiles to 5 metres, which is 2 metres higher than what is currently approved. The applicant has now provided a further survey based on the existing 3 metre high bunds, that are existing and being retained around the site.
44. The further comments from the Environmental Health Officer and any comments from the Public Health Officer are awaited and the committee will be updated on their responses in an addendum.

### **Dust**

45. The Dust Management Plan now submitted sets out the following proposed measures:
  - i) Material importing and exporting - Working with imported materials near the site boundary will be minimised in very dry, windy conditions. Drop heights will be minimised at material transfer points (e.g. during loading and tipping). Operations will be suspended when wind conditions would be likely to result in visible dust being carried towards off-site receptors. Additional measures such as the use of water sprays or wetting down with a bowser will

be considered where there is a risk of wind-blow across the site boundary.

- ii) Material processing (screening and concrete crushing) - Dust emissions from material processing such as screening and crushing will be undertaken within the site and away from site boundaries and receptors. Additional measures such as the use of water sprays will be considered where there is a risk of wind-blow across the site boundary. All plant will be maintained appropriately, and any dust emission controls such as water sprays will be operational during dry conditions.
- iii) Mobile plant (on-site and off-site vehicle movement) - To avoid dust generation relating to vehicle movements, mobile plant with upward or sideways exhausts will be used where possible. Site haulage will keep to designated haul routes. Unmade access roads will be kept in good repair and wetted as required with a water bowser or sprinkler system. Vehicle speed limits will be kept to a minimum (ideally 10 mph) but will be determined according to the site and weather conditions pertaining at the time. HGVs leaving the site will be sheeted and cleaned when necessary before leaving the site. Vehicles will also be checked for loose deposits that might fall onto the public highway and spillages will be cleared as quickly as possible to reduce track-out.
- iv) Wind scouring of exposed surfaces and stockpiles - Dust emissions from exposed surfaces will be minimised by wetting down with a water bowser as necessary, especially in periods of dry, windy weather. Stockpiles will be managed in accordance with the Quarries Regulations 1999 and, where practicable, formed to maintain a smooth profile to minimise the spreading of loose materials. No stockpile shall exceed 5 m in height. Stockpiles will be covered with sheeted plastic where appropriate and may be wetted down to reduce the risk of wind-blow from exposed surfaces. Water sprays or wetting down of exposed surfaces using a bowser will be considered.

46. Subject to any comments from the Environmental Health Officer and Public Health Officer, it is therefore concluded that the development in this respect would not have an adverse impact on local amenity.

#### **District Council position on Swannybrook Farm planning status**

47. As set out above, the VoWH DC has been carrying out its own investigation of the planning status of the other developments at the Swannybrook Farm site, as the Local Planning Authority for non-waste development. The enforcement officer's evaluation is that the majority of the commercial, non-agricultural operations on site are immune from enforcement action, as there is evidence of these having been in place for over 10 years. The extant legal agreement and those smaller parts of the site that do not have either planning permission or immunity to enforcement action may be sufficient to request a planning application to regularise.

48. This would enable any relevant conditions that may be required to limit the impact of these non-waste developments to date, including traffic generation and ensure any future development or expansion are subject to the relevant controls. The consideration of any such application, should it be submitted by the landowner is not expected to be received for at least another month and would be a matter for the District Council to determine, if submitted.

### **Independent Traffic Count**

49. As set out above, an independent traffic count was commissioned by the County Council. This count was carried out between 21 and 27 August, not including 23 August, being a Sunday and the applicant not operating on that day. The results of the enumerator count, which was HGV traffic associated with the two application sites is the most appropriate comparable data to that which has already been collected by the applicant (see Annex 9). This shows weekday HGV movements of between 32 (16 in, 16 out) and 36 (18 in, 18 out) per day. There were 2 HGV movements (1 in, 1 out) on the Saturday. Of the manually recorded movements, 4% of HGVs were not NAP Grab liveried vehicles.
50. The level of HGV movements recorded is higher than the average of 28 movements (14 in, 14 out) stated by the applicant in the original Transport Statement, dated October 2019. The daily movements recorded 21 – 27 August are in line with the Transport Assessment carried out by Helix Transport Consultants, dated 13 March 2020, which averaged 34 HGV movements (17 in/ 17 out) per day. The enumerator count is also within the lower range of stripped out HGV movements (NAP Grab Hire only) recorded by local residents via CCTV between January and June 2020. Operations would appear to have increased since the original traffic survey in August/ September 2019.
51. An automatic traffic count was carried out at the entrance to Swannybrook Farm (ATC site 2, see Annex 8). This took account of all HGV movements to and from Swannybrook Farm as a whole site, which includes the applicant's operations. On the days that the enumerator count was carried out, HGVs connected to the application sites made up the majority of the movements of all HGV traffic entering and leaving Swannybrook Farm. This was all HGV movements between 8am – 6pm, the permitted operating hours for the current permitted waste soil screening operations.
52. During the same timescale, HGVs connected to the application sites made up between 40% and 59% of movements during the week and 5% of movements on Saturday along the Road running thorough Fyfield Wick. This was all HGV movements between 8am and 6pm, the

permitted operating hours for the current permitted waste soil screening operations.

53. The HGV movements were considered between 8am and 6pm as the enumerators confirmed that there were no HGV movements connected to the application sites before 8am. There were HGV movements prior to 8 am to and from Swannybrook Farm, but these were not connected to these application sites.
54. In the context of HGVs relating to the overall site and outside of these applications, there have been vehicle operating licences granted to at least 8 companies, including the applicant, from 2002 at Swannybrook Farm. These are granted by the Traffic Commissioner and Oxfordshire County Council as Highways Authority has limited capacity to comment on applications, restricted to the suitability of the site access to the highways network.

### **Landscaping Scheme details**

55. A detailed landscaping scheme has been provided for the proposed extension area to the site (MW.0134/19) and landscaping and mitigation measures for the permitted area (MW.0135/19). The schemes should be read in conjunction with each other. The scheme for MW.0134/19 sets out additional planting along the western and southern boundaries of the application site including native hedgerow and shelter belt planting along with standard trees. The proposals for the existing permitted area include a new and renewed bunds, native planting and hedgerow planting, fencing to the north-east corner and 6 standard trees to be planted as compensation for the trees removed to create the access to the extension area.
56. The county ecologist has no objection to the landscaping schemes, other than elm should not be used within the planting mix, due to the elm's susceptibility to disease. This was also commented on by the landscape specialist, who also raised the point that care should be taken when sourcing oak, due to current susceptibility to various pests. The landscape specialist also raised the point that the height of the 'topsoil' bund to the eastern perimeter of the permitted site is not noted, which should be provided. There is also a requirement for a consistent approach on landscape notes on the plans, and there is limited reference to maintenance, which is essential to ensure the establishment of the planting. Additional information is required on how the scheme will be managed in the short-term and long-term. The variation of condition 13 related to the maintenance of existing planting forms part of application no. MW.0135/19 and could be re-worded to take into account the proposed scheme and outstanding information, and the same for a condition to be applied to the extension area.

### **Stockpile heights**

57. The application sites have been visited by officers since the previous committee meeting. The stockpile heights within the existing permitted area were found to be in accordance with the existing height limitation of 3 metres at the time of the visit.

**State and condition of roads and widths of lorries**

58. 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 the applicant, objectors to these applications and the Highway Authority. The Transport officer's measurements of the road between the Swannybrook Farm access and the A415 are below:

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	4.8m
	10m	4.9m
	20m	5.1m
	30m	5.3m
	50m	5.3m
From LongHouse	0m	5.2m
	10m	5.0m
North Cottage	0m	5.4m
Pickwick	0m	5.0m
	20m	4.9m
	40m	5.1m
Passing space	0m	7.8m
	20m	5.0m
	40m	5.0m

59. These were carried out following the Transport objection note provided, and the Highway Authority consultee conclusion is 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. The applicant has advised that the applicants HGVs are 2.4 metres wide.

**Clarity on the proposed Routeing Agreement**

60. The vehicle routeing proposed by the council's Highways officer is that vehicles would access and egress the site via the minor road to Fyfield Wick, the A415 to the Frilford Crossroads, the A338 to the A420 and the A420 to its junction with the A34 at Botley. Thus vehicles would be required not to pass through either Marcham or Kingston Bagpuize with Southmoor (shown in Annex 6)

### **Right of Way situation**

61. As set out above, the applicant provided topographical and composite maps to address how the red line of the original permitted area impacts on the legal route of the right of way. The applicant maintains that the proposed development as part of these applications does not impact on the legal route.
62. OCC Countryside Access does not agree that the red line and operations do not impact on the legal route. The council's position is that the bunds that form the south-west corner of the permitted development intrude onto the legal route and that a safe, permanent diversion is required. This is the same position prior to consideration of the applications at committee on 20 July. The council's legal advice is that as the existing permission was granted when this same situation pertained, there is no basis for refusing permission on the grounds of interference with the use of a public right of way to the section 73 application now made. However, the officer advice is that an informative be attached to any permission granted to application no. MW.0135/19 to this effect:

*Due to the partial obstruction of the recorded line of the public right of way (byway 268/3) an application for a permanent diversion of the restricted byway onto a suitable route and to a suitable specification needs to be made. This would require the landowner and all occupiers that have impacted on the public right of way to be involved and a suitable alternative route provided. Alternatively, the partial obstruction can be resolved by removal of material.*

This is agreeable to the applicant.

### **Financial and Staffing Implications**

63. None identified.

### **Equalities Implications**

64. None identified.

### **Conclusion**

65. Additional information has been provided to address the reasons for deferral of determination of these planning applications at the meeting

of the Planning and Regulation Committee on 20 July 2020. Comments from technical consultees are still awaited and an addendum will be provided to the committee meeting. Subject to any issues or amendments arising from these, it remains the officer advice that the application nos. MW.0134/19 and MW.0135/19 should be approved as set out in the recommendation to the committee meeting of 20 July 2020.

### **Recommendation**

**66. It is RECOMMENDED that subject to the applicant entering into a routing agreement to require all vehicles to be routed to and from the A34 via the A338 and the A420, to avoid the A415 between Frilford Junction and the Marcham Interchange and the junction of the A415 and the A420 at Kingston Bagpuize, the Assistant Director for Strategic Infrastructure and Planning be authorised to:**

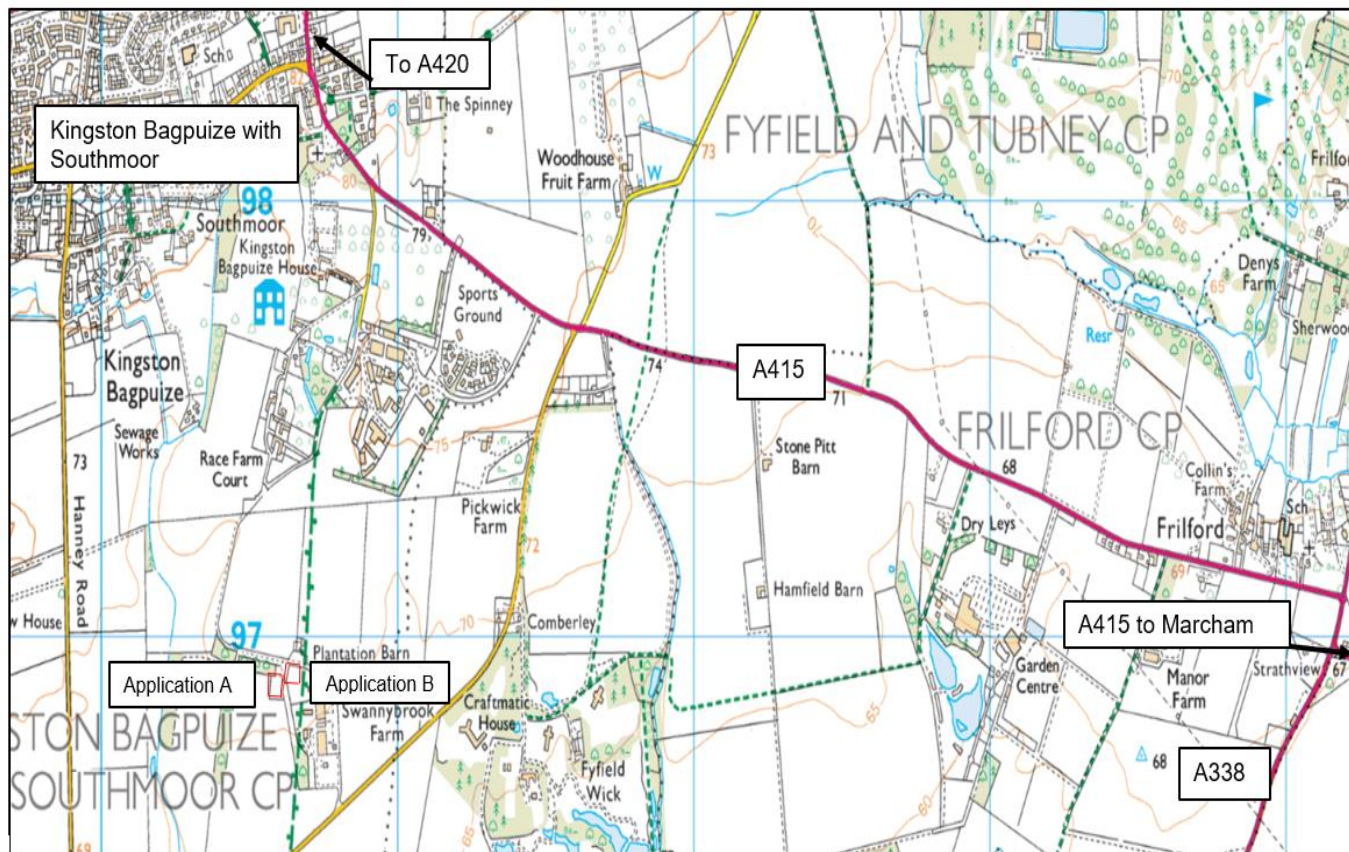
- i) APPROVE application no. MW.0134/19 subject to conditions the detailed wording of which to be determined by the Assistant Director for Strategic Infrastructure and Planning including the conditions set out in Annex 2; and**
- ii) APPROVE application MW.0135/19 subject to conditions the detailed wording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

**Rachel Wileman  
Assistant Director for Strategic Infrastructure and Planning**

### **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.

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## **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: 2014+A1:2019 'Method for rating and assessing industrial and commercial sound'.

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 planting 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 partial obstruction of the recorded line of the public right of way (byway 268/3) an application for a permanent diversion of the restricted byway onto a suitable route and to a suitable specification needs to be made. This would require the landowner and all occupiers that have impacted on the public right of way to be involved and a suitable alternative route provided. Alternatively, the partial obstruction can be resolved by removal of material.

