



To: Members of the Planning & Regulation Committee

Notice of a Meeting of the Planning & Regulation Committee

**Monday, 19 April 2021 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 black ink, appearing to read 'Yvonne Rees'.

Yvonne Rees
Chief Executive

April 2021

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

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

Membership

Chairman –Councillor Stefan Gawrysiak
Deputy Chairman - tba

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

Notes: Date of next meeting: 7 June 2021

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

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

Whose Interests must be included?

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

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

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

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

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

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

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

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

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

List of Disclosable Pecuniary Interests:

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

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

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

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

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 16)

To approve the minutes of the meeting held on 8 March 2021 (**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 no later than 9am Tuesday 13 April 2021 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 March). That statement 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. **Widening and upgrading of existing site access onto Waterworks Road (Grimsbury Green) and highway improvement works to Waterworks Road/Grimsbury Green at Tarmac Asphalt and Concrete Batching Plant, Water Works Road, Hennef Way, Banbury, OX16 3JJ - Application No. MW.0011/21** (Pages 17 - 36)

Report by the Assistant Director for Strategic Infrastructure & Planning (**PN6**).

The report sets out the detail of an application seeking permission to widen and upgrade the existing site access onto the public highway at Grimsbury Green, including the provision of a new footpath into the site at the eastern side of the access, re-surfacing, and alterations to drainage. The proposals intend to segregate HGV movements from non-motorised users and to formalise the T-junction to prevent vehicle conflict and so that HGVs do not cut the corner. Existing palisade fencing would be relocated to the new boundary at the eastern edge of the access, although the western

edge would remain unfenced. In addition to the works to the access, the application also proposes to fund the provision of a new 2m wide footway to the south of Grimsbury Green along with a central refuge crossing point.

It is RECOMMENDED that planning permission for application MW.0011/21 be approved subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 1 to the report PN6.

7. Tarmac Asphalt and Concrete Batching Plant, Water Works Road, Hennef Way, Banbury, OX16 3JJ (Pages 37 - 76)

MW.0012/21: Demolition of existing concrete batching plant and stock bays and provision of new permanent aggregate storage bay area and weighbridge and associated lorry turning area and widening of internal access road;

MW.0013/21: Provision of new relocated RMX concrete plant and associated works including reconfigured storage bay area, new weighbridge, expanded car parking area and new office/welfare facility; and

MW.0014/21: Provision of temporary stock-bay area and weighbridge to accommodate additional aggregate deliveries associated with construction of HS2.

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

The report sets out three applications for the proposed redevelopment of Tarmac's existing site in Banbury. The site forms part of an operational rail head which is used for the processing, storage and distribution of aggregate, concrete, and asphalt to the local construction industry. The railhead as a whole contains an operational asphalt plant, concrete batching plant, aggregate storage bays, areas of hardstanding and car parking, office, and associated infrastructure with a total operation land-take of around 2.8ha.

It is RECOMMENDED that planning permission for application MW.0012/21 be approved subject to no objection being received from the Lead Local Flood Authority and the Environment Agency, the applicant first entering into a routeing agreement and to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 1 to the report PN7.

It is RECOMMENDED that planning permission for application MW.0013/21 be approved subject to no objection being received from the Lead Local Flood Authority and the Environment Agency, the applicant first entering into a routeing agreement and to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 2 to the report PN7.

It is RECOMMENDED that planning permission for application MW.0014/21 be approved subject to, no objection being received from the Lead Local Flood

Authority and the Environment Agency, the applicant first entering into a routeing agreement and to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 3 to the report PN7

- 8. The use of the land at New Barn Farm quarry for the importation, handling and re-sale of aggregates at New Barn Farm, Cholsey, Wallingford, Oxfordshire OX10 9HA - Application No. MW.0114/20: (Pages 77 - 98)**

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

The quarry has identified a need for the provision of a wider range of aggregate products within the local area and proposes to meet this demand by providing the local community with a wider range of aggregate products. Planning permission is therefore being sought for the importation, handling and resale of 10,000tpa of aggregates within a small section of New Barn Farm Quarry. It is anticipated that 30% of the imported aggregates would be secondary and/or recycled and would largely comprise compost soil blend with the proportion of secondary and/or recycled aggregates is expected to increase as more supplies become available.

Subject to a supplemental routeing agreement first being entered into planning permission MW.0114/20 be APPROVED subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning to include those set out in Annex 1 to the report PN8.

- 9. Relevant Development Plan and Other Policies (Pages 99 - 116)**

Paper by the Assistant Director for Strategic Infrastructure and Planning (**PN10**).

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

Pre-Meeting Briefing

There will be a virtual pre-meeting briefing on **Thursday 15 April at 11.00 am** for the Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 8 March 2021 commencing at 2.00 pm and finishing at 4.25 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 Damian Haywood
Councillor Bob Johnston
Councillor Judy Roberts
Councillor John Sanders
Councillor Richard Webber
Councillor Mike Fox-Davies (In place of Councillor Dan Sames)
Councillor Liam Walker (In place of Councillor Alan Thompson)
Councillor Richard Webber

Other Members in Attendance: Councillor Charles Mathew (for Agenda Item 7)

Officers:

Whole of meeting G. Warrington & D. Mytton (Law & Governance); D. Periam (Strategic Infrastructure & Planning)

Part of meeting

Agenda Item **Officer Attending**
7 E. Catcheside (Strategic Infrastructure & Planning); N. Mottram & H Brieth (Environment & Heritage)

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.

1/21 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS
(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Dan Sames Councillor Alan Thompson	Councillor Mike Fox-Davies Councillor Liam Walker

2/21 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE
(Agenda No. 2)

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

Councillor Johnston advised that he was acquainted with Andrew Coker one of the speakers to this item and also a member of Radley parish Council. With regard to the former he did not consider his acquaintanceship with Mr Coker prejudiced his ability to consider this item and on the latter he was not representing Radley Parish Council. Therefore he intended participating in the debate and any voting thereon.

3/21 MINUTES
(Agenda No. 3)

The minutes of the meeting held on 19 October 2020 were approved.

4/21 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Andrew Coker Richard Dudding Nick Dunn) 6. Review of the Mineral Planning) Permission (ROMP) at Thrupp) Lane & Thrupp Farm, Radley
Dan Levy Charlie Maynard Nick Relph Councillor Charles Mathew)) 7. Construction of a Park & Ride) Car Park on land west of Cuckoo) Lane and adjacent to the A40) Eynsham
Owen Jenkins Matt Stopforth))

5/21 SERVING OF THE PROHIBITION ORDER FOR THE REVIEW OF THE MINERAL PLANNING PERMISSION (ROMP) AT THRUPP FARM AND THRUPP LANE, RADLEY.

(Agenda No. 6)

The Committee considered a report (PN6) providing an update 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. The report also provided an update on progress with planning application no. MW.0075/20 for a processing plant, conveyor and Bailey Bridge for the removal of mineral extracted from part of the ROMP permission areas DD1 and DD2 and also noted that a further update would be made to the Planning & Regulation Committee on 19 July 2021.

Officers presented the report.

Andrew Coker addressed the Committee both as local resident and on behalf of other families living at Thrupp and the owner of the nearby lake off Barton Lane, Steve Clarkson.

He asked the Committee to note some corrections namely that on the maps provided to the Committee the area of the proposed gravel extraction included woodland in his ownership and Mr Clarkson's land and lake. There was no gravel there as it that had already been removed and from their records that had been extracted in 1994. Therefore, it wasn't 21 years since extraction had ceased but 27. That same date should be given for the extraction next to former lakes H and I, known locally as the Orchard Lake with gravelling ceasing in this area nearly 30 years ago.

Confusion and shifting time scales had been a characteristic of this planning blight. Whilst huge interest had been shown at times in extracting the gravel, none, apart from that in 1994, had been done and it had been a tactic to keep things ticking over whilst other sites were used. The extraction at Sutton Wick kept being extended and then, when it looked like coming to an end, the Nyatt Field became a live issue again and residents had lived with that blight. Tuckwell plan to submit a ROMP application and EIA in spring-summer 2022 but what is there to stop that timescale slipping progressively, as every past timescale seemed to have done. He asked the Committee to hold the interested companies to a strict timetable and make them abide by it.

He also asked that the company make a full disclosure of their plans as their piecemeal approach merely led to further confusion. Residents wished to know when extraction was planned to take place, how they intended to do that, what measures would be taken to protect them from noise and dust pollution and most importantly how long this was going to take and what would happen thereafter.

He pointed out that this year the Nyatt Field had flooded twice and higher than before with water in the field for over 4 weeks. If there had been an extraction hole, the water would still be there, needing to be pumped out, an extremely noisy operation for those of us living here.

A large area of woodland next to the River Thames had been removed since the Committee had met in September last year. Supposedly because it was diseased but he felt it more likely to have been in preparation for the extraction. The large timber lorries carry an enormous amount of mud from the Nyatt field onto the Sustrans pathway making it impossible for people to get through without becoming filthy. This is very disrespectful to the thousands who enjoy this walk and should be addressed by the owners of the land and their agents.

If this extraction was to take place then it needed to be in accordance with environmental best practice and with this Committee holding the companies to account at every turn.

Richard Dudding spoke on behalf of Radley Parish Council who believed that the Committee should decide now to proceed with a prohibition order for the area north of the disused railway. If that meant the order for the wider ROMP area would not be pursued, then they would, very reluctantly, need to accept that.

There remained a good case for an order for the wider area but county officers did not seem convinced and decisive new evidence was unlikely to emerge by July. Current surveys would drag on bit by bit and the Tuckwells planning application for processing could not sensibly be decided ahead of decisions on extraction of the minerals to be processed.

Rather than put things off until the July meeting the parish council believed it would be better to face these realities now and act on the one thing where the facts were clear cut namely a prohibition order for the area north of the disused railway.

The parish council could see no legal reason to prevent an order being made for part only of the ROMP area. The area was easily delineated with no complicated overlaps and was treated separately by the applicants as it fell outside their agreement. It was not covered by the current environmental surveys and was unaffected by the Tuckwells application for processing.

Most importantly the legal tests for a prohibition order for this area were clearly met:

- No mineral extraction had taken place here since 1979.
- The applicants agreed that the reserves were exhausted.
- They had made no proposal for future minerals use.

If a prohibition order was not made for this area the current minerals permissions would prevent it being restored until 2043.

So deciding now to proceed with this area, but not for the whole ROMP area, would provide greater certainty for all concerned.

For the whole ROMP area:

- it would help the Radley Lakes Trust and Parish Council with their masterplan for nature conservation and quiet recreation.

- it would help the minerals operators plan ahead commercially.
- provide a framework for considering how these objectives could best be reconciled through dialogue.

For the area north of the railway:

- it would enable OCC to get ahead with restoration requirements
- the District Council to decide on appropriate future land uses.

The Parish Council urged the Committee to decide accordingly.

Responding to Councillor Johnston Mr Dudding agreed that this needed to be resolved in order to provide a clear plan ahead.

Nick Dunn spoke on behalf of H Tuckwell and Sons. Since the September Planning Committee Tuckwells had made further significant financial investments of 10s of thousands of pounds in the ROMP Area as detailed in the Committee report. They would continue to make further significant investments over the coming 12 months, to have the ROMP Application submitted, as is common in the Environmental Impact Assessment process and were of the view that the information as submitted provided sufficient evidence of a genuine intention to extract minerals and that the Prohibition Order should, therefore, be quashed. They considered a clear timetable for work had been produced with clarity regarding operations at Sutton Wick and Radley.

They had been disappointed with the officer recommendations which only created more ongoing uncertainty and costs for both Oxfordshire County Council and Tuckwells. The officer recommendations were also flawed because the ROMP Area was not reliant on the grant of the Thrupp Lane Plant Application, as the mineral could feasibly be processed elsewhere, if the Plant Application was not granted. This was already the case with the current Planning Permissions for this area. It would, therefore, not be pertinent to consider pursuing the Prohibition Order on the land to the north of the railway line.

Tuckwells were again respectfully requesting that this ongoing uncertainty was ended and that an evidence-based decision was made to quash the Prohibition Order today rather than delaying a decision. Finally, having reviewed the representations from local residents and groups they considered these to be, in principle, the same as those rejected by the Inspector in 2014 as being irrelevant and not based on evidence.

Responding to Councillor Johnston Mr Dunn advised that the significant investment made by the company represented a genuine intention to work the material and, with regard to alleged slips in the timetables for work, emphasised that this was not an exact science and work programmes could slow down for various reasons.

Councillor Johnston advised that these issues had been ongoing since he had first been elected to the council in 1982. In his opinion the work undertaken had been minimal and he had no confidence that any timetable put forward by the company would be adhered to. He moved, with Councillor Gawrysiak seconding, that the officer recommendations as set out in the report be approved.

The motion was put to the Committee and RESOLVED (unanimously) that:

- (a) the Planning & Regulation Committee's previous conclusion from its meeting on 9 September 2019 (Minute 39/19) that mineral working on the Radley ROMP site had permanently ceased and that the duty to serve a Prohibition Order should not be rescinded but that the service of that Prohibition Order be 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 and Regulation Committee on 19th July 2021;
- (a) officers be instructed to investigate whether it was possible to serve a partial Prohibition Order should it be concluded that mineral working had permanently ceased over part but not all of the ROMP permission areas DD1 and DD2.

6/21 CONSTRUCTION OF A PARK & RIDE CAR PARK PROVIDING 850 CAR PARKING SPACES, CYCLE SPACES, MOTORCYCLE SPACES, ELECTRIC VEHICLE CHARGING POINTS, BUS SHELTERS, LANDSCAPING, EXTERNAL LIGHTING, PUBLIC OPEN SPACE, TOILETS, SEATING, FENCING, HABITAT CREATION, DRAINAGE FEATURES, NEW ACCESS FROM CUCKOO LANE, NEW ROUNDABOUT WITH ACCESS ONTO A40, AN EASTBOUND BUS LANE APPROXIMATELY 6.5KM IN LENGTH FROM THE PARK & RIDE SITE TO THE A40 BRIDGE OVER THE DUKE'S CUT CANAL, TWO SECTIONS OF WESTBOUND BUS LANE (EACH APPROXIMATELY 500M IN LENGTH), NEW SHARED USE FOOTWAY/CYCLEWAY, WIDENING OF CASSINGTON NEW BRIDGE, JUNCTION IMPROVEMENTS, NEW CROSSINGS, NEW FOOTBRIDGE ALONGSIDE CASSINGTON HALT BRIDGE, AND ASSOCIATED WORKS ON LAND WEST OF CUCKOO LANE AND ADJACENT TO THE A40, EYNHAM, WEST OXFORDSHIRE OX29 4PU - APPLICATION R3.0057/19
(Agenda No. 7)

The Committee considered (PN7) a report setting an application for the construction of a Park & Ride car park on land West of Cuckoo Lane and adjacent to the A40, Eynsham.

Officers presented the report together with an update detailing a notification from the National Planning Case Work Unit at the Ministry for Housing, Communities and local Government that a request had been received to have the application called in for determination by the Secretary of State. The case officer at the Unit had advised that they would be unlikely make a decision on whether to call in the application until a

decision had been made at local level and so officer advice to the Committee was to proceed with consideration of the application in the normal way.

Officers then responded to questions from:

Councillor Walker - access onto Cuckoo Lane and whether that would be one or two way would be a matter for the applicants to respond to. With regard to Horsemere Lane feasibility work was under way to determine the signal timing and layout of the junction at Cassington and would be taken into account as part of the closure of Horsemere Lane but the intention was that Horsemere lane would close.

Consensus was that it should be two-way.

Councillor Johnston – as the application was for works connected with the park and ride site and A40 the question whether or not this proposal compromised the future provision of a railway line between Witney and Oxford might be a matter for the applicants to respond to.