### **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: 2014+A1:2019 'Method for rating and assessing industrial and commercial sound'.
- 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 partial obstruction of the recorded line of the public right of way (byway 268/3) an application for a permanent diversion of the restricted byway onto a suitable route and to a suitable specification needs to be made. This would require the landowner and all occupiers that have impacted on the public right of way to be involved and a suitable alternative route provided. Alternatively, the partial obstruction can be resolved by removal of material.

**Planning Report**

**For: PLANNING AND REGULATION COMMITTEE – 20<sup>th</sup> 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<sup>th</sup> December 2019

**Consultation Period:** 9<sup>th</sup> January 2020 – 30<sup>th</sup> January 2020 and  
7<sup>th</sup> April 2020 – 30<sup>th</sup> 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 fifty 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 policies 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 routeing 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 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 adaption 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; 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.**

Susan Halliwell  
Director of Planning and Place

**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**

NEED TO ADD

## **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 routeing 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 13<sup>th</sup> 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	4.8m
	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 mon 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'.

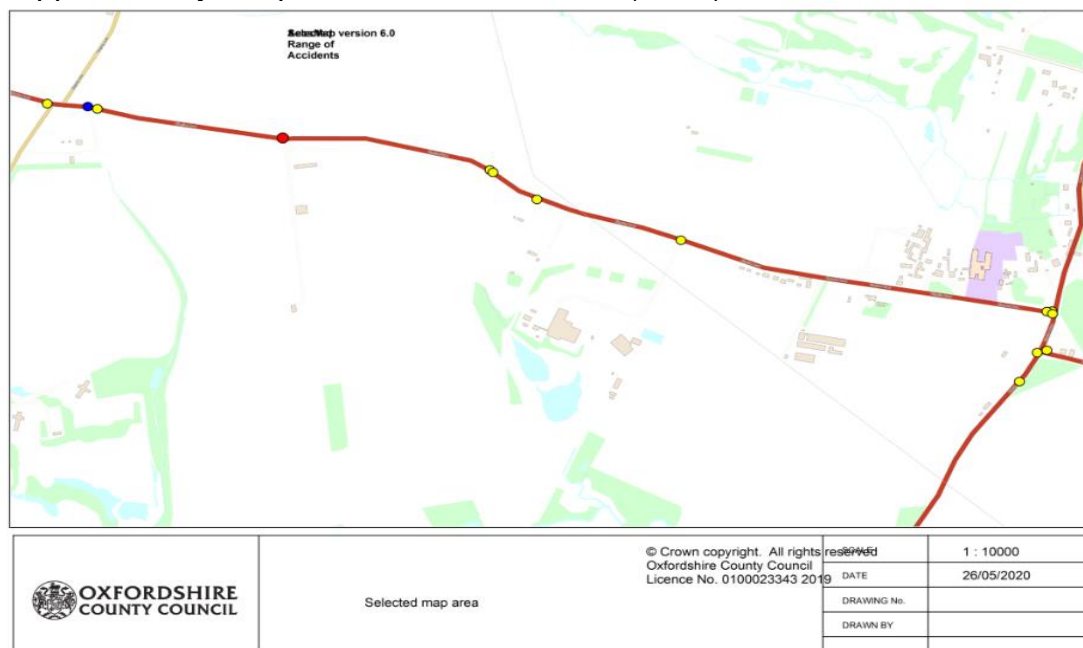
**Annex 5 – Additional data from OCC Highways**

**Supplementary Response – Photos of Road running through Fyfield Wick**

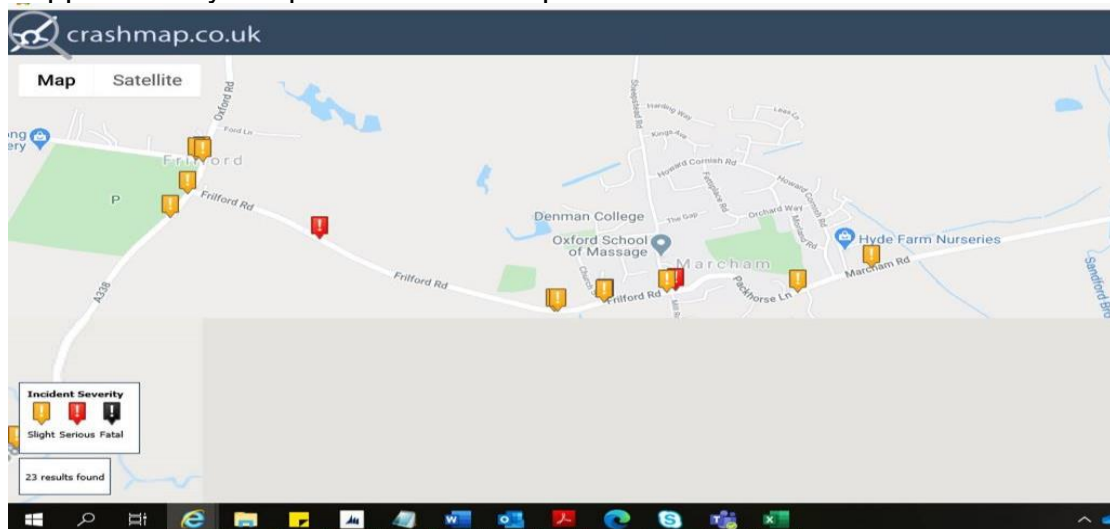




### Supplementary Response – Area of interest (A415)

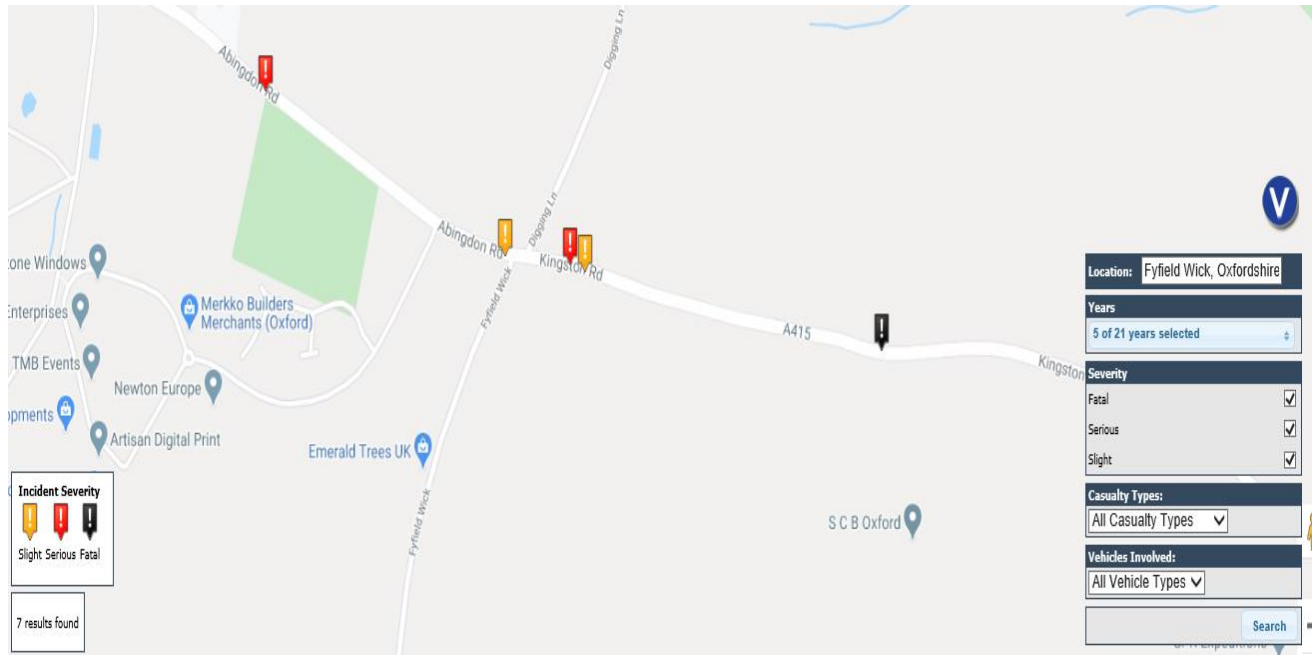


### Supplementary Response – Crashmaps Data for Marcham

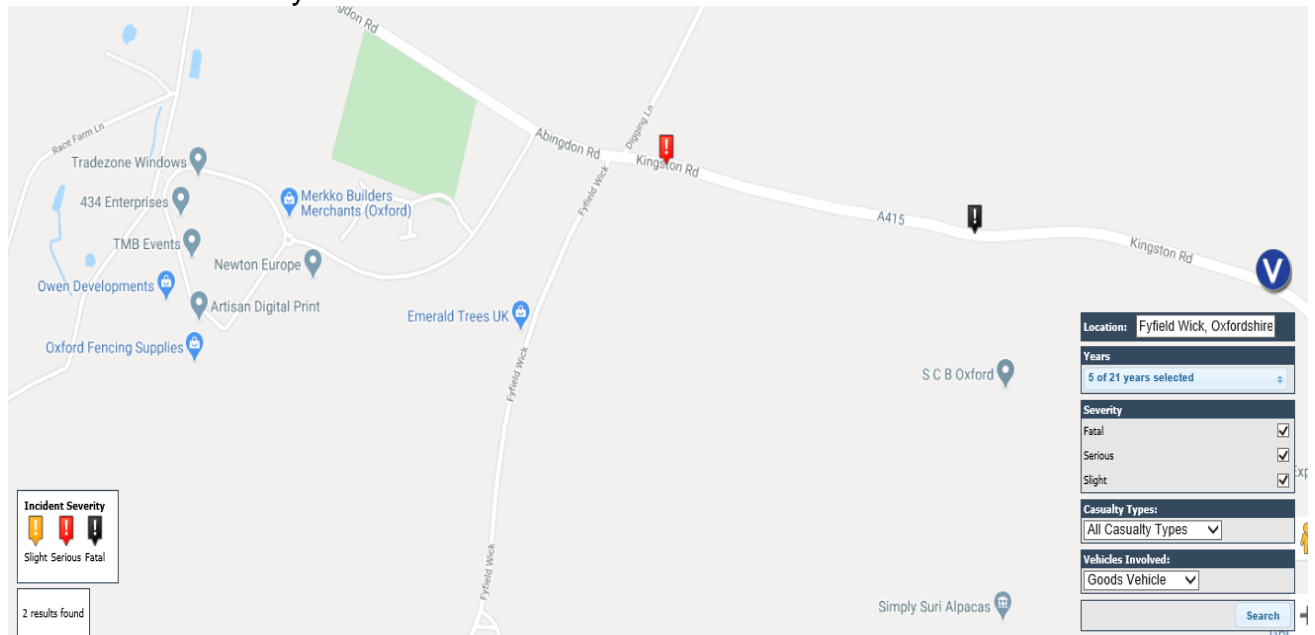


## Annex 6 – Crash sites from Crashmap.co.uk data Collected by the planning officer

### 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.

**Addendum for Planning and Regulation Committee 20<sup>th</sup> July 2020**

Report by Director of Planning & Place (**PN6**) (Agenda Item 6 (pages 7 to 70)))

Paragraph 26 – it is stated in the report that “*There have been forty-nine third-party representations received. These were all objections to both applications and are summarised in Annex 7.*” This should read “*There have been fifty-six third-party representations received. These were all objections to both applications and are summarised in Annex 7.*”

No further material, planning considerations have been received to be considered, than have already been summarised in Annex 7 of the report.

Paragraph 33 – it is stated in the report that:

***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.*

This should read:

***Recommendation:***

*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.*

For Clarity, the Highway's Authority's final response was that in Highway's terms, 40 movements per day (20 in, 20 out) would be acceptable subject to the routeing agreement set out in the report.

Paragraph 34 – OCC Planning Policy comments. It is stated in the report that:

***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.*

This should read:

**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.*

*Further response*

*For clarity the previous comments that the site does not appear to conform with policy W5 relate only to the extension to the permitted site (MW.0135/19). The permitted site complies with policy W5 because it is a site already within a waste management use.*

Annex 4 – Expanded Consultee Response. The Minerals and Waste Planning Policy Team comments should have included the comments (received June 26) below:

*Further Response*

Tonnages

The proposal would bring in 300,000 tonnes of waste per day to the site, and over 252 days that would be 75,600tpa. However some of the lorry movements would be taken up removing material from the site unless the same lorries bringing waste in were also taking waste out.

Breakdown of Material

69% topsoil seems a high proportion for excavation waste that would normally contain subsoil. In any case the evidence provided is that 99% of the waste is diverted from landfill. The policy team has no evidence to the contrary.

Geographical Coverage

These locations don't suggest any local tie to the area around Swannybrook farm and there is no suggestion that the location is proximate to waste arising or the market for recycling.

Planning Considerations

Policy W5:

The description of previously developed land (PDL) in the NPPF helps with the decision as to whether the site is considered to be PDL. The aerial photograph

shows that most of the airfield has now gone or blended in with the landscape, it appears that the extension site (MW.0135/19) has also now become agricultural land, and indeed the description of development is evidence of that, but that is something ultimately for the case officer to assess.

For clarity the previous comments that the site does not appear to conform with policy W5 relate only to the extension to the permitted site (MW.0135/19). The permitted site complies with policy W5 because it is a site already within a waste management use.

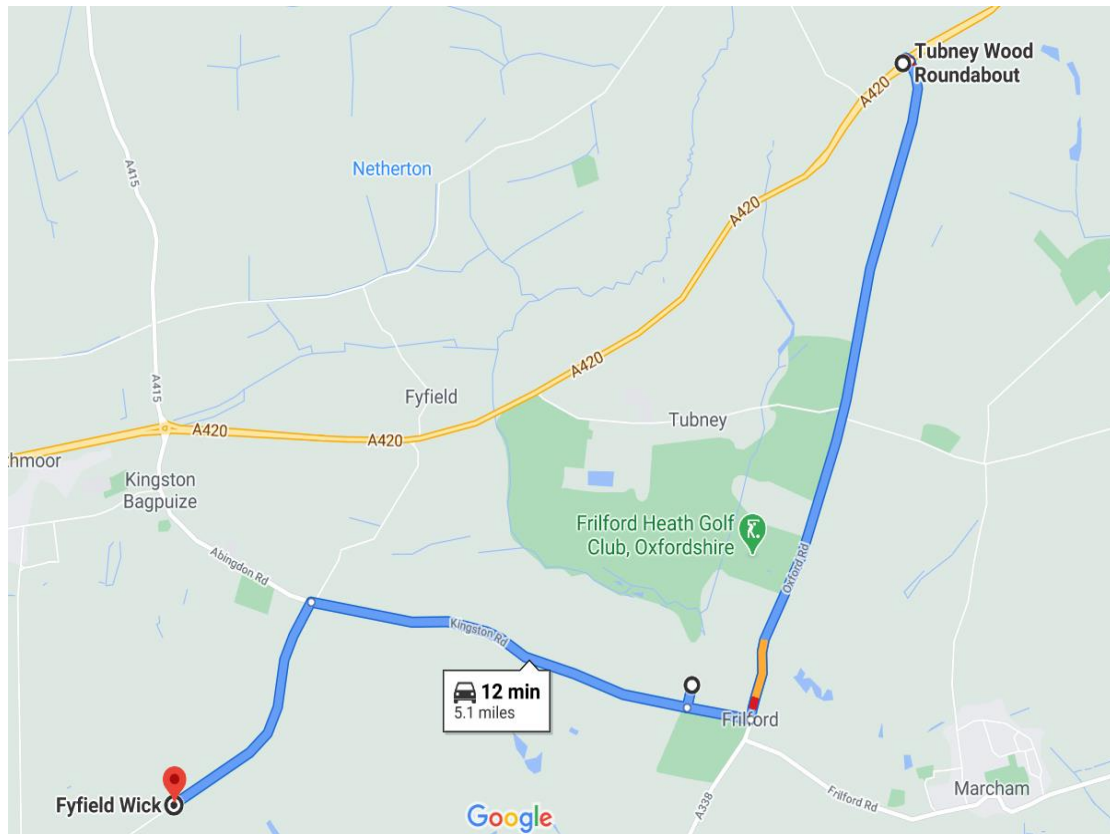
Paragraphs 5.34 and 5.35 doesn't contain any evidence. It expresses the applicant's opinion that the proposed development is the most suitable and sustainable option, but it doesn't appear to me that there is any evidence to demonstrate that to the planning authority.