Councillor Handley – the application has been submitted with the expectation that it be determined as expeditiously as possible.

Dan Levy spoke as both a West Oxfordshire District Councillor for Eynsham Ward and also as the District Cycling Champion. Like most people, he encouraged use of public transport, and appreciated the thinking behind this scheme and while there were good things included in the plans he did not believe it should be approved.

The Park & Ride, dualling, bus lanes, etc, were designed pre-pandemic with no certainty what the levels of travelling and commuting into, for example, Oxford would be when things returned to some sort of normality. The original modelling of traffic flows had been widely criticized because of a failure to accurately determine where cars were heading beyond Wolvercote. However, even if it had been impeccable, it was certainly now outdated and it seemed unwise to use it as a basis for such a massive scheme.

Also, modelling had looked at A40 traffic rather than including the effect on other roads, such as the B4049, from traffic going to the Park and Ride nor the effect on traffic heading west on the A40, which was substantially worse than east.

The County Council had agreed a motion, brought by Councillor Mathew, to explore the transport options within the A40 corridor which might include a railway and the railway minister had suggested that such a scheme was worth exploring so surely it would be wise to consider the implications of railway provision for traffic and also whether a station ought to be part of the site plans.

He then highlighted some areas he considered required further work.

The plan included the closure of Horsemere Lane in Cassington. The County Council had promised residents of Cassington that the Eynsham Road/A40 junction would be redesigned to cope with the increased left-turning traffic. This had not been done.

The Eynsham Roundabout had not been designed to allow safe cycling from the south to join the promised cycle track along Lower Road to Hanborough Station. This would be a key crossing place for people coming to and from the Salt Cross new village. The roundabout ought to be reviewed.

The finalised entry arrangements to Salt Cross and West of Eynsham developments, neither of which yet had planning permission, hadn't been built into the plan. The amount of traffic generated by the new development was likely to be large and ought to be designed into the Park and Ride and bus lanes.

The crossing points between Eynsham and Salt Cross would be vital to the success of the new village. There would be lots of pedestrians, many of them going to school who would either have long waits to get across or the traffic on the A40 was going to be delayed. Again, when this was pointed out, it was considered irrelevant to the "discrete" P&R scheme. It was not.

Therefore, he suggested it was premature to approve this scheme and unless it was revised to be in complete coordination with the housing developments along the route, it wasn't a complete scheme. If more active travel and more bus travel was what was required then considerably more work was needed on the design.

Charlie Maynard for the Witney Oxford Transport Group advised that Carterton, Witney and Eynsham and surrounding villages represented one of the largest populations in the country not connected to the rail network. The poor transport links in the district generated many negatives including reduced access to employment and education; deterring employers from locating locally; slow, stressful and unpredictable journeys and increased pollution. The Group believed that a rail line would help West Oxfordshire and the county as whole to prosper by providing a fast corridor along which people could rapidly and sustainably move, providing West Oxfordshire residents far greater access to job and education opportunities.

The Witney Oxford Transport Group had submitted an application to the Department for Transport's Restoring Your Railways Ideas Fund on March 5th for a £50,000 grant to fund a feasibility study and would likely learn either in May or June whether that had been successful. The goal of such a feasibility study would be a Strategic Outline Business Case being completed in the third quarter of this year which would put us in a much better position to quantify and discuss the pros and cons of the project.

County and the District Councils had passed motions supportive of the rail feasibility study last November and this January with support for the bid also coming from Witney Town Council, Carterton Town Council, Eynsham Parish Council, the Lord Mayor of Oxford, the Station Commander of RAF Brize Norton, Oxford University and Grosvenor, the developer of the Eynsham Garden Village as well as expected support from England's Economic Heartland and OxLEP.

From conversations with Grosvenor, we understand that a corridor running parallel to and just north of the A40 had been set aside for future transport links and so the future park & ride station at Eynsham was the logical location for a future Eynsham

rail station, serving the existing village as well as the two future developments as a multi-modal transport hub.

He asked what actions were being taken at County level with regard to these issues and for serious consideration to be given to how a rail line could be accommodated into the plans in front of the Committee today. Recognising that the lead time on building railway lines was long a request to safeguard a route could be made now and that, in itself, would have a material potential impact on the project.

Councillor Gawrysiak asked Mr Maynard to clarify whether he supported the scheme in principle and whether the scheme compromised the rail route.

Mr Maynard replied that the plan did not take into account the rail route issue and it was logical for that to be done now in order to achieve a fast and sustainable transport option.

Nick Relph for Eynsham Parish Council advised that they considered this project a short term operational sticking plaster that would not fix the strategic problem of the A40 traffic flow (or lack of flow) at this pinch point on the network. The genesis of this project had been the potential availability of Central Government funds to improve public transport provision whereas this scheme had been designed purely to make use of such funding rather than investigate the optimal transport solution for the A40 from first principles including the option of reinstating a rail link. It was in the Parish Council's view and others, a short term, poorly designed, budget driven project that appeared to ignore all the surrounding impacts and challenges facing West Oxfordshire and the operation of the A40, going both East to Oxford, the M40 and beyond and West to the M5. The project did not demonstrate joined-up thinking in terms of local and regional transport policy and the Parish Council questioned the ability of Oxfordshire County Council to adequately challenge its own proposals when many of the issues raised during consultation including from within OCC itself had been ignored.

The County Council's Biodiversity Assessment showed it would be unable to achieve its aim of a 5% net gain in biodiversity (currently stated at -7.69 habitat units and 7.95 hedgerow units) and when both Government and OCC had declared a climate emergency this should be enough to call the project into question. To either fail to redesign the scheme or to pay Trust for Oxfordshire's Environment to offset this loss anywhere other than Cassington and Eynsham was unacceptable.

The vegetation loss associated with the development would have a significant adverse effect in landscape character and views at a local level in the short and medium-term. The Parish Council were also extremely concerned about the impact of noise, lighting and atmospheric pollution on existing and proposed nearby settlements with further negative impacts on air quality being located close to the A40 that is often close to being illegal in terms of exceeding existing air quality regulation standards.

Currently traffic slowed and queued from when the dual carriageway merged into single carriageway at Barnard Gate with traffic then trickling to the traffic lights and roundabout at Eynsham then completely backed up at the Cassington traffic lights.

The result was daily queues and congestion from Barnard Gate to Wolvercote on the western edge of Oxford where a major roundabout with traffic lights presented yet another obstacle and to that mix this project intended to add one, possibly two more roundabouts and three additional sets of traffic lights between West Eynsham and the Wolvercote roundabout. Currently some 32,000 cars passed Barnard Gate, West of Eynsham daily and the West Oxfordshire District Council Local Plan had called for 15,500 new homes by 2031 (3200 of them in Eynsham) and around 10,000 of those would directly access the A40.

It was impossible to support a project that, at best, would remove 850 cars from this mix, save those drivers 9 minutes to Oxford City Centre (OCC data) but at a cost of around £37 million in total. They did not believe that the business case stacked up. The Parish Council were also concerned about the lack of an overall strategic plan for the Salt Cross Garden Village and the West Eynsham Development area in terms of flooding and biodiversity. In addition, the loss of public amenity around Eynsham would be significant particularly if OCC approved gravel extraction to the east of the village. There were also particular concerns about the impact on Eynsham Millennium Wood adjacent to the proposed Park and Ride.

The Parish Council had major issues with respect to the design of the Park and Ride roundabout with no fourth arm to the developments in West Eynsham and no consideration appearing to be given to a pedestrian and cycle friendly “Dutch” design. They considered that the application did not support social, economic or environmental objectives that constitute sustainable development and, therefore, was contrary to the National Planning Policy Framework 2019 and policies of West Oxfordshire District Council Local Plan and Eynsham Neighbourhood Plan and for the reasons given Eynsham Parish Council had written to the Secretary of State for Ministry for Housing, Communities and Local Government asking that he call in the proposal for determination.

The Committee support officer then reported two statements from:

Hugh Thomas, Chair of Cassington Parish Council.

“In 2019 the County Council’s Cabinet Member for Environmentat deferred a decision to close Horsemere Lane to allow mitigation work at the Cassington Lights to be considered. Cassington had 3 means of access and the closure of Horsemere Lane would have reduced that to 2 and given that in the morning rush upwards of 500 vehicles used Horsemere Lane that would have increased volumes on other roads. In the morning access from Cassington on to the A40 was very busy so the possibility of taking more traffic would make leaving Cassington by this main access very time consuming.

The Parish Council, with its County Councillor Charles Mathew, requested that consideration be given to putting a slip road onto the A40 east together with changes to the lights. Changes to the lights would mean introducing a left filter on to the A40 east which would coordinate with the right filter on the access into Cassington on the A40 west. This would have utilised a time when traffic from Cassington going A40 would have been sat waiting to access the A40 both west and east. These proposals

have time and time again been put forward but neither proposal has been considered or reason given for not being included in the planning document.

That was completely unacceptable and confirmed that the consultation process was flawed. The Parish Council would be submitting further comment on the application by the date shown on the application but were still trying to understand how a decision was being taken on whether to go ahead before that date and would be recording its disapproval of the whole application. The scheme would do nothing to alleviate the volumes of traffic using the A40 and they believe that other options should be examined not least the railway option and it was time for a wider plan.”

Goldfield Estates Ltd and Pandora Properties Ltd (Jansons Property)

“Jansons control an 8ha area of land known as Derrymerrye Farm and the Long Barn on Old Witney Road in Eynsham. The land, in the majority, formed part of the West Eynsham Strategic Development Area (SDA) allocated for development within Policy EW2 of the West Oxfordshire Local Plan and was, therefore, directly affected by the proposed Park & Ride scheme.

Jansons supported the principle of the proposed Park & Ride which would provide an important and sustainable transport hub for journeys to and from Oxford City alleviating the congestion issues currently experienced on the A40. Jansons had discussed with both the applicant, highways authority and district officers the need to design development at Eynsham comprehensively, especially in light of the WYG West Eynsham SDA Access Strategy report which identified that adding a fourth arm to the proposed Park & Ride roundabout represented the preferred access strategy for the SDA and would not cause any material delay or queuing at the junction. Therefore, Jansons welcomed the revised proposals submitted in November 2020 which addressed earlier concerns, in particular, the consideration of the fourth arm to the SDA as part of the revised proposal, which demonstrated that access to the SDA would not be prejudiced.

Jansons encouraged members to approve the revised plans to allow delivery of the proposals expediently but to ensure that development at Eynsham was comprehensively designed, and safe and secure access to the Park & Ride was provided for all users, requested that the following planning conditions be attached to any consent:

Should development at West Eynsham SDA receive planning permission before commencement of the Park & Ride, an internal layout review should be undertaken prior to commencement of the Park & Ride development to allow consideration for pedestrian and cycle routes and linkages between the proposed fourth arm of the Park & Ride roundabout and the proposed Park & Ride bus stops and facilities, including cycle parking.

Prior to signing off the detail design of the Park & Ride roundabout, confirmation should be provided to the Director of Highways and Transport Operations that any changes made to the design of the Park & Ride roundabout did not prejudice the delivery of a fourth arm to the West Eynsham SDA.”

County Councillor Charles Mathew expressed his disappointment at the lack of communication and consultation over the last six months. The A40 carried some 32,000 vehicles a day and was consistently a long queue in normal times from Curbridge to Wolvercote. This included some 40-50 per cent of through vehicles to Headington and East to London from Wales, Herefordshire, Worcestershire and Gloucestershire and would also account for new and planned expansion there. He had major concerns over Oxfordshire County Council being judge and jury on this application and owning all the land as well. This did not make residents comfortable nor the project transparent especially as proper consideration to alternative options had been lacking and the mention in the agenda to many belies the facts and talks conflict of interest. Recently a significant consultation on this scheme was announced on February 25 running through to April 3 so how this Committee could be asked to make a decision prior to the completion of that consultation period was wrong and should not happen in the interests of democracy.

The loss of 19 per cent of trees and 56 per cent of hedges was not acceptable and he asked for a thick belt of trees round the whole Park and Ride site to alleviate this deficit and deaden the noise for local residents in Cassington and Eynsham.

Lighting at the site was a concern in a residential area and he presumed that Dark Skies would be practised. Similarly, arrangements covering working at night were not explicit.

More than twelve barriers/obstructions including traffic lights, roundabouts and crossings to flow were planned along 3 and a half miles of the A40 between Wolvercote and the Park and Ride.

An estimated biodiversity loss of 19.91 habitat units was a devastation to the local environment and compensation must be made to the local area/sources (like the Nature Recovery Network at Eynsham) and directions given to the brokers like TOE to ensure that happened.

Train space must be given for future use, as outlined by the Witney to Oxford Transport Group. Current measures were by admission short term and long term thinking was needed to ensure value for money. Clearly the Park and Ride provision for 850 vehicles scarcely dented the daily figure of 32,000 and he was sceptical as to the viability and effectiveness of this project.

The future of Horsemere Lane was first discussed in January 2015 and Cassington Parish Council conducted a survey, which overwhelmingly supported the closure of this Restricted Byway not open to motorised traffic, which had become a rat run often in both directions illegally. As highlighted by the Chairman of Cassington Parish Council a decision on that had been deferred until the matter of a slip road at the Cassington Lights had been discussed, in order to avoid further build-up of traffic. Despite persistent requests to advance that nothing had been heard until last Thursday when an email had been received that the existing arrangement was satisfactory. That had taken eighteen months and the matter remained extant.

He asked that a decision be deferred to allow the applicant and the Cassington and Eynsham Parish Councils to hold further discussions on these plans and for

fortnightly meetings, as had happened with the Wolvercote and Cutteslowe roundabout project, during the construction to iron out any concerns between local residents and the developers/applicants.

Owen Jenkins for the applicants outlined the detail of the scheme for the construction of an 850 space park and side site and bus lane eastbound towards Oxford together with two sections of westbound bus lane, junction improvements, upgrading of pedestrian and cycling facilities, widening of Cassington New bridge and a new footbridge at Cassington Halt. The demands on the A40 were well documented with demand exceeding capacity in certain areas with up to 32,000 vehicles per day between Witney and Eynsham leading to congestion and increasing journey times for all road users including bus services. That pressure would increase significantly as a result of plans for housing development of 10,000 houses along the A40 corridor. There was a real and clear need for this scheme, which would also complement other schemes planned for the A40, in order to reduce journey times and congestion, support economic growth in Eynsham and encourage active travel by increasing walking, cycling and public transport provision. Revised proposals submitted in 2020 had included greater flood risk mitigation measures, increased connectivity for bus travel, pedestrian and cycle access and biodiversity enhancement and landscaping modifications. He accepted that it would not solve all the issues but it would start to address capacity issues and he urged that the application be approved without delay so that residents were able to see its benefits.

Matt Stopforth added that it was a comprehensive and robust application and following consultation with stakeholders the design had evolved in response to the comments received. He emphasised that it was crucial to help address congestion problems and support investment and growth.

They then responded to questions from:

Councillor Johnston - did the scheme preclude or impinge on a railway option?

Owen Jenkins – he did not believe that it did nor should it prevent any future investment in a rail route. The A40 was a strategic road and the improvements outlined here related to its status as such and did not prevent future investment in rail infrastructure.

Councillor Gawrysiak – in view of the figures quoted in various presentations of 32,000 vehicles wasn't 850 spaces just a sticking plaster and what was the lead time for a railway option?

Owen Jenkins – the figure of 32,000 was correct but with a further 10,000 new homes proposed along the route from various developments they were trying to prevent extra vehicles which would tip the balance from a congested route to an overly congested route. He reiterated this was not the full solution but it would help and with further upgrades on this route this application was the first step. Regarding the lead in time for a rail option he was unable to give a precise timeline for that but it would likely be many years whereas this scheme would be up and running in the short term adding that these two things should not be seen as exclusive and not a choice between one or the other.