Annex 7 – Third Party Representations. This should state the same number of responses, as stated in paragraph 26.

We understand a letter from The Rural Planning Practice has been sent direct to members on behalf of one of the objectors in relation to these applications.

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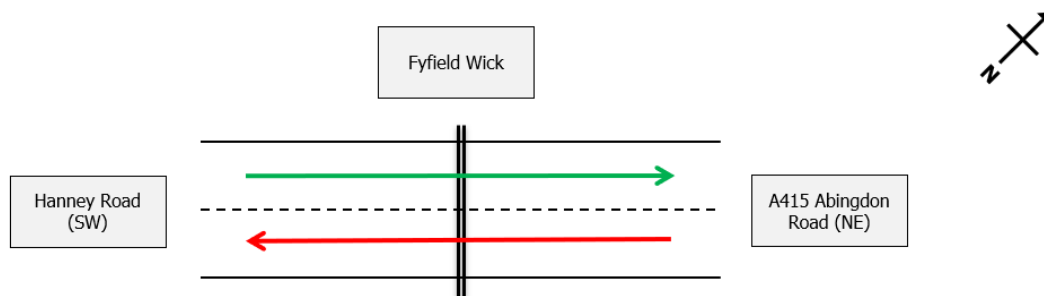
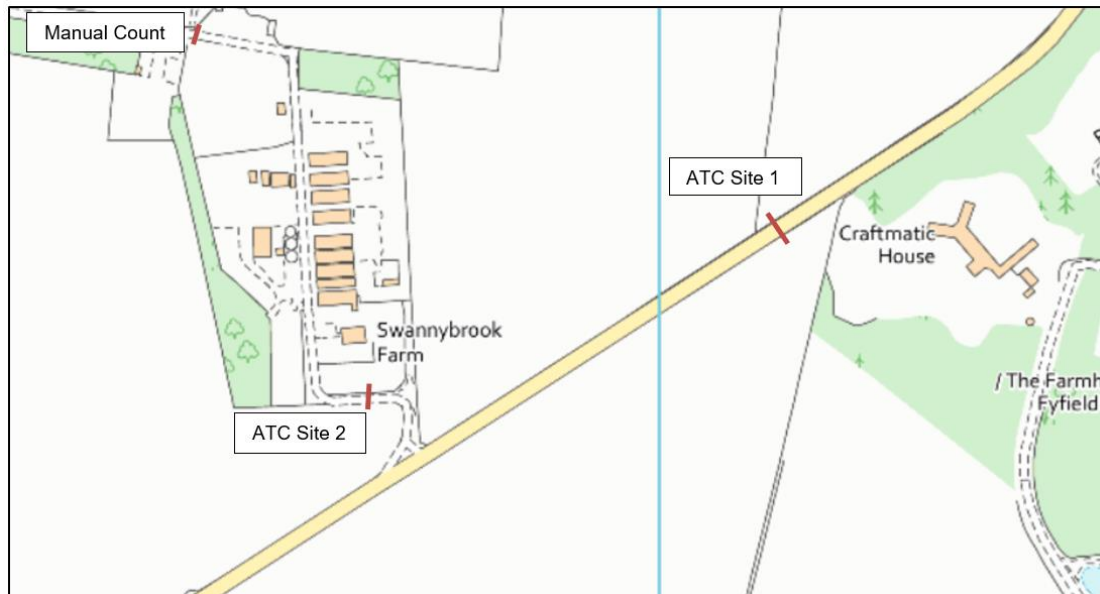
## Annex 6 – Routeing Agreement approved route

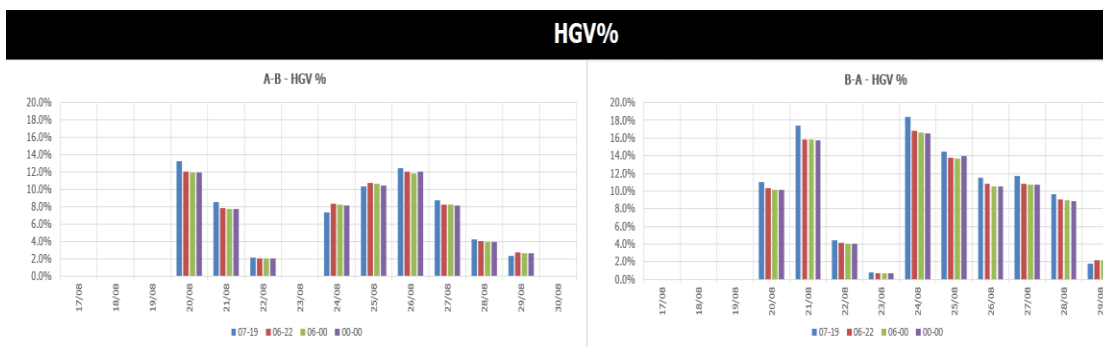
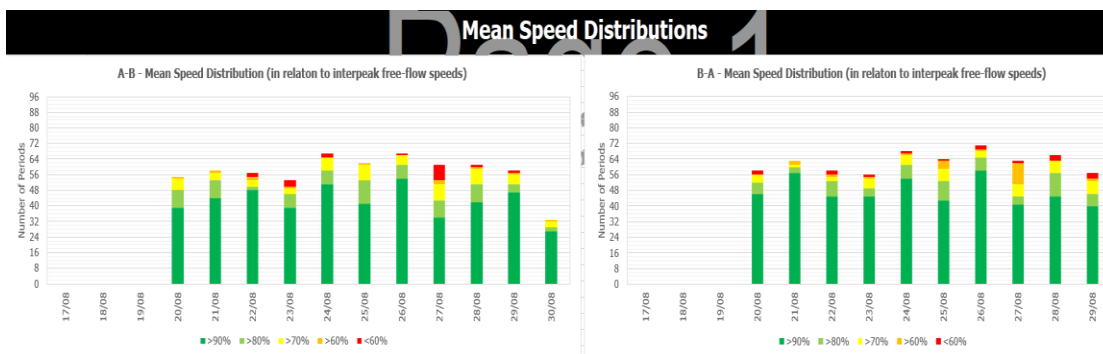
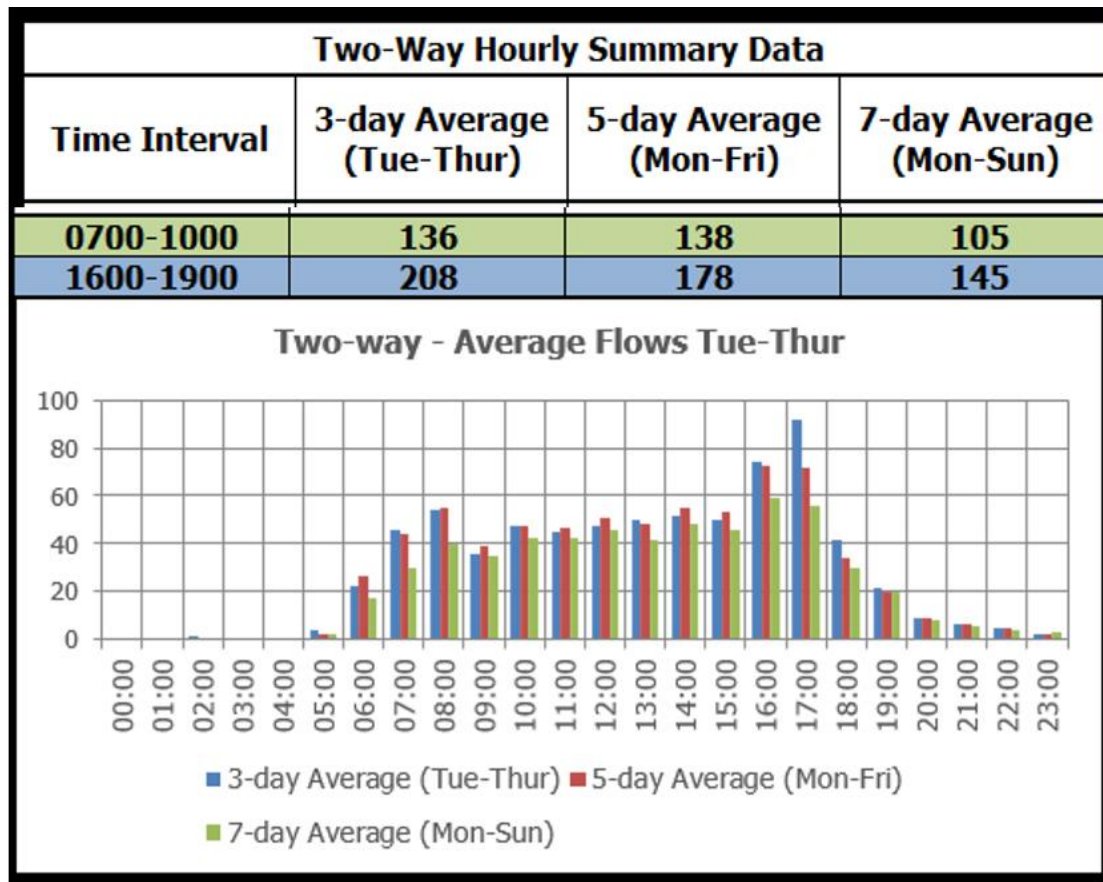


## Routes to be protected by the Routeing Agreement:

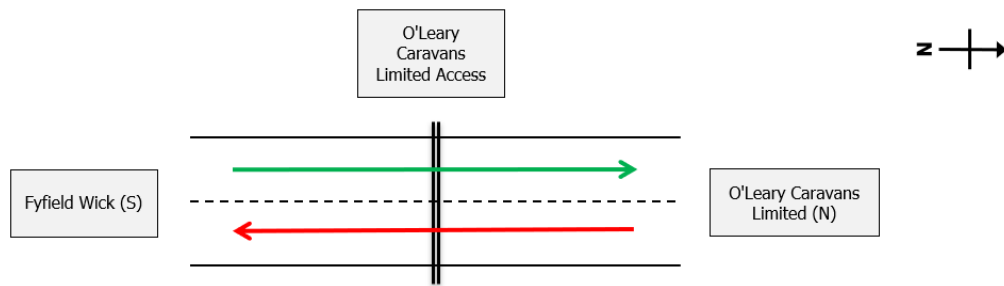
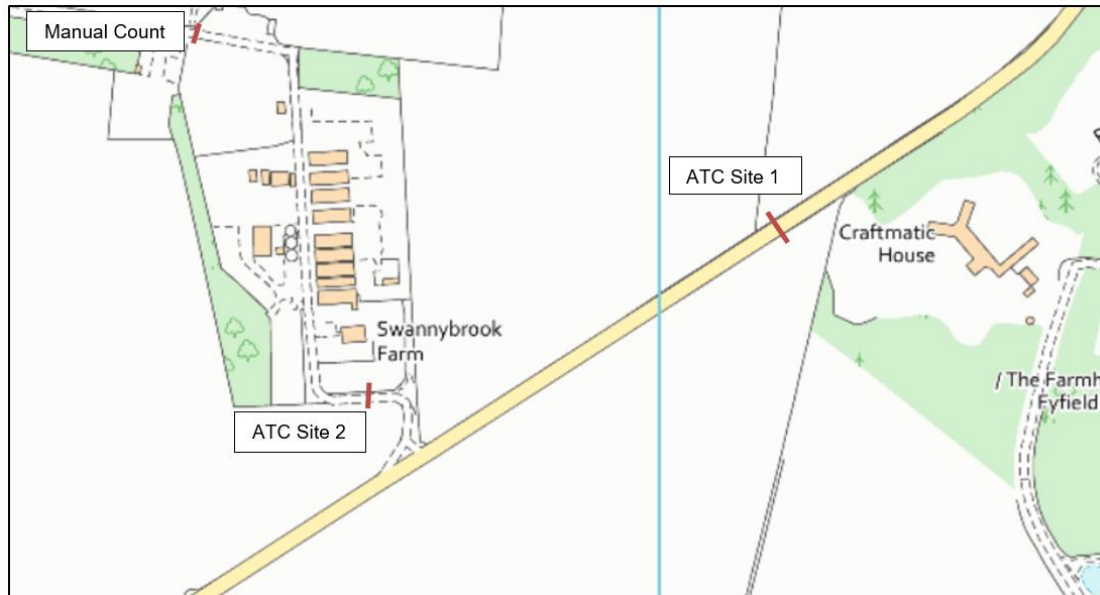