Councillor Handley – why not wait until the Autumn and review all options together?

Owen Jenkins – I cannot comment on the West Oxfordshire Local Plan issues but it would be beneficial to get this infrastructure in line with or even before planned housing development to be there to help relieve the pressure that would bring. We are trying to get the infrastructure in place in advance of some of the developments to relieve the pressure.

Councillor Fenton – as the consultation didn't end until mid-April why was it before Committee now?

David Periam clarified that the consultation currently running to April 3 referred to additional environmental information mainly related to arboriculture and under EIA regulations I took the view that that needed to be publicised. It was not expected that that would bring forward any major material consequences responses and what Committee had in front of it now addressed the major issues.

Councillor Sanders – were any other sites proposed to help promote alternative modes of transport through Active Travel?

Owen Jenkins – there was nothing else at the planning stage for another park and ride to the west of Oxford although there were proposals for significant improvements for cycling and pedestrian facilities. The bus lanes would make bus use more attractive.

Responding to Councillor Gawrysiak Emily Catcheside confirmed there would be a loss of trees along the A40 to facilitate the bus lane but the applicant was proposing to retain wherever possible and undertake some replanting but there was likely to be a loss overall. Further detail would be required on that. Lighting provision would be secured through condition for the park and ride site and roundabouts and no lighting was proposed along the A40. Light spill would be included within the site with provision to include proposals for dimming and switching off at night.

Councillor Walker as a West Oxfordshire resident supported the scheme as part of a long-term plan. He had been sceptical in the past and while accepting it was not the perfect solution felt the onus had changed and it was a good opportunity to undertake the scheme now. Rail provision would take some years to realise.

Councillor Fenton took a similar line and while the scheme was not perfect it was a start and if we waited until everything was perfect we would not make any progress at all. He was pleased that this project did not prevent other schemes such as the rail option although he remained concerned about biodiversity issues and was pleased that there were mitigation plans for replanting to offset losses. Getting cars off roads was a good thing and he saw this a step in the right direction.

Questioning the timing of this application and with so much of this application undecided Councillor Handley moved that Application R3.0057.19 be deferred. Councillor Haywood seconding.

Responding to the Chairman David Mytton clarified to members that the Committee could defer for a specific reason and for a specific period say to the next meeting but not reasonably for longer.

Mr Periam added that this application needed to be considered on its merits and if it was to be deferred it should only be for one meeting and if refused specific reasons would be required. It should not be deferred pending the committee's consideration of a further planning application which may contain some elements of the same development, which the applicant had advised may be submitted in the autumn of 2021 which would be unlikely therefore, in his opinion, to be reported to the committee for determination until sometime in 2022.

Responding to Councillor Haywood Emily Catcheside clarified that the Secretary of State would not normally make a decision on whether or not to call this in until a decision had been made locally.

Having regard to that advice Councillor Haywood withdrew as seconder of Councillor Handley's motion. There was no other seconder and so the motion fell.

Councillor Fenton then moved with Councillor Walker seconding that Application R3.0057.19 be approved.

Councillor Gawrysiak accepted that while not perfect it represented a step in the right direction and so with tree provision and lighting conditioned he supported the motion.

Councillor Haywood considered the rail link of paramount importance and his concern was that provision for that could be prejudiced or delayed because of this provision so could not support the motion.

The motion was then put to the Committee and **RESOLVED** (by 11 votes to 1 with one abstention) that subject to the satisfaction of the Assistant Director of Strategic Infrastructure and Planning in consultation with the Committee Chairman and Deputy Chairman that following the end of the current consultation period no new material considerations had arisen that planning permission for R3.0057/19 be approved subject to conditions to be determined by the Assistant Director of Strategic Infrastructure and Planning, to include those set out in Annex 1 to the report PN7.

..... in the Chair

Date of signing

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Division Affected – Banbury, Grimsbury & Castle

PLANNING AND REGULATION COMMITTEE

19 April 2021

Widening and upgrading of existing site access onto Waterworks Road (Grimsbury Green) and highway improvement works to Waterworks Road/Grimsbury Green

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Mary Hudson **Tel:** 07393 001 257

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

OCC Application No: MW.0011/21
CDC Application No: 21/00350/CM

District Council Area: Cherwell

Applicant: Tarmac Trading Ltd

Application Received: 13 January 2021

Consultation Periods: 1 February 2021 – 25 February 2021
25 March – 17 April 2021

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

Executive Summary

1. The report sets out the proposed development for which planning permission has been applied under applications no. MW.0011/21. Having considered the proposals against the development plan and other material considerations

including consultation responses and representations received it is recommended that subject to conditions that the application be approved.

PART 1- FACTS AND BACKGROUND

Site & Setting (See Plan 1)

1. The application site is situated in the north east of Banbury, approximately 1.3km to the north of Banbury town centre and approximately 1km to the west of Junction 11 of the M40 motorway. It takes access from the A422 Hennef Way via Water Works Road also known as Grimsbury Green, which is a no-through road. The A422 Hennef Way provides a direct route between the site and Junction 11 of the M40. Hennef Way is a designated Air Quality Management Area (AQMA) due to NO₂ exceedances.
2. The site forms part of an operational rail head which is used for the processing, storage and distribution of aggregate, concrete, and asphalt to the local construction industry. The railhead as a whole contains an operational asphalt plant, concrete batching plant, aggregate storage bays, areas of hardstanding and car parking, office, and associated infrastructure. In total, the operation has a land-take of around 2.8ha. It is bordered to the east by the Birmingham to Oxford railway line and the Wildmere Industrial Estate, to the south by Grimsbury Green and Hennef Way, and to the north by land owned by Network Rail. The River Cherwell and its flood plain lie to the west of the site along with Grimsbury Reservoir, the Water Works, and the Oxford Canal. A public footpath follows the route of Grimsbury Green, connecting the Oxford Canal Walk and Spiceball Park to residential areas to the south and east. The Oxford Canal Walk follows the route of the canal to the west of Grimsbury Reservoir.
3. The nearest residential properties are located circa 150 metres to the south on the other side of Hennef Way. There is also a small group of dwellings on Meads Farm Lane to the east of the site, on the other side of the railway line, also at a distance of approximately 150m.
4. The application area for planning application MW.0011/21 comprises 780 square metres of land at the site access off Grimsbury Green and additional adjacent land on the public highway at the site access.
5. The nearest designated ecological site is Fishponds Wood Local Wildlife Site in Hanwell, which is approximately 2.3km to the north east of the application site.
6. Grimsbury Manor, a Grade II listed building, is located approximately 170m to the south east of the site.

Planning History

7. Permission was originally granted for an asphalt plant at the railhead in 1993 under planning permission no. CHN.45/90. This permission was subject to a routeing agreement dated 26 October 1992, which prohibits heavy goods vehicles (HGVs) accessing or leaving the site from using any routes other than the A422 Hennef Way, M40, A423 Southam Road, B4100, A4260 Concorde

Avenue, and the A361. The site currently operates under a different consent, issued with the same reference number CHN.45/90 granted in 2003. The 2003 consent was issued following a Section 73 application on the original consent which extended the operating hours.

8. The concrete batching plant at the site was originally granted under planning permission CHN.550/93, which has since been superseded by planning permission 02/02553/CM.
9. Neither of the current permissions governing the site include a limitation on HGV movements.
10. In 2018, two applications were submitted to the County Council for determination (application reference numbers MW.0116/18 and MW.0117/18). The first sought permission for the temporary use of a new site to the west of the existing site as a rail unloading and aggregate storage and distribution facility, and the second sought to vary the conditions on the extant permission to allow operations at any time of day and night and to amend the site layout. Both applications were withdrawn in 2019.
11. In 2020, application MW.0026/20 was submitted, which sought permission for revisions to the asphalt plant layout, widening and upgrading of the site access onto Grimsbury Green, relocation of the concrete batching plant, provision of an aggregate storage and rail unloading facility and associated development to enable to the site to provide construction materials to the High Speed 2 (HS2) rail project. This application was due to be determined by the Planning & Regulation Committee at its meeting on 20 July 2020. However, the application was withdrawn prior to the meeting taking place.

Current Applications

12. Four planning applications have been submitted to the County Council in relation to the existing railhead facility at Banbury. This report covers application (MW.0011/21) which relates to the access into the existing site.
13. A separate report covers the other three applications, which seek consent for interlinked parts of the same overall development at the site.
14. In brief, this application seeks permission for the following:
 - **MW.0011/21:** Widening of the site access onto Grimsbury Green and off-site highway works. This would be a permanent development relating to the existing facility. It could be implemented without the other developments.
15. The other applications covered by a separate report seek permission for:
 - **MW.0012/21:** Removal of existing concrete batching plant and storage bays at the northern end of the existing facility and replacement with

storage bays, weighbridge, and vehicular circulation areas. This would be a permanent development, although the storage bays would also be used temporarily to serve the HS2 contract.

- **MW.0013/21:** Erection of new concrete batching plant adjacent to the existing asphalt plant at the southern end of the existing facility, new office/welfare buildings, enlarged car park, and re-configured stock bay area. This would be a permanent development.
- **MW.0014/21:** Erection of temporary stock bays and weighbridge on land to the north of the existing facility for a 5-year period. This is a temporary proposal to serve the HS2 contract.

Details of Proposed Development

16. The application seeks permission to widen and upgrade the existing site access onto the public highway at Grimsbury Green, including the provision of a new footpath into the site at the eastern side of the access, re-surfacing, and alterations to drainage. The proposals intend to segregate HGV movements from non-motorised users and to formalise the T-junction to prevent vehicle conflict and so that HGVs do not cut the corner. Existing palisade fencing would be relocated to the new boundary at the eastern edge of the access, although the western edge would remain unfenced.
17. In addition to the works to the access, the applicant also proposes to fund the provision of a new 2m wide footway to the south of Grimsbury Green along with a central refuge crossing point. The applicant states that, in combination, the highway works and the access improvements would improve general visibility and pedestrian safety and are required to support the existing development as well as future proposals at the site, and is therefore permanent.
18. The proposed widening works would result in the removal of 92m² of broadleaved woodland plantation adjacent to the existing entrance. The applicant proposes to undertake additional scrub clearance and native tree and shrub planting in this area. The amended application states that there would be an overall net loss of 0.2 biodiversity units. The landscaping works would be undertaken outside of the application boundary but within land under the control of the applicant. Additionally, it is proposed that six bat boxes, three bird boxes, and one insect log pile would be installed. An Ecological Management Plan has been submitted with the application documents to set out how the woodland and new planting would be implemented and managed in the longer term.

Amended Application

19. Following the first period of consultation, the applicant amended the plans to address objections raised by Transport Development Control. The application area was expanded to include the proposed off-site highway improvement works to Grimsbury Green. The amended application includes increasing the

width of the footpath to 1.8m where it runs along the eastern side of the access and into the site.

PART 2 – OTHER VIEWPOINTS

Consultation Responses

20. The full text of the consultation responses can be seen on the e-planning website¹, using the reference MW.0011/21. These are also summarised at Annex 2 to this report.

Representations

21. 11 third-party representations were received in relation to the overall proposed development at the site covered by the four applications. All of the representations raised objections to the development and are summarised at Annex 3 to this report. The issues raised are covered in the main body of this report.

PART 3 – RELEVANT PLANNING DOCUMENTS

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

22. 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

23. The Development Plan for this area comprises:
- Cherwell Local Plan 2001-2031 (CLP)
 - Cherwell Local Plan 1996 Saved Policies (CLP 1996)
 - Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies) (OMWLP)

Other Policy Documents

24. Other documents that are relevant to determining this application include:
- National Planning Policy Framework 2019 (NPPF)

¹Click here to view applications [MW.0011/21](#)

- National Planning Practice Guidance (NPPG)
- Banbury Vision and Masterplan SPD (December 2016)

Relevant Development Plan Policies

25. The CLP policies most relevant to the consideration of this application are:

- Policy PS1: Presumption in Favour of Sustainable Development
- Policy SLE4: Improved Transport and Connections
- Policy ESD1: Mitigating and Adapting to Climate Change
- Policy ESD7: Sustainable Drainage Systems (SuDS)
- Policy ESD8: Water Resources
- Policy ESD10: Protection and Enhancement of Biodiversity & the Natural Environment
- Policy ESD11: Conservation Target Areas
- Policy ESD13: Local Landscape Protection & Enhancement
- Policy ESD15: The Character of the Built & Historic Environment
- Policy ESD16: The Oxford Canal

26. The CLP 1996 policies that are most relevant to the consideration of this application are:

- Policy C28: Layout, Design & External Appearance

27. The OMWCS policies most relevant to the consideration of this application are:

- Policy M9: Safeguarding Mineral Infrastructure
- Policy C1: Sustainable Development
- Policy C2: Climate Change
- Policy C3: Flooding
- Policy C4: Water Environment
- Policy C5: Amenity
- Policy C7: Biodiversity and Geodiversity
- Policy C8: Landscape
- Policy C10: Transport
- Policy C11: Rights of Way

28. There are no relevant saved policies from the OMWLP that are relevant to the consideration of this application.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

29. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy PS1 of the CLP and C1 of the OMWCS. 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.

30. The key planning policies are set out above and discussed below in accordance with the key planning issues.
31. The key planning issues are:
 - i. The Principle of the Development
 - ii. Traffic and Rights of Way Impacts
 - iii. Amenity
 - iv. Landscape & Visual Effects
 - v. Biodiversity
 - vi. Flooding & Drainage

The Principle of the Development

32. The site which this access relates to is safeguarded under Policy M9 of the OMWCS which states that existing and permitted infrastructure that supports the supply of minerals is safeguarded against development that would unnecessarily prevent the operation of the infrastructure or would prejudice or jeopardise its continued use by creating incompatible uses nearby. The proposal would improve the access to this safeguarded site.
33. Subject to the consideration of the detailed aspects of the proposal against development plan policy, including impacts on the local environment and amenity, members are advised that the application is acceptable as a matter of principle.

Traffic and Rights of Way

34. Policy C10 of the OMWCS states that mineral development will be expected to make provision of 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 road users including pedestrians, the efficiency and quality of the road network, and residential and environmental amenity including air quality. It also states that, where practicable, mineral development should be located, designed and operated to enable the transport of minerals by rail, water, pipeline or conveyor. Developments that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, including mitigation measures where applicable.
35. Policy SLE4 of the CLP supports a modal shift in travel and provides support for key transport proposals including transport improvements at Banbury. Amongst other things it states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact, will not be supported. It requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling.

36. This application relates to improvements to the access junction and does not in itself propose any additional vehicle movements and as set out above, under the existing permissions there is no limitation. The HGV movements associated with the proposed developments within the site are covered in the report addressing applications MW.0012/21, MW.0013/21 and MW.0014/21.
37. OCC Transport Development Control originally objected to this application, due to concerns about the proposed width of the footpath. These concerns were addressed through the submission of amended plans and Transport Development Control have confirmed that they have no objections to this application.
38. Transport Development Control have confirmed that it is not necessary for these proposed highway and access works to be carried out prior to the developments proposed under applications MW.0012/21, MW.0013/21 and MW.0014/21 being implemented should they be granted planning permission. Therefore, it is not necessary to add any conditions controlling the timing of the delivery of the works.
39. The applicant will need to enter into a section 278 agreement to undertake works to the public highway. This can be dealt with separately.
40. The proposal is in accordance with relevant development plan policies relating to transport, including OMWCS policy C10 and CLP policy SLE4.
41. OMWCS policy C11 states that improvements and enhancements to the rights of way network will generally be encouraged. The proposal would improve provision for pedestrians along an existing public right of way, in accordance with OMWCS policy C11.