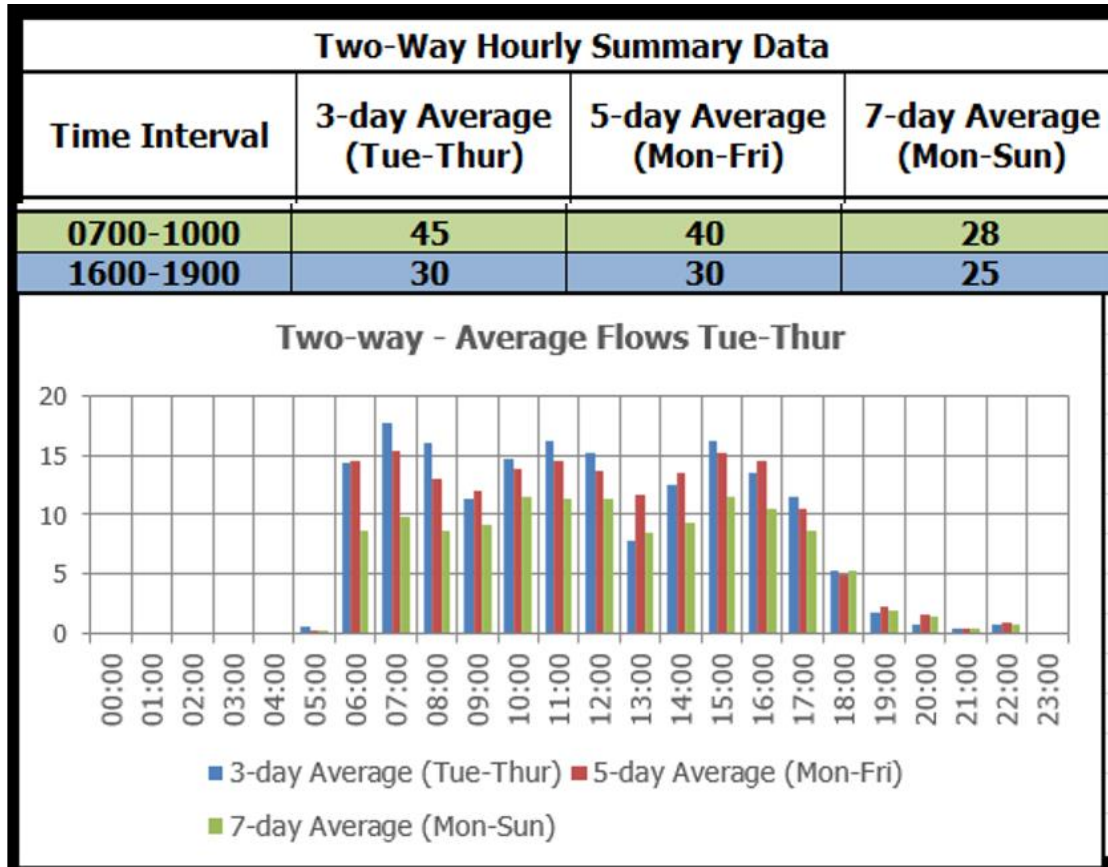
## Annex 7 – Summary of ATC data for Site 1: Road running through Fyfield Wick



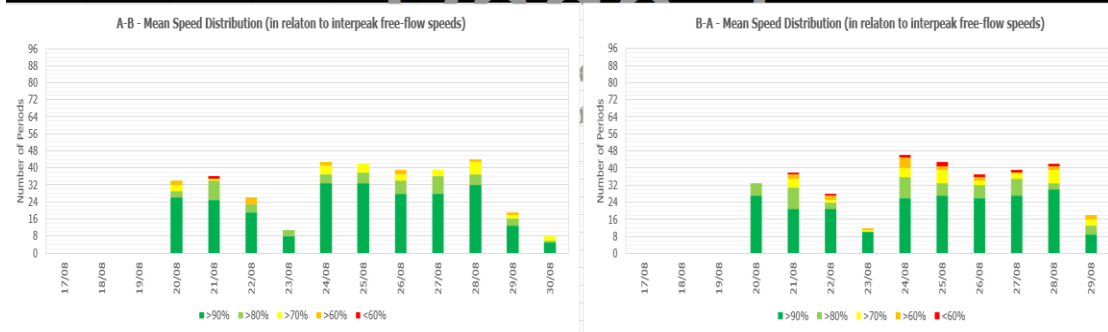


## Annex 8 – Summary of ATC data for Site 2: Swannybrook Farm entrance

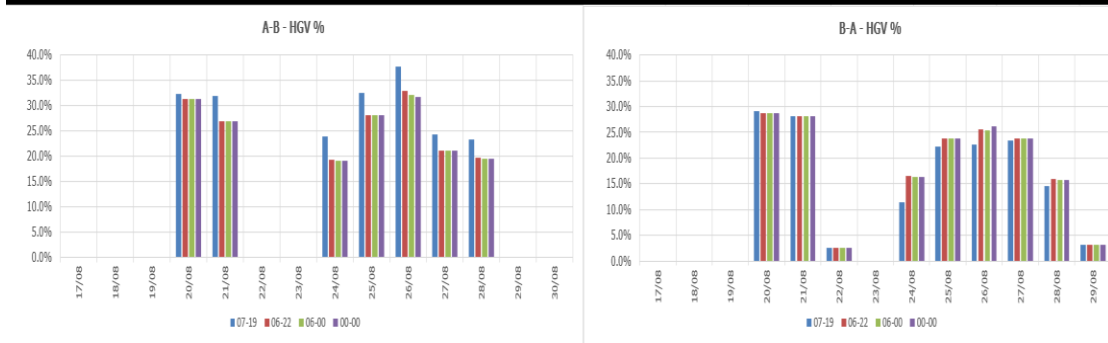




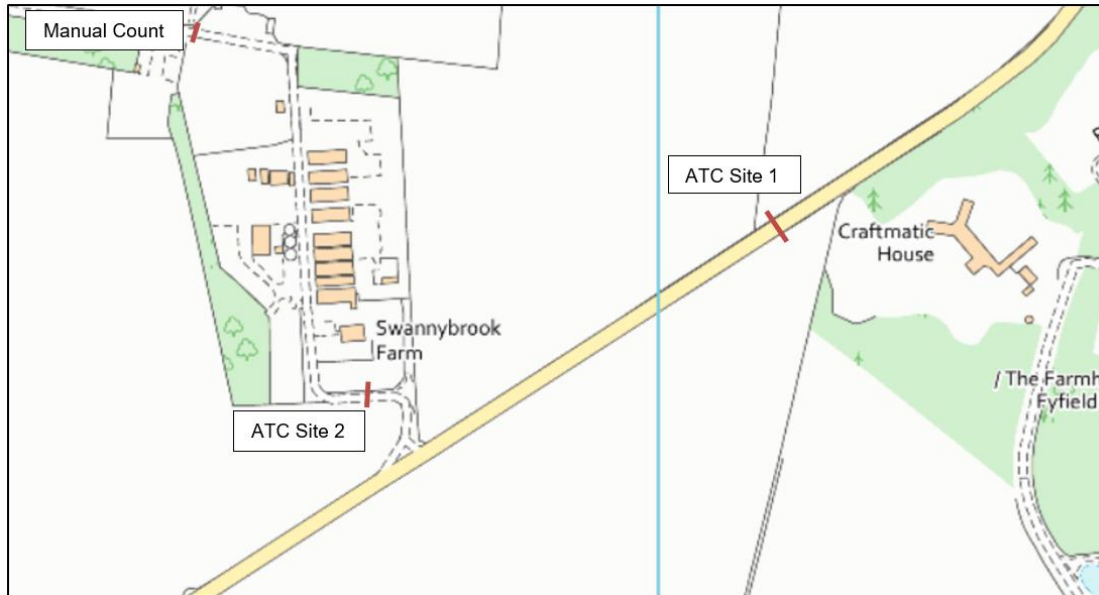
### Mean Speed Distributions



### HGV%



**Annex 9 – Summary of 2-person enumerator data for applications' site entrance (TC7106)**



Date	Vehicles entering the site during the hour commencing:-									Totals
	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	
21/08/2020	1	3		3	2	1	2	4	1	17
22/08/2020				1						1
24/08/2020	1		3		1	1	4	3	3	16
25/08/2020	1	3	2	2	3	2	4	1		18
26/08/2020	4	2	2	3	1	1	3			16
27/08/2020	3	2	3	1	3	1	1	3		17
<b>Totals</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>6</b>	<b>14</b>	<b>11</b>	<b>4</b>	<b>85</b>

Date	Vehicles leaving the site during the hour commencing:-										Totals
	08:00	09:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	
21/08/2020	1	3		2	2	2	2	3	1	1	17
22/08/2020				1							1
24/08/2020		1	3		1	1	4	3	3		16
25/08/2020	1	3	2	2	3	2	4	1			18
26/08/2020	4	1	3	3	1	1	3				16
27/08/2020	3	2	1	3	2	2		4			17
<b>Totals</b>	<b>9</b>	<b>10</b>	<b>9</b>	<b>11</b>	<b>9</b>	<b>8</b>	<b>13</b>	<b>11</b>	<b>4</b>	<b>1</b>	<b>85</b>

**For: PLANNING AND REGULATION COMMITTEE – 19 October 2020**

**By: Assistant Director for Strategic Infrastructure and Planning**

**Development Proposed:**

**Details Pursuant to Condition 25 (approval of Dust Management Plan) of Planning Permission P18/V2610/CM (MW.0104/18)**

**Division Affected:** Kingston & Cumnor

**Contact Officer:** Matthew Case **Tel:** 07584262456

**Location:** Shellingford Quarry, Stanford Road, Stanford in the Vale, Faringdon, SN7 8HE

**Application No:** MW.0090/20

**District Council Area:** Vale of White Horse

**Applicant:** Multi-Agg Ltd

**Dates Received:** 24 September 2020

**Consultation Periods:** 3 January to 27 January 2020 and 10 March to 31 March 2020 (Informal Consultation)

**Contents:**

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

**Recommendation**

The report recommends that Application MW.0090/20 be **Approved**.

## **Part 1 – Facts and Background**

### **Location (see site location plan Annex 1)**

1. The existing Shellingford Quarry (38 hectares) and western extension (30 hectares) is located immediately south of the A417 approximately 600 metres west of Stanford in the Vale. It is also approximately 300 metres east of Shellingford and 3.2 km (2 miles) south east of Faringdon. The approved extension area would be immediately west and south west of the existing quarry, bringing the working closer to Shellingford.

### **Site and Setting**

2. The quarry extension area to which the submitted Dust Management Plan relates is consented under planning permission no. MW.0104/18 (P18/V2610/CM) measures 30 hectares and is currently in agricultural use. It is adjacent to the existing quarry which includes areas of mineral extraction, waste infilling, mineral recycling, mineral processing and stockpiling, offices, carparking and waterbodies.
3. The closest buildings to the site are agricultural buildings immediately west of the site boundary. The closest residential properties are in Shellingford village and lie approximately 250 metres west of the site boundary. Shellingford Primary School also lies a similar distance from the boundary, also in Shellingford village. Quarry Cottage also lies approximately 250 metres from the extension area, to the north east, on the B4508/A417 crossroads. The closest properties in Stanford in the Vale are approximately 1km (0.6 mile) from the extension site and 400 metres from the existing quarry.
4. Stanford in the Vale Household Waste Recycling Centre (HWRC) lies on the other side of the A417, approximately 650m from the extension area.
5. The White Horse Business Park lies immediately to the east of the southern part of the proposed extension area. The existing quarry lies immediately east of the northern part of the extension area.
6. Holywell Brook lies approximately 100 metres south of the application boundary. Public footpath 338/6 lies close to the southern boundary outside of the site.
7. The application site falls entirely in flood zone 1 which is the area of least flood risk. There is a corridor of higher flood risk along the Holywell Brook, however this is outside of the application area.
8. The site slopes gently to the south, falling from 89m AOD in the north to 74m AOD in the south.
9. The closest SSSI is the Shellingford Crossroads SSSI designated for its geological interest. This lies 80 metres north of the existing quarry, north of

the A417. Wicklesham and Coxwell Pits SSSI lies approximately 2.8 km (1.7 miles) east of the site. Fernham Meadows SSSI lies approximately 3.5km (2 miles) south west of the quarry. Chaslins Copse Local Wildlife Site lies approximately 600 metres west of the site on the other side of the B4508.

10. The North Wessex Downs Area of Outstanding Natural Beauty lies approximately 6km (3.7 miles) south of the site.
11. The site is predominantly agricultural and also includes an area of woodland plantation. 4.9 hectares of the site is subgrade 3a agricultural land, which is classified as 'best and most versatile' agricultural land. This comprises 16% of the total site area.
12. Part of Shellingford village has been designated as a conservation area which also contains a number of listed buildings. This lies approximately 250 metres from the site boundary. St Faith's church in Shellingford is Grade I listed and lies approximately 270 metres from the site boundary.
13. Stanford in the Vale also has a designated conservation area containing listed buildings, this is 1.2 kilometres (0.7 mile) from the extension area site boundary at the closest point. There are five listed buildings located in close proximity west of the A417 in Stanford in the Vale, these are approximately 1 km from the application site.
14. An existing vehicle track runs close to the site boundary around the northern and western boundaries. This forms the western boundary south of the agricultural buildings and then swings east so that the southern section of the extension area lies south of the track.
15. The extension area lies within Shellingford Parish and Stanford in the Vale Parish lies immediately east. The existing quarry includes land in both parishes.

### **Background and Details of Development**

16. The proposed extension area is adjacent to the existing Shellingford Quarry. Quarrying at this site was originally permitted in 1986. The current quarrying operations were granted consent in 2009 (planning permission reference STA/SHE/8554/8-CM OCC ref MW.0132/09), and this consent has since been varied by a new permission issued in 2011 (STA/SHE/8554/12-CM OCC ref MW.0020/11). An eastern extension to the quarry was permitted in 2011 (permission reference STA/SHE/8554/11-CM OCC ref MW.0021/11).
17. There are a number of other permissions at the quarry related to the mineral extraction, including separate permissions for the sorting and export of inert material, a screening bund, a security caravan and a site office and weighbridge.