Amenity

42. OMWCS policy C5 states that proposals for minerals development shall demonstrate that they will not have an unacceptable adverse impact on residential amenity.
43. The proposals contained within this application relate only to access improvement works. It is not anticipated that these would cause any amenity impacts. The development is considered to be in accordance with OMWCS policy C5.

Landscape & Visual Impact

44. Policy ESD13 of the CLP expects opportunities to be sought to secure the enhancement of the character and appearance of the landscape through the restoration, management or enhancement of existing landscape features or habitats, including the planting of woodlands, trees and hedgerows. Taken

together, policies C8 of the OMWCS, ESD15 of the CLP and C28 of the CLP 1996 expect new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design.

45. Policy ESD16 of the CLP seeks to protect and enhance the Oxford Canal corridor. Proposals which would be detrimental to its character or appearance will not be permitted.
46. The proposals would result in the loss of some vegetation which currently screens the site from the road. However, some vegetation is to be retained and additional planting is proposed. The OCC landscape officer has no objections to the proposal subject to the development being carried out in accordance with the submitted drawings and the necessary conditions to secure this.
47. It is not considered that the proposal would have any impacts on the setting of the Grade II listed building 170 metres from the site.
48. The development is in accordance with policies relating to visual impact and landscape, including OMWCS policy C8, CLP policy ESD15 and CLP 1996 policy C28.

Biodiversity

49. Policy ESD10 of the CLP supports the protection and enhancement of biodiversity and the natural environment including through seeking a net gain in biodiversity, protection trees, and the incorporation of features to encourage biodiversity. Where development is proposed within or adjacent to a Conservation Target Area, biodiversity surveys are required by Policy ESD11 of the CLP. The objectives of these policies are complemented by policy C7 of the OMWCS.
50. The Ecology Officer has no objection to the proposals, subject to a condition to ensure that the development is carried out in accordance with the Ecological Management Plan submitted.
51. This application is considered to be in accordance with policies ESD10 and ESD11 of the CLP and policy C7 of the OMWCS.

Flooding & Drainage

52. Policies C2 of the OMWCS and ESD1 of the CLP expect measures will be taken to mitigate the impact of development within the district on climate change. Measures will include consideration of location and design approaches that are resilient to climate change, minimising the impact on flooding and reducing effects on the microclimate. Policy ESD2 of the CLP and policy C3 of the OMWCS require development to take place in areas with the lowest probability of flooding wherever possible. Policy ESD7 further states that all development will be required to use sustainable drainage systems for the management of surface water run-off.

53. Policies C4 of the OMWCS and ESD8 of the CLP resist development proposals which would adversely affect the quantity or quality of water resources.
54. Alterations are proposed to the drainage as part of the proposals. There had been no response to the consultation from the Lead Local Flood Authority at the time of drafting the report, however, an update will be provided to committee.

Financial Implications

87. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

88. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

89. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusions

90. Subject to the conditions listed in Annex 1, the development is considered to be in accordance with the development plan. It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

It is RECOMMENDED that planning permission for application MW.0011/21 be approved subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 1.

RACHEL WILEMAN

Assistant Director for Strategic Infrastructure and Planning

April 2021

Annex 1 – Conditions

1. Time limit for commencement
2. Development to be carried out in accordance with approved drawings and details
3. Development to be carried out in accordance with approved Ecological Management Plan.
4. Implementation of additional planting as shown on Site Layout Plan
5. Retention and protection of existing vegetation screen.

Annex 2 – Consultation Responses Summary

Cherwell District Council – Planning and Environmental Protection

1. No Objections providing the proposals are assessed as being safe from a highway safety and access point of view. The comments from OCC as the Highway Authority should be taken fully into account in this respect. Cherwell District Council would request that conditions are imposed in relation to the access arrangements as recommended by the Highway Authority and to secure a landscaping scheme.

Banbury Town Council

2. In light of the Town Council's objections to MW.0012/21, MW.0013/21 and MW.0014/21 these works are considered unnecessary.

Councillor Banfield

Comments made jointly in relation to four applications: MW.0011/21, MW.0012/21, MW.0013/21 & MW.0014/21

3. If these applications are granted, I have grave concerns for the health of my constituents that have homes located just 250 meters away from this Tarmac plant. I'm also gravely concerned for my constituents that have homes next to Hennef Way as their small back gardens back directly onto this highly polluted dual carriageway which in 2019 had Nitrogen Dioxide readings that were double the safe and legally recommended limit and Hennef Way was the most polluted location in the whole of Oxfordshire.
4. If granted the HGV movements on Waterworks Road, are going to increase from a daily total of 80 in 2020 to a daily total of 348 HGV movements and they all have to drive through Waterworks Road and enter on to Hennef Way. Not to mention the extra noise and dust pollution this plant would generate if they are able to secure their planning permission. I have serious safety concerns for the many pedestrians and cyclists that I have recently witnessed using Waterworks Road and the Tarmac plant has in my opinion inadequate parking facilities for the heavy goods vehicles that would be entering and leaving their site and insufficient overnight, onsite parking for such vehicles. Which will lead to heavy goods vehicles being parked overnight within residential streets.
5. I have found the Highways Report written by David Tucker which was commissioned and paid for by Tarmac to be very misleading. In this report, they write that the Banbury Tarmac plant is going to turn away their long-term and trusted business customers and run their plant at a reduced capacity just to serve their short-term HS2 custom. But if this is true because why have Tarmac asked for within application number MW.0014/21 – Provision of new temporary stock-bay area and weighbridge to the north of the existing site. This would be for a temporary period (circa 5 years) to support the increased capacity needed to serve the HS2 contract. At the end of the temporary period, the site would be restored. The important words within that paragraph are (to support increased capacity needed to serve the HS2 contract. It would be incredibly naive of us to

think that any business would not want to expand their plant and thus increase their capability to supply both their long-term business contracts and their new business contracts.

6. Furthermore, this David Tucker Highways report writes in paragraph 3.6 that if grating the HGV traffic from their site would be less than the 410 daily total which is often generated from the site now. I can say that I have in the last few weeks visited this location in my vehicle and parked up and physically counted the HGV traffic both entering and exiting this site and at no point did I witness the numbers of vehicles needed to reach the 410 daily total. They also stated within their report that (It can be seen that the overall expected use of the site will be lower than the existing fall-back position of the capacity of the site and therefore no further assessment is deemed necessary.). This is just not true and so air pollution impacts on both Hennef Way and Waterworks Road and their surrounding residential streets should be fully investigated within a comprehensive air pollution assessment report and published for all to read.

OCC Transport Development Control

7. Final Response – No objection. The amended documents show an acceptable provision of the footpath that leads to the site, addressing the previous concern. A Section 278 agreement will be required to allow the developer to make the changes to the public highway.
8. Initial Response - Object. The proposed widened access arrangements were previously agreed in principle with the County Council from a separate planning application. However, my observation which is also the basis for this objection (on highway safety grounds) is the substandard width of the proposed footpath along the eastern side of the access. The proposed footpath is noted to be 1m wide – an unacceptable provision. The desirable width of footpaths is 2m whilst 1.8m is considered to be the absolute minimum required. The applicant needs to revise this accordingly. I would also recommend that a tracking exercise is carried out for the type of vehicles that are likely to be generated by the site, i.e. up to 16.4m articulated lorries and 12m rigid trucks. Until these details have been submitted, I find the application proposals insufficient to warrant TDC support from a highway safety and traffic movement point of view.

OCC Rights of Way

9. Other than welcoming better provision for pedestrians there's no other comment to make.

Public Health England

10. No objection

OCC Public Health

11. The recommendations made by PHE also constitute the consultant's advice.

OCC LLFA

12. No response received at the time of drafting the report.

OCC Ecology

13. Final Response – No objection, subject to a condition to ensure that the development is carried out in accordance with the Ecological Management Plan submitted.