18. The application for the western extension was taken to the Planning and Regulation Committee on the 15 July 2019. The resolution to grant planning permission was subject to the signing of Section 106 agreement.
19. Dust was outlined as a key issue and concern by the committee. Approval was granted subject to a detailed dust management plan to be submitted to committee for final approval before work commenced having first been submitted to the public health and the environmental health teams and reflecting the comments raised by members to secure a robust and meaningful scheme.
20. In January 2020, the case officer agreed with the applicant in order to speed up the process of processing the scheme once permission was issued, that a draft Dust Management Plan (DMP) could be submitted and consulted in order to help develop a scheme, that would effectively mitigate any potential significant impact on the local residents in particular the village of Shellingford. After further amendments the management plan was later circulated for a further consultation period of 21 days in March 2020.
21. In June, based on comments made by various consultees, the case officer asked for the following changes to the draft document:
  - Updates to Section 3.3.4 so the haul road and wheel spinner improvements are included in the DMP.
  - Suggested to tie the complaints section, so corrective actions can be discussed at the Local Liaison meeting.
  - Suggested improvements to section 4.1 in terms of visual monitoring of dust on the highways
  - Although Public Health had agreed PM10 readings are conformably below the threshold, asked that the management plan should include a mechanism to trigger further monitoring of PM10 as part of a yearly review of the DMP, including introducing real time monitoring if it is shown to be needed.
  - Also asked for changes to the DMP, so once available monitoring data can be shared and discussed at liaison meetings.Changes were made to incorporate the suggested amendments in June 2020.
22. The planning permission to the application was finally issued after the signing of the Section 106 agreement on 24 September 2020. The final condition wording for condition 25 states:  
*No development shall take place until a detailed scheme for the monitoring and management of dust emanating from the site has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include:*
  - *Details of how dust will be monitored at all stages of the operations including both during operating hours and outside of operating hours;*
  - *Details of dust monitoring information gathered prior to the commencement of operations;*

- *Procedures for recording information gathered during dust monitoring and provision of this information to the Minerals Planning Authority on request;*
- *Dust suppression measures, including in relation to moving and storage of soil, overburden and other materials on site;*
- *Prevention of dust from exposed surfaces such as bunds, including how it will be managed outside of working hours;*
- *Dust control measures;*
- *Dust suppression measures for haul roads;*
- *Provision for monitoring and review of the scheme; and*
- *Details of weather conditions which would cause working to reduce or suspend.*

*The development shall be carried out in complete accordance with the approved scheme.*

*Reason: To protect the amenity of local residents in Shellingford and other nearby properties (OMWCS C5).*

23. The detailed scheme to discharge condition 25 has now been submitted and includes the amendments that came out of the consultation period. The DMP has been attached at Annex 2 to this report and is summarised below:

- Details on why the DMP is required, including requirements of the condition.
- Details on the site's setting, and proximity to Shellingford and the business park.
- How the scheme will be linked to the Local Liaison Group (LLG), and states when appropriate the operator will share dust monitoring data and discuss the community's concerns and received complaints linked to dust and air quality.
- The scheme has a chapter on the types of emissions, including disamenity dust (types of dust) and how dust sampling will be undertaken. This includes details on how PM10 dust (fine dust) was monitored in late March-late April 2019. The levels were shown to be acceptable. Therefore, it states the scheme will focus on visible dust. The chapter also gives details on sources of dust, including soil stripping, mineral extraction and wind scouring.
- The scheme gives details of the dust receptors within and beyond the quarry boundary. Includes details on what receptors will be affected at what stage, distance from the extension, direction to dust source and sensitivity level.
- The scheme includes a chapter on dust management, this includes standard good practice dust control. Controls will be set including routine checks of plant and machinery, monitoring of all activities with potential to cause either airborne or wind-blown dust emissions. When visible dust is generated, necessary corrective action will be taken. Actions will be recorded in site logbook. The scheme states site operations causing visible dust emissions towards a sensitive receptor will be reduced or suspended until the emissions can be controlled. The scheme includes details on how to interpret weather conditions and necessary corrective actions.

- The management chapter includes details on how soil stripping, soil storage and reinstatement will be managed. This includes using measures like water sprays or wetting down the ground. There are similar sections on mineral extraction/handling, use of mobile plant and wind scouring of exposed surfaces and stockpiles.
- The scheme includes a section on site management and staff training, in order for full compliance with the DMP. This includes staff at all levels, with the site manager given responsibility to maintain the logbook.
- The scheme includes a chapter on monitoring of dust emissions. Dust samples will be collected at appropriate locations over weekly or fortnightly intervals only when site activity is closest to receptors, this will help monitoring of direction and quantity of dust flux towards off-site receptor locations. The section includes details of the methodology, i.e. the use of sticky pads (directional dust samplers). The pads are cylindrical, in order to collect dust from all directions.
- All dust monitoring results will be reported and will be issued to the operator and made available to the County Council as Mineral Planning Authority (MPA) and district council EHO. The results will be summarised and evaluated in regular dust summary reports when required. The reports will be made available to the LLG for discussion.
- The scheme includes details of the emergency response procedure, in the event of a major dust emission. The procedure document will be kept at the site office.
- The scheme includes a chapter on complaints. Complaints to be reported to the site manager, in order to carry out an investigation, in order to ensure necessary corrective measures are taken.
- The final chapter in the scheme relates to the annual review and update of the MPA. The reviews will include compliance records, complaints history, monitoring records and any recent sensitive developments or neighbouring land. Review of the plan will be undertaken in the event of potential changes to the AQO for PM10 and/or PM2.5, dust complaints from nearby residents and consistently high results from directional dust risk criteria on nearby sensitive receptors.

## **Part 2 – Other Viewpoints**

### **Consultations**

24. The draft DMP was sent out for consultation to the Local County Councillor, Shellingford Parish Meeting Group, OCC Public Health and District's Environmental Health Officer, as well as an interested local resident. These parties have now been advised of the submission to discharge the condition. There is however no legal requirement to consult with any third parties on submissions made to discharge planning conditions.

25. The responses to the consultations are summarised below ; full documents are available on the e-planning website: <http://myeplanning.oxfordshire.gov.uk/swiftlg/apas/run/wchvarylogin.display>

26. Shellingford Parish Meeting -

The Parish Meeting Group commented on all versions. In terms of the last consultation, the parish stated the DMP was unacceptable. The Parish would like to see real-time measurements of harmful PM10 dust at sensitive receptors in the village and along the A417. They were unhappy as PM10 measurements were taken during a relatively wet period in March and April. They have concerns that PM10 and PM2.5 emissions are 'effectively invisible', and therefore 'subjective visual assessment of fugitive dust to determine when mitigating action is triggered is unscientific and thus holds no weight'. The Parish were unhappy with cylindrical sticky pads, as they don't provide real-time information and only measure dust flux, not dust deposition.

Public Health (OCC)

27. The OCC officer in his response (22nd April 2020) stated 'Given the time taken to leave the sticky pads out, then the time taken to send the samples to the lab and for them to analyse the pads then send the results back. If a high or very high dust period is noted in the results, it will have been some time ago and therefore nothing done to protect the public health based on this sampling cannot be used as part of a dynamic public health risk assessment.'

28. He goes on to say 'Public Health England would not recommend this sampling methodology as it does not provide concentrations of dust which people are being exposed to, there are no health based standards to compare the results to, therefore would recommend that real time monitoring of PM10 is undertaken when site activity is closest to the receptors, as these results can be compared to health based standards, and the data can be used to inform site activities immediately.

29. The agent for the applicant responded to points raised (23<sup>rd</sup> April 2020), stating they acknowledge the sticky pad monitoring is not real-time. 'However, based on the baseline monitoring carried out it is deemed appropriate for the proposed development' and that real time monitoring of visual (disamenity) dust will be provided by the site manager. Daily visual inspections will be carried out; on-site activities and weather conditions (particularly the wind direction) will be monitored; and if necessary, site activities will be managed, and additional mitigation measures implemented to minimise any disturbance. The sticky pad method is not intended to provide monitoring for a health-based assessment, it measures disamenity dust. PM10 monitoring addresses public health assessment and the monitoring from last year demonstrates that further PM10 monitoring is not required.

30. In addition, the applicant's agent summarised a phone call with the Public Health OCC Officer involved which confirmed:

- Particulate matter monitoring – Eunan [Public Health OCC] does not believe it is necessary to carry out continuous PM10 monitoring within the village. He acknowledged that the PM10 readings are comfortably below the threshold.
- Disamenity dust – We acknowledge that the sticky pad method does not provide real-time monitoring, however visual monitoring by the Site Manager is real-time.
- PHE – It is unlikely that we will receive a response from PHE, as they are understandably very busy at this time.
- Public Health Officer acknowledged that he is being rigorous in his response in this case, due to the level of public interest and reminded the agent that he is providing an opinion.

31. The case officer contacted the public health officer, asking if they were happy with the response, confirming that he agreed with the planning agent on the phone that PM10 data was low enough to not rely on real time information, and to confirm if he objected to what was stated by the agent [above]. The Public Health responded stating they had no further comments to make.

Environmental Health Officer (Vale of White Horse District Council)

32. Final Comment (17 April 2020) - The dust management plan is comprehensive and acceptable in principle in respect of general operations on site with regard to the western extension area. The introduction of a wheel spinner and sealing the road between the wheel spinner and the A417 should reduce the amount of mud and soil deposited on the A417.

33. As you are aware my principle concern relates to the historical levels of mud and dust on the road in the vicinity of the site entrance and visual evidence of track out and resuspension and deposition of nuisance dust. This problem can be dealt with by better management and it is clear that the dust management plan seeks to address this and emphasises the importance of better management of dust.

34. If the measures outlined are successfully implemented, then the resuspension of dust from road deposits in the vicinity of the site entrance should no longer be an issue. With that in mind I am content to withdraw my request for additional monitoring along the A417. However, if there are regular occasions when there is evidence of track out dust on the road which appears to relate to track out from the site then the need for additional monitoring should be reviewed. I would welcome a planning condition reflecting this.

Local Resident of Shellingford

35. Strongly voiced their concerns regarding the lack of real-time monitoring of PM10 dust produced by the proposed extension. Wishes to see additional monitoring of dust. Doesn't agree with the use sticky pad monitoring, as they don't believe it's an effective method of monitoring dust, will not quantify the harmful PM10 and PM2.5 created. They also have concerns on

the condition of the roads in terms of mud, debris and dust caused on A417. They wish to see additional monitoring locations in the village of Shellingford.

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

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

36. The Development Plan for this area comprises:

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

37. 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.

38. 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 site-related policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.

#### **Relevant Policies**

39. The relevant policies are:

- OMWCS – C5
- VLP2 - Policies 23 & 26

### **Part 4 – Analysis and Conclusions**

#### **Comments of the Assistant Director for Strategic Infrastructure and Planning**

40. NPPF paragraph 180 states that decisions should ensure new development is appropriate for the location by considering the likely effects (including cumulative effects) on health, living conditions and the natural environment. This includes mitigating and reducing to a minimum potential impact on amenity and nature conservation.

41. NPPF paragraph 205 states that when determining planning applications for mineral extraction, planning authorities should ensure that there are no

unacceptable adverse impacts on human health and that any unavoidable dust and particle emissions are controlled, mitigated or removed at source.

42. OMWCS policy C5 states that proposals for mineral development shall demonstrate that they will not have an unacceptable adverse impact on the local environment, human health and safety, residential amenity and the local economy, including from a range of factors including dust, air quality and cumulative impact. Where necessary, appropriate buffer zones between working and residential development will be required.
43. VLP2 policy 23 states that development proposals should demonstrate that they would not result in significant adverse effects on amenity of neighbouring uses including in relation to loss of privacy, visual intrusion, noise or vibration, odour, dust, pollution or external lighting. VLP2 policy 25 states that noise generating development that would have an impact on amenity or biodiversity should provide an appropriate scheme of mitigation and development will not be permitted if appropriate mitigation cannot be provided in line with the appropriate British standards.
44. VLP2 policy 26 states that development likely to have an impact on local air quality must demonstrate mitigation incorporated into the design to minimise impacts. An air quality assessment will be required for development in areas of existing poor air quality.
45. As stated, the document went through two rounds of consultations in January and March 2020, with additional emails exchanged in June. Prior to the final version being produced which included suggested changes by the case officer, Public Health OCC and Environmental Health Officer did not object to the DMP. Both Shellingford Parish Meeting and a local resident objected on several grounds.
46. The Parish Meeting and resident are unhappy with the final version. The local residents have concerns with the potential for harmful PM10 dust particles, and the lack of real-time measurements completed. The Parish Meeting were unhappy with cylindrical sticky pads, as they don't provide real-time information and only measure dust flux, not dust deposition. PM10 figures were monitored last year in March and April, the DMP shows the figures to be within an acceptable level. Although the Public Health officer had some initial concerns, they agreed with the applicant that the data showed them to be acceptable. The case officer requested that the final section 'Review and Update', include reference to potential additional PM10 monitoring if data and complaints showed a need. The DMP will be reviewed and amended annually in consultation with Mineral Planning Authority. The case officer also requested additional changes to discuss dust complaints both in real time and at the local liaison meeting, and to share dust monitoring data between interested parties.
47. In addition to the DMP, based on the comments made by the Parish Meeting Group, if there are concerns regarding PM10 dust causing potential

harm to local residents, then the MPA could commission additional PM10 monitoring at sensitive receptors if required in response to complaints.

48. The Parish Meeting and a local resident also have concerns on the condition of the roads in terms of mud, debris and dust caused on the A417. This year improvements were made to the existing haul road, which has now been tarmacked and a new wheel spinner has been constructed to add to the existing wheel wash. These changes proposed have been incorporated into the latest version of the DMP. The changes proposed will reduce mud, debris and dust on the A417. The Environmental Health Officer at the District was pleased to see the improvements made and had no objection to the DMP.

49. Whilst the concerns of the Parish Meeting and local resident are acknowledged, the DMP has been through several iterations prior to its formal submission to discharge condition 25 to reflect concerns raised including from the relevant technical consultees. In the light of there being no objections to the DMP from the Environmental Health officer and Public Health Officer of OCC, it is considered that the DMP will serve to monitor dust creation, and provide mitigation measures to prevent harm to amenity in relation to dust, air quality or public health on the residents of the village or children at the school, in accordance with OMWCS policy C5, and VLP2 policies 23 and 26.

#### **Financial & Staffing Implications**

50. None identified

#### **Equalities Implications**

51. None identified

#### **Conclusions**

52. The proposed Dust Management Plan is considered to meet the requirements of condition 25 with regard to making provision to mitigate dust and air quality impact on the amenity of local residents of Shellingford from the development permitted, and is in accordance with OMWCS policy C5, and VLP2 policies 23, and 26. Therefore this application to discharge condition 25 of planning permission no. P18/V2610/CM (MW.0104/18) should be approved.

#### **53. Recommendations**

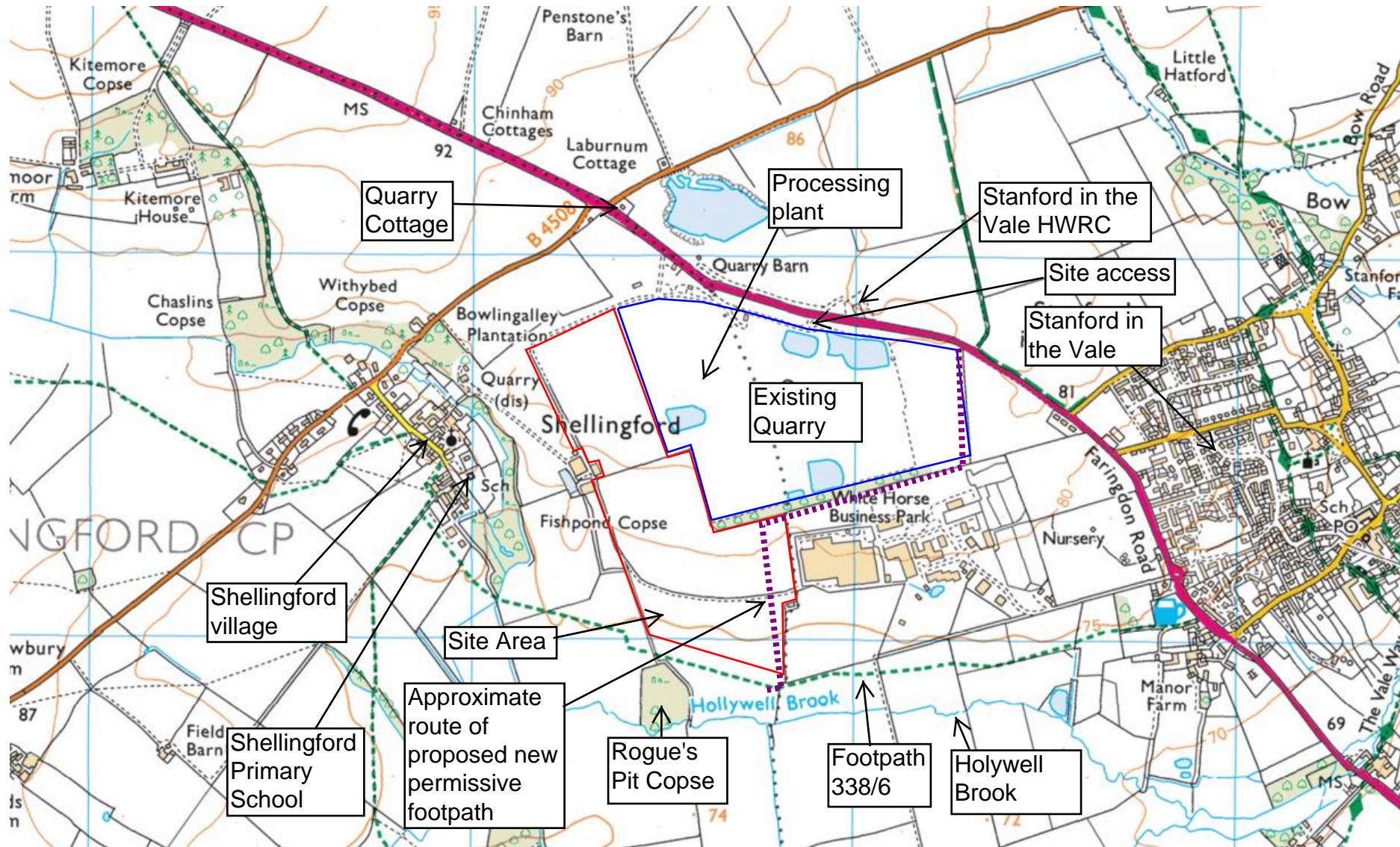
It is RECOMMENDED that Application MW.0090/20 be approved.

RACHEL WILEMAN  
Assistant Director for Strategic Infrastructure and Planning

October 2020

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## Annex 1 Site Plan Shellingford Quarry



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# Dust Management Plan

Shellingford Quarry

June, 2020

Multi-Agg Ltd

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# Document Control Sheet

## Project Information

<b>Title</b>	Dust Management Plan for Shellingford Quarry
<b>Job Code</b>	ZELSS
<b>Report Type</b>	DMP
<b>Client</b>	Multi-Agg Ltd
<b>Client Contact</b>	Gemma Crossley (GMKC Ltd)
<b>Revision</b>	Final v.3
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<b>Date of Issue</b>	25/06/2020

## Revision History

<b>Issue</b>	<b>Date</b>	<b>Author</b>	<b>Reviewer</b>	<b>Approver</b>	<b>Status</b>
A	02/10/2019	John Bruce	Daniel Quinn	Daniel Quinn	Draft
B	29/10/2019	John Bruce	Daniel Quinn	Daniel Quinn	Draft
Final	22/01/2020	John Bruce	Andrew Green	Andrew Green	Final
Final v.2	09/03/2020	Daniel Quinn	Andrew Green	Andrew Green	Final
Final v.3	25/06/2020	Daniel Quinn	Andrew Green	Andrew Green	Final

## Distribution

<b>Organisation</b>	<b>Contact</b>	<b>Date of Issue</b>	<b>Copies</b>
GMKC Ltd	Gemma Crossley	25/06/2020	1

## Disclaimer

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

This report may include data obtained from trusted third-party consultants/laboratories that have been supplied to us in good faith. Whilst we do everything we can to ensure the quality of all the data we use, we cannot be held responsible for the accuracy or integrity of third party data.

## Report Prepared By

**DustScanAQ**  
Griffin House  
Market Street  
Charlbury  
Oxford OX7 3PJ  
United Kingdom  
Tel: + 44 (0) 1608 810110  
E-mail: [info@dustscan.co.uk](mailto:info@dustscan.co.uk)  
Web: [www.DustScan.co.uk](http://www.DustScan.co.uk)

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# 1 Introduction

## 1.1 Overview

Multi-Agg Ltd extract and process limestone at Shellingford Quarry and plan to extend mineral extraction operations to the west of the existing site. Planning application MW.104/18 (P18/V2610/CM, herein 'the development') has received a resolution to grant planning permission, subject to a legal agreement and various conditions, including:

- “no development shall take place until a detailed scheme for the monitoring and management of dust was submitted to and approved in writing by the Mineral Planning Authority”; and
- “no development shall commence until a scheme detailing how the deposition of mud, dust and debris on the public highway shall be avoided has been submitted to the Minerals Planning Authority and approved in writing”.

Potential emissions to air from the proposed site were assessed in 2018 by means of an Air Quality and Dust Assessment. An addendum in May 2019 was also prepared in response to a Regulation 25 request for baseline PM<sub>10</sub> and PM<sub>2.5</sub> monitoring.

To comply with the draft conditions above, DustScanAQ was instructed by GMKC Ltd on behalf of Multi-Agg Ltd to produce a Dust Management Plan (DMP) before any works commence on site. This report therefore comprises a scheme for the management and monitoring of dust for the operation and mitigation methods for the site.

## 1.2 Site setting

Shellingford Quarry is located in a mostly open location, approximately 500 m west of the western edge of Stanford in the Vale and approximately 500 m east of the village of Shellingford. White Horse Business Park is also located immediately south of the current site and east of the extension area.

The site is situated within open farmland and the nearest high sensitivity receptors to the extension area are those in Shellingford on Church Street approximately 230 m to the south west, and the property approximately 250 m to the north on the corner of Fernham Road.

Access to the site is via a haul road off the A417. The site falls within the outer Impact Risk Zone to Fernham Meadows SSSI and both the quarry and the extension area are within a Conservation Target Area. The site lies 350m south of Shellingford Quarry SSSI, although this is designated for its geological interest.

## 1.3 Planned development

Multi-Agg plan to extract approximately 1.9 Mt of sand and 1.2 Mt of limestone over 22 years from an area circa 30 ha in size to the west of the existing quarry site. The extension area will be accessed from the existing quarry and all minerals will be processed using the

existing site processing plant. The site will be worked in phases and progressively restored back to agriculture using imported inert material.

#### **1.4 Local Liaison Group (LLG)**

A Local Liaison Group (LLG) has been set up at the request of OCC. The purpose of this LLG is threefold:

- to bring together a network of parties that have an interest in the site and its operations;
- to facilitate communication between these interested parties; and
- to provide a forum for this network to share information and discuss matters that arise.

This LLG shall be composed of representatives from the following groups/bodies:

- the Operator – Earthline Ltd;
- the local community – representative from the parish meeting;
- the local planning authority – OCC;
- the local county councillor; and
- the Environment Agency.

The LLG shall meet regularly to discuss ongoing operations, proposed changes, community concerns and received complaints. Where appropriate, dust monitoring data may be provided to the LLG; this is discussed below in more detail.

## 2 Potential for emissions

### 2.1 Disamenity dust

'Dust' is generally regarded as particulate matter up to 75 µm (micron) diameter and can be considered in two categories. Fine dust, essentially particles up to 10 µm, is commonly referred to as PM<sub>10</sub> and is measured to agreed standards and forms part of the Air Quality Objectives (AQO).

Coarser dust (essentially particles greater than 10 µm) is generally regarded as 'disamenity dust' (or 'nuisance') and can be associated with annoyance, although there are no official standards (such as AQO) for dust annoyance<sup>1</sup>.

Although it is a widespread environmental phenomenon, dust is also generated through many human activities. This includes at minerals sites and surface mines, and also by heavy industry, waste management, construction and demolition, agriculture (especially arable farming) and road transport.

Dust is generally produced by mechanical action on materials and is carried by moving air when there is sufficient energy in the airstream. More energy is required for dust to become airborne than for it to remain suspended. Dust is removed through gravitational settling (sedimentation), washout (for example during rainfall or by wetting) and by impaction on surfaces (e.g. on vegetative screening). Dust can be re-suspended where conditions allow, such as from bare ground.

Dust emissions from a minerals site, its propagation and potential impacts can be considered in terms of 'source-pathway-receptor' relationships. Dust can arise from a variety of processes and locations within a site and can be difficult to quantify.

The common pathway for dust propagation is by air. Dust propagation depends on particle size, wind energy and disturbance activities. Large dust particles generally travel shorter distances than small particles. It is often considered that particles greater than 30 µm will largely deposit within 100 metres of sources, those between 10 – 30 µm will travel up to 250 – 500 metres and particles less than 10 µm will travel up to 1 km from sources.

#### 2.1.1 Disamenity dust sampling

Disamenity dust is commonly measured by directional and depositional sampling. Directional dust flux is the horizontal passage of dust past a point, usually driven by the wind, and dust deposition is the vertical passage of dust to a surface, driven by deposition velocity.

In the absence of standards, a range of methods has been developed to assess visible dust. The two principal approaches are based either on the measurement of the mass of

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<sup>1</sup> The expression 'disamenity dust' has been recently promoted as a suitable expression for 'nuisance' dust, *i.e.* generally visible particulate matter rather than specifically and in a legal sense to statutory nuisance, as defined in Section 79 of the Environmental Protection Act 1990

settled dust or the assessment of changes in the properties of a surface such as its loss of reflectance or discolouration ('soiling') on a glass microscope slide or adhesive 'sticky pad'.

'Custom and practice' thresholds for dust annoyance are commonly applied to these methods and minerals industry guidance recommends that site-specific thresholds should be agreed between the site operator and the regulator, as these will be appropriate for both the site and its surroundings<sup>2</sup>.

## 2.2 PM<sub>10</sub>

Fine dust, essentially particles up to 10 µm, is commonly referred to as PM<sub>10</sub>. PM<sub>10</sub> is measured to agreed standards and, through the National Air Quality Strategy (NAQS) objectives to be achieved for a range of pollutants, forms part of the Air Quality Objectives (AQO). The AQOs for PM<sub>10</sub> are 50 µg/m<sup>3</sup> averaged over 24 hours, not to be exceeded more than 35 times per year and 40 µg/m<sup>3</sup> as an annual mean.

Baseline PM<sub>10</sub> monitoring was undertaken as part of an addendum to the 2018 DAQA. Monitoring was undertaken west of the site at Church Farm towards the properties in Shellingford and at Shellingford School in Shellingford for one month from 29 March to 29 April 2019. The average PM<sub>10</sub> concentration for the study period was 8.47 µg/m<sup>3</sup> at Shellingford School and 12.73 µg/m<sup>3</sup> at Church Farm. The maximum 24-hour average PM<sub>10</sub> concentrations recorded were 29.89 µg/m<sup>3</sup> for Church Farm and 20.97 µg/m<sup>3</sup> for Shellingford School. It should be noted that the quarry was not operating for the majority of these periods, with the highest values during each 24-hour period recorded between 12:45 and 15:45 on Sunday 07/04/2019.

In accordance with the IAQM guidance, when background PM<sub>10</sub> concentrations are below 17 µg/m<sup>3</sup> it is considered unlikely that the quarry process contribution would lead to an exceedance of the annual mean objective. Consequently, this document concentrates on issues relating to visible 'disamenity' dust, although it will be revised as necessary and in accordance with changes to the AQO, such as in relation to objectives for PM<sub>2.5</sub>.

## 2.3 Dust sources

As set out in the 2018 DAQA there is a potential for dust emissions to occur at various stages of the operation, but these can generally be controlled by good practice. Potential sources or site activities likely to give rise to dust at the extension area to Shellingford Quarry are:

- Soil stripping, storage and reinstatement;
- Overburden removal, storage and reinstatement (including inert fill);
- Mineral extraction and handling;
- Mobile plant (both on-site and off-site vehicle movements); and
- Wind scouring of exposed surfaces and stockpiles.

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<sup>2</sup> AEA Technology (2010) Management, mitigation and monitoring of nuisance dust and PM10 emissions arising from the extractive industries: an overview.

It should be noted that permitted processes undertaken solely within the existing quarry site and not influenced by the extension area, such as mineral processing in the existing plant site, are not included.

The potential dust sources are considered further below, with reference to the recommended control measures.

## 2.4 Receptors

Dust receptors can be within or beyond a quarry site boundary. Whilst dust generation within a minerals site is primarily of concern to its operator, staff and visitors, dust can propagate beyond the site boundary to affect people and properties beyond, unless adequate control measures are in place. It is important to recognise that there may be other dust sources in the vicinity of a quarry (such as road traffic or arable farmland).

As determined in the 2017 AQA, the principal dust receptors in the vicinity of the Shellingford Quarry extension area are set out in Table 1, together with the minimum distance (in metres) to the planned working areas, the principal direction (or directions) to the receptor from the phase of quarry workings and the sensitivity level of the receptor, as set out in the IAQM guidance.

**Table 1: Principal dust receptor locations, Shellingford Quarry extension area**

Receptor	Dust source location	Minimum distance (m)	Direction/s to dust source (degrees)	Sensitivity
Western edge of White Horse Business Park	Phase 5	20	195 - 345	Medium
Quarry Cottage	Existing plant site	200	135 - 195	High
Quarry Cottage	Phases 1 - 2	240	165 - 225	High
Shellingford C of E Primary School	Phases 1 - 2	230	015 - 075	High
Glebe House	Phases 1 - 2	230	015 - 105	High
Timber Yard Cottages	Phases 1 - 2	260	015 - 105	High
Church Colt	Phases 1 - 2	290	015 - 105	High
Church Farm House	Phases 1 - 2	290	045 - 105	High
Shellingford House	Phases 1 - 2	300	045 - 105	High
Home Farm House	Phases 1 - 2	325	045 - 105	High
Orchard Cottage	Phases 1 - 2	345	075 - 105	High
Ford Cottage	Phases 1 - 2	330	075 - 105	High

The distances shown in Table 1 are the minimum between each potential receptor and the closest stage of site operations and thus can be considered to represent a 'worst case' evaluation.

### 3 Dust management

Standard good practice on dust control is set out in various publications, including PGN 3/08(12)<sup>3</sup> which sets out at Section 4 a summary of best available techniques for dust control at minerals sites. In accordance with good practice guidance, potentially unacceptable dust emissions from minerals sites can be addressed through a dust management plan<sup>4</sup>.

#### 3.1 General requirements

Unacceptable dust emissions can be mitigated by ensuring that routine checks of plant and machinery are carried out and that regular staff training is provided.

All activities with the potential to cause either airborne or wind-blown dust emissions will be monitored appropriately. This will include a visual assessment of any potential impacts at downwind receptors.

Should visible dust be generated, the source/s of the dust will be identified, and the necessary corrective action will be taken. Each event, its cause and the action taken will be recorded in the site logbook.

If necessary, to avoid disamenity impacts at off-site receptors, site operations causing visible dust emissions across the site boundary towards a sensitive receptor will be reduced or suspended until the emissions can be controlled.

Site personnel will be empowered to take appropriate action whenever visible dust emissions are observed, or appear likely to occur, as a result of any operation or process on the site.

#### 3.2 Weather conditions

During dry windy conditions, if any operations are identified as causing or likely to cause visible dust emissions across site boundaries, or if abnormal emissions are observed within the site, site operations will be halted or modified until effective remedial actions can be taken and/or the weather conditions giving rise to the emissions have moderated.

A trigger system will be adopted to identify those weather conditions when there is an increased or high risk of wind-blown dust. Suggested weather trigger levels are detailed in Table 2.

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<sup>3</sup> Process Guidance Note (PGN) 3/08 (12) *Statutory guidance for quarry processes* (Defra, 2012)

<sup>4</sup> AEA Technology, 2011: *Good practice guide: control and measurement of nuisance dust and PM<sub>10</sub> from the extractive industries*

**Table 2: Weather conditions and corresponding dust 'risk' conditions**

Wind speed		Precipitation		
m/s	Beaufort Scale	Dry	Showers	Heavy Rain
> 6	4+ Dust and loose paper raised. Small branches begin to move.	Red	Amber	Green
2 – 6	2 – 3 Wind felt on exposed skin. Leaves rustle. Wind vanes begin to move.	Amber	Green	Green
< 2	0 – 1 Smoke drift indicates wind direction. Leaves and win vanes are stationary.	Green	Green	Green

Interpretation of the weather trigger levels will be on the basis of:

- Red: All exposed areas of loose bare ground and stockpiles will be inspected and treated as necessary in accordance with the provisions in Section 3.3.5;
- Amber: Loose bare ground and stockpiles within 100 m of the site boundary will be inspected and treated as necessary in accordance with the provisions in Section 3.3.5, and
- Green: no action necessary.

As an overriding requirement, during dry windy weather, i.e. 'red' conditions as defined in Table 2, if any operations are identified as causing or likely to cause visible emissions across the site boundaries, or if abnormal emissions are observed within the site, the Site Manager will immediately modify, reduce or suspend those operations until either effective remedial actions can be taken or the weather conditions giving rise to the emissions have moderated.

### 3.3 Dust sources

This section of the report sets out dust mitigation measures for the specific processes recognised above as having the potential to generate dust at Shellingford Quarry.

#### 3.3.1 Soil stripping, soil storage and reinstatement

There is potential for high levels of airborne and wind-blown dust propagation from soil stripping, storage and reinstatement although these are generally short-term, transient operations.

Soils will be removed progressively according to operational phasing and transported by dump truck for storage in screening bunds or used directly for restoration.

Unacceptable dust emissions from soil stripping, storage and reinstatement can be controlled by minimising working of soil in very dry, windy conditions, by reducing drop heights at material transfer points and controlling vehicle speeds. This is especially

important when soil is being worked at the site boundary towards the off-site receptors listed in Table 1.

Soil storage bunds will be stabilised by seeding and maintained appropriately.

Additional control measures, such as the use of water sprays or wetting down with a water bowser, will be considered where there is a risk of wind-blow across the site boundary towards off-site receptors.

### **3.3.2 Overburden removal, storage and reinstatement (including inert fill)**

Overburden will be used to form screening mounds and in site restoration.

There is potential for moderate to high levels of dust emissions during overburden handling, storage and replacement, although it can usually be worked at a higher moisture content than soils, thus reducing the risk of unacceptable dust emissions from this aspect of site operations.

The risks of dust emissions from quarry waste and inert material will vary according to the nature of the materials handled. There is a relatively low risk of dust emissions from freshly-excavated subsoil whereas there can be a high risk of wind-blow from dry, unconsolidated materials.

As with soils, working of overburden, quarry waste and inert backfill materials near the site boundary will be minimised in very dry, windy conditions. Drop heights will be minimised at material transfer points (e.g. during loading and tipping). Operations will be suspended when wind conditions would be likely to result in visible dust being carried towards the off-site receptors listed in Table 1.

Additional measures such as the use of water sprays or wetting down with the bowser will be considered where there is a risk of wind-blow across the site boundary.

### **3.3.3 Mineral extraction and handling**

There is a low risk of airborne dust propagation emissions from mineral extraction by hydraulic excavator but additional control measures (such as wetting down with a water bowser) will be used if there is a risk of visible dust from the extraction faces being blown over the site boundary towards the off-site receptors listed in Table 1.

At upper levels and near the site boundary the risk of dust emissions is greater and care will therefore be taken to minimise unacceptable dust emissions over the site boundary, especially in dry, windy conditions.

### **3.3.4 Mobile plant (both on-site and off-site vehicle movements)**

The greatest risk of dust from mineral workings is often considered to be associated with site traffic and there is a high risk of dust emissions from transport on unpaved roads unless appropriate mitigation measures are applied.

As a general rule, mobile plant with upward or sideways exhausts will be used and all site haulage will keep to designated haul routes.

Vehicles leaving the site will be sheeted and be checked for loose deposits that could fall onto the public highway. Any spillages will be cleared as quickly as possible by appropriate means to prevent unnecessary track-out onto the public highway. All HGVs leaving the site will pass through the wheel wash and recently installed wheel spinner before joining the A417. The haul road between the spinner and the A417 has recently been tarmacked, further reducing the potential for track-out onto the public highway. These additional mitigation measures shall further reduce trackout of material onto the public highway, and reduce the potential for dust generation from the haul road itself.

A water bowser will be used for damping down roads around the plant area and quarry. Unmade access roads will be kept in good repair and vehicle speed limits will be determined by the Site Manager according to the site and weather conditions pertaining at the time.

Regular visual monitoring of the haul road, access and the A417 shall also take place to ensure that any spills are identified as soon as practicable.

A powered road sweeper will be available to ensure that any track-out onto the A417 is cleared immediately.

Adoption of an effective road sweeper and use of the wheel wash will ensure that dust from HGV traffic from the access road is kept to a minimum.

### **3.3.5 Wind scouring of exposed surfaces and stockpiles**

Dust emissions from exposed surfaces will be minimised during operating hours by wetting down surfaces with a water bowser as necessary, especially in periods of dry, windy weather. This will also be undertaken at the end of the working day if conditions are expected to continue to be dry and windy to prevent dust emissions outside of operating hours.

Where practicable, stockpiles will be managed to maintain a smooth profile to minimise the spreading of loose materials and will be disturbed as little as possible to encourage the formation and stabilisation of a surface crust.

It may also be necessary to wet down stockpiled materials to reduce the risk of wind-blow from exposed surfaces.

### **3.3.6 Other**

General matters and the management of the site can affect the likelihood of significant dust emissions. These include:

- the use of clean water for dust suppression to avoid re-circulating fine material;
- high standards of house-keeping to minimise track-out and wind-blown dust; and
- effective staff training in respect of the causes and prevention of dust.

The water supply to any dust suppression installations will be protected against frost to ensure its availability at all times.

### **3.4 Maintenance**

Effective control of airborne dust emissions requires the maintenance and proper operation of all plant and equipment, including fixed and mobile dust extraction and suppression equipment.

A programme of planned maintenance will be carried out on all plant and equipment in accordance with the manufacturers' recommendations to ensure that it operates at optimum efficiency. Stocks of essential spares and consumable items will be held at the site or kept readily available for use at short notice.

Any malfunction or breakdown leading to abnormal emissions will be dealt with promptly and operations will be modified or suspended until normal working can be restored. All such malfunctions and the actions taken will be recorded in the site logbook.

### **3.5 Site management**

The Site Manager will exercise, either personally or by delegation to suitably trained and responsible staff, day-to-day control of the site. They will be responsible for the satisfactory working of the whole site and for ensuring full compliance with the dust management and monitoring plan.

Staff at all levels will receive the necessary training and instruction in their duties relating to all operations and the potential sources of dust emissions. Particular emphasis will be given to plant and equipment malfunctions and abnormal conditions.

The Site Manager will ensure that customers and suppliers are aware of the need to comply with the provisions of this plan so far as they are relevant to their activities on site. Specifically, an information sheet summarising the requirements in respect of road transport will be handed to drivers employed by external hauliers. The drivers will be asked to sign for the sheet, acknowledging that they have read and understood the requirements.

Any member of staff who fails to comply with the provisions of the dust management and monitoring plan will be re-trained as necessary and may also be subject to disciplinary action. External hauliers failing to observe the requirements in respect of vehicle operations will be asked to leave the site.

## **4 Monitoring**

Dust emissions at Shellingford Quarry will be monitored routinely by visual means and by fixed dust monitoring equipment at key locations when required.

### **4.1 Visual**

All activities with the potential to cause either airborne or wind-blown dust emissions will be monitored appropriately. This will include a visual assessment of any potential impacts at downwind receptors. Regular inspections of the surrounding highway will also be undertaken, in particular the A417.

Should visible dust be generated, the source/s of the dust will be identified, and the necessary corrective action will be taken. Each event, its cause and the action taken will be recorded in the site logbook.

### **4.2 Dust monitoring**

Directional dust samples will be collected at appropriate locations over weekly or fortnightly intervals only when site activity is closest to receptors, with suggested monitoring locations shown in Appendix A.

The purpose of this monitoring is to evaluate the direction and quantity of dust flux towards off-site receptor locations.

Monitoring will be undertaken during soil stripping operations and when mineral extraction is underway within 250 m of receptors in Shellingford or 100 m of White Horse Business Park.

Environment Agency Technical Guidance Note M17 sets out custom-and-practice criteria for dust disamenity which have been developed based on the mass of dust or dust soiling, coverage or loss of reflectance. These criteria are used in this management plan.

#### **4.2.1 Methodology**

Directional dust will be monitored at the designated locations at or near the site boundary using DustScan (sticky pad) directional dust samplers. Being cylindrical, the samplers collect dust from 360° around the sampling head and, as set out below, the data are reported in discrete 15° intervals (*i.e.* 0 – 15°, 15 – 30° and so on).

The samplers will be installed in accordance with best practice guidance (including M17) and the supplier's instructions and will be located away from nearby obstructions to ensure a clear air flow to the monitoring head.

The dust gauges are of modular design to facilitate easy exchange by site personnel. The samples will be collected at fortnightly or weekly intervals and sent to DustScanAQ for processing.

The directional dust monitoring data is reported as Effective Area Coverage (EAC%, the darkness or potential soiling of dust) and Absolute Area Coverage (AAC%, a dust presence

test irrespective of colour) over 15° arcs as specified above. Therefore, for each arc a single %EAC value and a single %AAC value is returned. From this, it can be seen that the data are reported as discrete (non-overlapping) values for each arc around the cylinder.

The directional dust monitoring data shall be assessed in accordance with the 'impact risk' matrix in Table 3.

**Table 3: DustScan directional dust 'impact risk' matrix**

		AAC: Dust coverage				
		Level 0: <80%/interval	Level 1: 80 to <95%/interval	Level 2: 95 to <99%/interval	Level 3: 99 to 100%/interval	Level 4: 100% over 45°/interval
EAC: Dust soiling	Level 0: <0.5%/day	Very Low	Very Low	Very Low	Low	Medium
	Level 1: 0.5 to <0.7%/day	Low	Low	Low	Medium	High
	Level 2: 0.7 to <2.0%/day	Medium	Medium	Medium	High	High
	Level 3: 2.0 to <5.0%/day	High	High	High	High	Very High
	Level 4: ≥5%/day	Very High	Very High	Very High	Very High	Very High

#### 4.2.2 Locations

The 2017 AQA identified a number of potential dust receptors in the vicinity of the extension area and, as shown in Table 1, these may be considered in relation to the operations at the site.

As with other pollutants, the propagation and effects of 'disamenity' dust can be considered in terms of source-pathway-receptor relationships. From above, a number of potential dust sources have been identified within the site and a number of potential receptors beyond it, and the pathway between source and receptor is by air.

Directional dust monitors will therefore be located at or near the site boundary between the active site operations and nearby receptors, according to the current stage of operation.

The suggested approximate dust monitoring locations at and around the extension area are therefore illustrated in Appendix A. Monitoring location DM1 will be used to assess impacts towards Shellingford when operations are undertaken nearby and monitoring location DM2 will be used when site operations are undertaken at the east of the extraction area to assess emissions towards White Horse Business Park.

#### 4.2.3 Response

The results of the dust monitoring programme will be used to evaluate site dust control at Shellingford Quarry. As set out below, results of the dust monitoring programme will be reported to the relevant Minerals Planning Authority (MPA) and Local Authority (Vale of

White Horse District Council, VWHDC), as requested, and the dust monitoring data will be reviewed in relation to any relevant community response or complaint records.

A record will be kept of the findings and of any actions which are subsequently taken.

The suitability of the dust monitoring regime will be reviewed over time. Any potential revision to the dust sampling locations, methods or trigger levels will be discussed with the MPA before implementation.

### **4.3 Reporting**

Directional dust monitoring results will be reported as AAC%, EAC% and Risk over 15° arcs, as specified above. The dust monitoring results will be tabulated and presented graphically in a 360° 'dust rose' indicating the strength and direction of dust propagation at that location.

All dust monitoring results will be issued to Multi-Agg Ltd and will be made available to the MPA and VWHDC.

Results will be summarised and evaluated in regular dust summary reports when required, with reference to site activities and any dust complaints. These summary reports can be made available to the LLG for discussion during regular liaison meetings.

## **5 Emergency response**

An emergency response procedure, to be followed in the event of a major dust emission, will be kept at the site office.

For the purposes of emergency response, major dust emissions will be defined as including:

- visible dust crossing the site boundaries;
- persistent fugitive dust from mineral processing;
- persistent fugitive dust when loading or tipping soils, minerals or inert waste;
- persistent fugitive dust from transport or plant movements; and
- persistent wind-blown dust.

The contact details of key personnel and organisations will be listed in the procedure.

## **6 Complaints**

All complaints regarding dust emissions will be recorded and reported to the Site Manager, who will investigate the circumstances and ensure that the necessary corrective measures are taken.

In the event of a complaint from a member of the public regarding dust emissions from the site, a record will be kept and made available to the MPA as required. Additionally, details

of any complaints received and corrective action taken will be made available to the LLG for discussion.

All complaints will be investigated as soon as possible and the complainant kept informed throughout the investigation. The MPA will be kept informed of the results of any subsequent investigation.

In the event of any dust complaint substantiated after consultation with the MPA, the effectiveness of the dust management and monitoring plan will be reviewed.

## **7 Review and update**

The continuing effectiveness of this dust management and monitoring plan will be reviewed annually in consultation with the MPA. The reviews will take into account the compliance records, complaints history, monitoring records and any recent sensitive developments on neighbouring land.

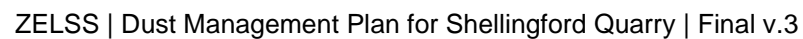
Reviews of the plan will also be undertaken in the event of:

- changes to the AQO for PM<sub>10</sub> and/or PM<sub>2.5</sub>;
- dust complaints from nearby residents or businesses; or
- consistently high results from the directional dust risk criteria in the direction of sensitive receptors.

The plan will be amended as necessary, including any changes to the monitoring methods (such as the introduction of real-time monitoring, where appropriate) and control measures which may be agreed.

**DustScanAQ**  
**June 2020**

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**For: PLANNING & REGULATION COMMITTEE – 19 October 2020**

**By: ASSISTANT DIRECTOR FOR STRATEGIC INFRASTRUCTURE AND PLANNING**

**Development Proposed:**

**Extraction of mineral and restoration to agriculture and nature conservation by infilling with imported inert materials – update report**

**Division Affected:** Kingston & Cumnor

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

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

**OCC Application No:** MW.0066/19

**VOWH Application No:** P19/V1817/CM

**District Council Area:** Vale of White Horse District Council

**Applicant:** Hatford Quarry Ltd

**Application Received:** 2 July 2019

**Consultation Period:** 25<sup>th</sup> July – 26 August 2019  
27 February 2020 – 28 March 2020

## **RECOMMENDATION**

**That the Committee's resolution of 1 June 2020 to approve application no. MW.0066/19 subject to the applicant signing a Section 106 agreement for the matters outlined in Annex 2 of the committee report of 1 June 2020 and a routeing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry and subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1 of the committee report of 1 June 2020 be amended such that condition 4 reads as follows:**

**Temporary consent – extraction completed by six years from the date of commencement as notified pursuant to condition 2 and restoration completed by the date seven years from the date of commencement.**

1. At the Planning & Regulation Committee meeting on 1 June 2020, the Committee resolved subject to the applicant signing a Section 106 agreement and a routeing agreement to approve application MW.0066/19 for the proposed western extension to the existing Hatford Quarry subject to conditions to be determined by the Director of Planning and Place including those set out in Annex 1 to the Committee report. Condition 4 of the recommended conditions required that mineral extraction finish within five years and the site then restored within seven years. The original Committee report is attached as Appendix 1.
2. In the course of finalising the planning conditions, the applicant has made the County Planning Authority aware that they wish for the mineral extraction element to be limited to six years rather than five. It is agreed that the planning statement submitted with the application does indeed refer to an extraction period of six years though this is not supported by the calculation provided elsewhere in the application documents. On the basis of these documents, officers had understood that the quarry would be worked in three phases with mineral extraction in Phase One taking 18 months, Phase Two taking 30 months and Phase Three taking 12 months. This equates to a total of five years extraction. With restoration (including infilling with imported inert waste, soil replacement and seeding) the total development time period would be seven years. There had therefore been a misunderstanding between the applicant and your officers.
3. As the timescale of the development and mineral extraction phase was specifically included within the report's recommended conditions which the Committee resolved to support, it is considered necessary for the application to be returned to committee for the timing of the mineral extraction phase to be amended from five to six years. For the committee's information and for the avoidance of doubt, all other elements of the scheme remain the same.
4. As the overall time for the quarry to be worked and restored has not changed, it is not considered the change from five to six years for mineral extraction would have any greater impacts on the local area or nearby residents. There would be no change to vehicle movements and no working of additional areas. The assessment of the application against the development plan and other material considerations set out in the Committee report of 1 June remains the same.
5. It is therefore recommended that the committee agree that the timescale for mineral extraction as set out within draft condition 4 of the committee's resolution of 1<sup>st</sup> June 2020 is amended from five to six years with final restoration remaining to be completed within seven years.

#### **Financial & Staffing Implications**

6. None identified

#### **Equalities Implications**

7. None identified

**RECOMMENDATION**

8. That the Committee's resolution of 1 June 2020 to approve application no. MW.0066/19 subject to the applicant signing a Section 106 agreement for the matters outlined in Annex 2 of the committee report of 1 June 2020 and a routeing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry and subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1 of the Committee report of 1 June 2020 be amended such that condition 4 reads as follows:

Temporary consent – extraction completed by six years from the date of commencement as notified pursuant to condition 2 and restoration completed by the date seven years from the date of commencement.

RACHEL WILEMAN

Assistant Director for Strategic Infrastructure and Planning

October 2020

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**For: PLANNING AND REGULATION COMMITTEE – 1 June 2020**

**By: DIRECTOR FOR PLANNING AND PLACE**

**Development Proposed:**

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

**Division Affected:** Kingston & Cumnor

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

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

**OCC Application No:** MW.0066/19

**VOWH Application No:** P19/V1817/CM

**District Council Area:** Vale of White Horse District Council

**Applicant:** Hatford Quarry Ltd

**Application Received:** 2 July 2019

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

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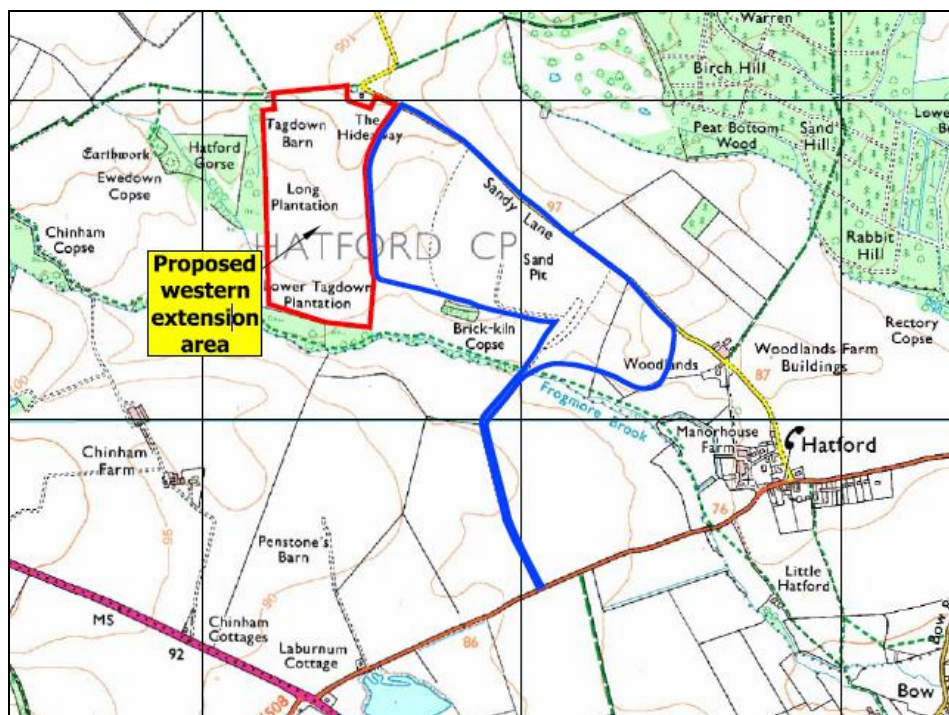
**Recommendation:**

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

## **PART 1- FACTS AND BACKGROUND**

### **Location (see Plan 1)**

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



Plan 1 – Site Location

### **Site and Setting**

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

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

### **Planning History**

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

## **Details of Proposed Development**

### Overview

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

### Mineral Extraction

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

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

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

#### Bunds

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

#### Waste Disposal

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

#### Mineral Processing Operations

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

#### Hours of Operation

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

#### Transport

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

### Restoration

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

### Traffic and Access

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

### Environmental Impact Assessment

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

## **PART 2 – OTHER VIEWPOINTS**

38. There were two periods of public consultation.
39. The full text of the consultation responses can be seen on the e-planning website<sup>1</sup>, using the reference MW.0066/19. These are also summarised in Annex 4 to this report.
40. The application has also received objections from Public Health England and Shellingford Parish Council.
41. No third party representations were received.

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

## **PART 3 – RELEVANT PLANNING DOCUMENTS**

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

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

#### **Development Plan Documents**

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

#### **Emerging Plans**

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

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

#### Other Policy Documents

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

#### Relevant Development Plan Policies

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

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

## **PART 4 – ASSESSMENT AND CONCLUSIONS**

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

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

### **Minerals**

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

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

## **Waste**

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

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

### **Restoration**

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

### **Biodiversity**

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

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

### **Landscape and Visual Impacts**

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

### **Transport**

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

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

### **Rights of Way and Public Access**

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

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

### **Amenity and health**

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

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

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

### **Flood risk and water environment**

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

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

### **Archaeology and Historic Environment**

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

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

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

### **Soils and agriculture**

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

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

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

### **Carbon Emissions, Natural Resources and Waste**

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

### **Sustainable Development**

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

### **Other Matters - Processing plant site and access**

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

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

### **Conclusion**

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

### **RECOMMENDATION**

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

**SUSAN HALLIWELL**  
**Director for Planning and Place**

**May 2020**

## **Annex 1 – Conditions**

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

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

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

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

### **Compliance with National Planning Policy Framework**

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

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

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

**Annex 2 - Heads of terms for legal agreement**

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

### **Annex 3 - Environmental Statement and Regulation 25 additional information summary**

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

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

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

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

## **Annex 4 – Consultation Responses Summary**

### **Vale of White Horse District Council – Planning**

*Regulation 25 Response March 2020*

1. No response received

*Initial Response August 2019*

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

### **Vale of White Horse District Council – Environmental Protection**

*Regulation 25 Response March 2020*

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

*Initial Response August 2019*

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

### **Hatford Parish Council**

1. No response received for initial or subsequent consultation.

### **Stanford in the Vale Parish Council**

1. No response received for initial or subsequent consultation.

### **Shellingford Parish Council**

*Regulation 25 Response March 2020*

1. No response received

*Initial Response August 2019*

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

## **Natural England**

*Regulation 25 Response March 2020*

1. Response received, no additional comments to make

*First Response August 2019*

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

## **Environment Agency**

*Regulation 25 Response March 2020*

1. Response received, no additional comments to make

*Second Response September 2019*

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

*Initial Response August 2019*

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

## **Oxfordshire County Council (OCC) Archaeology**

*Regulation 25 Response March 2020*

1. No response received

*Initial Response August 2019*

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

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

## **OCC Public Health**

### *Regulation 25 Response March 2020*

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

### *Initial Response – July 2019*

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

## **Public Health England**

### *Regulation 25 Response March 2020*

1. No response received

### *Initial Response August 2019*

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

### **OCC Transport Development Control**

*Regulation 25 Response March 2020*

1. No response received

*Initial Response September 2019*

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

### **OCC Rights of Way and Countryside access**

*Regulation 25 Response March 2020*

1. No response received

*Initial Comments July 2019*

2. Responded, no comments.

### **OCC Drainage Team and Lead Local Flood Authority**

*Regulation 25 Response March 2020*

1. No response received

*Initial Comments September 2019*

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

### **OCC Environmental Strategy**

*Regulation 25 Response March 2020*

1. No response received

*Initial Response September 2019*

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

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

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

## **OCC Biodiversity**

*Regulation 25 Response March 2020*

1. No response received

*Initial Response August 2019*

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

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

## **OCC Landscape**

*Regulation 25 Response March 2020*

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

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

*Initial Response September 2019*

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

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

## **Annex 5 – European Protected Species**

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

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

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

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## PLANNING & REGULATION COMMITTEE – 19 OCTOBER 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 W2: OXFORDSHIRE WASTE MANAGEMENT TARGETS

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

Oxfordshire waste management targets 2016 – 2031

		Year			
		2016	2021	2026	2031
MUNICIPAL WASTE	Composting & food waste treatment	29%	32%	35%	35%
	Non-hazardous waste recycling	33%	33%	35%	35%
	Non-hazardous residual waste treatment	30%	30%	25%	25%
	Landfill (these percentages are not targets but are included for completeness)	8%	5%	5%	5%
	Total	100%	100%	100%	100%
COMMERCIAL & INDUSTRIAL WASTE	Composting & food waste treatment	5%	5%	5%	5%
	Non-hazardous waste recycling	55%	60%	65%	65%
	Non-hazardous residual waste treatment	15%	25%	25%	25%

	Landfill (these percentages are not targets but are included for completeness)	25%	10%	5%	5%
	Total	100%	100%	100%	100%
CONSTRUCTION, DEMOLITION & EXCAVATION WASTE	<i>Proportion of Projected Arisings taken to be Inert*</i>	80%	80%	80%	80%
	Inert waste recycling (as proportion of inert arisings)	55%	60%	65%	70%
	Permanent deposit of inert waste other than for disposal to landfill** (as proportion of inert arisings)	25%	25%	25%	25%
	Landfill (as proportion of inert arisings) (these percentages are not targets but are included for 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 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.

### **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-recreation will be actively sought, with a primary focus on delivery in the Conservation Target Areas. A net loss of biodiversity will be avoided.

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

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

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

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

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

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

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

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

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

#### **DEVELOPMENT POLICY 16: ACCESS**

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

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

#### **DEVELOPMENT POLICY 23: IMPACT OF DEVELOPMENT ON AMENITY**

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

- i. loss of privacy, daylight or sunlight
- ii. dominance or visual intrusion
- iii. noise or vibration
- iv. dust, heat, odour, gases or other emissions
- v. pollution, contamination or the use of/or storage of hazardous substances; and
- vi. external lighting.

#### **DEVELOPMENT POLICY 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<sup>a</sup>.

### **Noise-sensitive Development**

Noise-sensitive development in locations likely to be affected by existing sources of noise<sup>b</sup> 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.

<sup>a</sup>Currently set out in British Standards 4142:2014 and 8233:2014. The Council is currently developing guidance relating to noise mitigation.

<sup>b</sup>Busy roads, railway lines, aerodromes, industrial/commercial developments, waste, recycling and energy plant, and sporting, recreation and leisure facilities.

Development Policy 24: Noise Pollution.

## DEVELOPMENT POLICY 26: AIR QUALITY

Development proposals that are likely to have an impact on local air quality, including those in, or within relative proximity to, existing or potential Air Quality Management Areas (AQMAs) will need to demonstrate measures/mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Where sensitive development is proposed in areas of existing poor air quality and/or where significant development is proposed, an air quality assessment will be required.

The Council will require applicants to demonstrate that the development will minimise the impact on air quality, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation in accordance with current guidance.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of a planning condition and/or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

## 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.



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