14. Initial Response - Overall I have no significant concerns with this, however the document supplied regarding BNG is using an outdated calculator. The TVERC calculator that has been used has been withdrawn, so all calculations need to be done using the Defra 2.0 version.

OCC Landscape Advisor

15. The widening of the access into the site will require the loss of some structural vegetation on the eastern side of the entrance increasing the visibility of the operations within the site from Grimsbury Green. Despite this I consider the application acceptable subject to:

- the existing vegetation on the west side of the entrance to be retained as stated in the Landscape and Visual Appraisal (LVA), and
- additional / improved planting be introduced as indicated on the Site Layout Plan.

Both these aspects can be dealt with via conditions (wording suggested in response)

Network Rail

16. No objection.

Annex 3 – Summary of Representations

- Noise pollution, including in the early mornings
- Air Quality, pollution & dust
- Health impacts including mental health
- Light pollution
- Traffic congestion
- Highway safety
- Safety of pedestrian and cyclists
- Impact on recreational areas including the reservoir
- Impact on birds, wildlife and biodiversity
- The loss of woodland habitat
- Overnight parking of HGVs outside of the site
- General opposition to HS2
- HGVs blocking visibility on the highway for vehicles and pedestrians
- Damage to the highway through broken road surface and eroded signs

Note – Most representations were received jointly in relation to the four applications submitted – MW.0011/21, MW.0012/21, MW.0013/21 and MW.0014/21 and therefore not all points are relevant to the specific proposals contained in this application.

Annex 4 - 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.

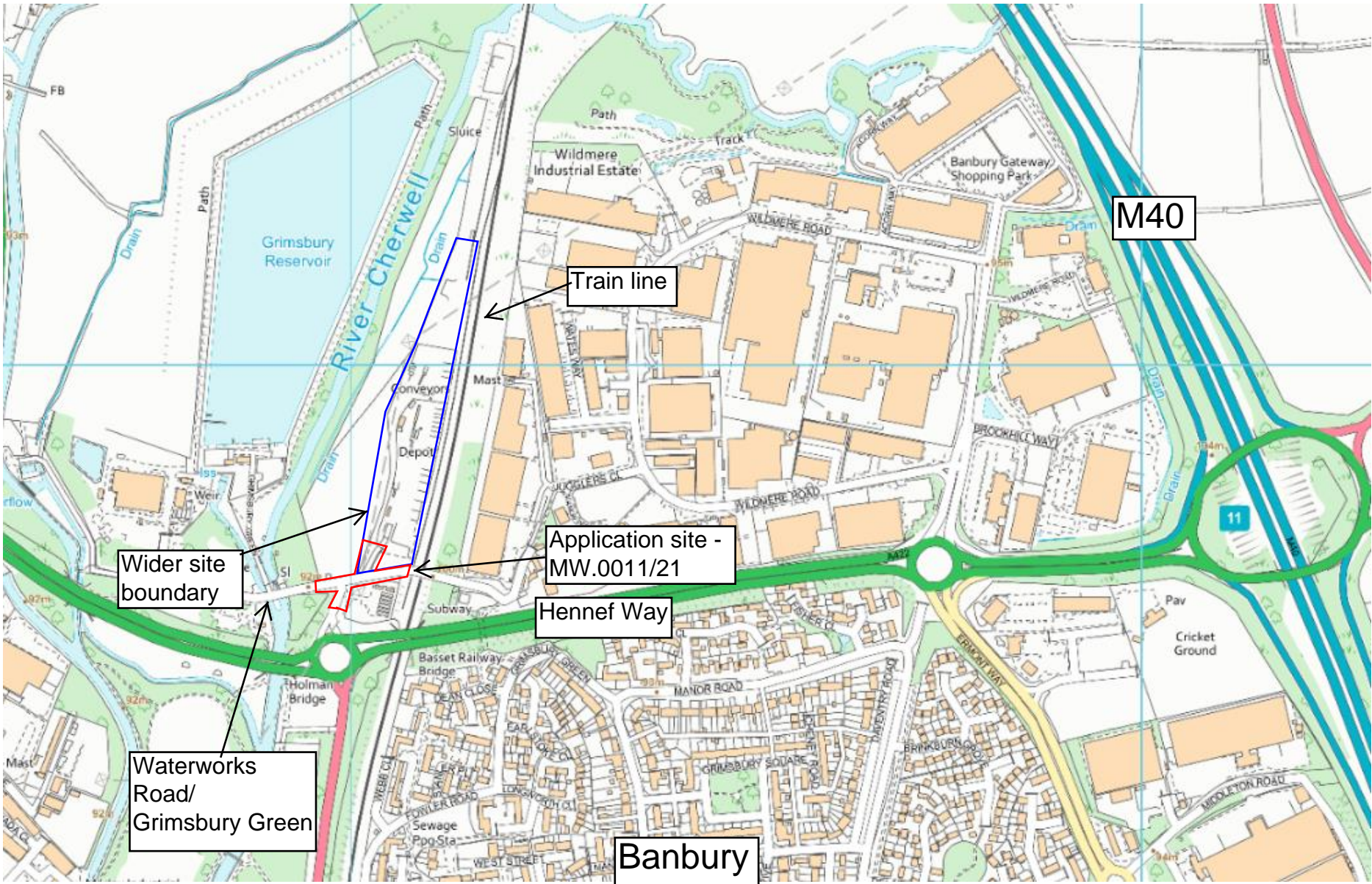
Our records, survey results and consideration of the habitats within the site area indicate that, with appropriate mitigation, European Protected Species are unlikely to be harmed as a result of the proposals.

Annex 5 - 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 this case the applicant was provided the opportunity to respond to objections and concerns raised by consultees.

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Division Affected – Banbury, Grimsbury & Castle

PLANNING AND REGULATION COMMITTEE

19 April 2021

Application 1: Demolition of existing concrete batching plant and stock bays and provision of new permanent aggregate storage bay area and weighbridge and associated lorry turning area and widening of internal access road.

Application 2: Provision of new relocated RMX concrete plant and associated works including reconfigured storage bay area, new weighbridge, expanded car parking area and new office/welfare facility

Application 3: Provision of temporary stock-bay area and weighbridge to accommodate additional aggregate deliveries associated with construction of HS2

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Mary Hudson **Tel:** 07393 001 257

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

Application 1: OCC Application No: MW.0012/21
CDC Application No: 21/00351/CM

Application 2: OCC Application No: MW.0013/21
CDC Application No: 21/00352/CM

Application 3: OCC Application No: MW.0014/21
CDC Application No: 21/00353/CM

District Council Area: Cherwell

Applicant: Tarmac Trading Ltd

Applications Received: 13 January 2021

Consultation Period: 1 February 2021 – 25 February 2021

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

Executive Summary

1. The report sets out the proposed development for which planning permission has been applied under three separate applications nos. MW.0012/21, MW.0013/21 and MW.0014/21. These applications cover various aspects of the redevelopment of Tarmac's existing site in Banbury. Having considered the proposals against the development plan and other material considerations including consultation responses and representations received it is recommended that subject to the applicant entering into a routeing agreement and to conditions that the applications be approved.

PART 1- FACTS AND BACKGROUND

Site & Setting (See Plans 1, 2 and 3)

2. The application site is situated in the north east of Banbury, approximately 1.3km to the north of Banbury town centre and approximately 1km to the west of Junction 11 of the M40 motorway. It takes access from the A422 Hennef Way via Water Works Road also known as Grimsbury Green, which is a no-through road. The A422 Hennef Way provides a direct route between the site and Junction 11 of the M40. Hennef Way is a designated Air Quality Management Area (AQMA) due to NO₂ exceedances.
3. The site forms part of an operational rail head which is used for the processing, storage and distribution of aggregate, concrete, and asphalt to the local construction industry. The railhead as a whole contains an operational asphalt plant, concrete batching plant, aggregate storage bays, areas of hardstanding and car parking, office, and associated infrastructure. In total, the operation has a land-take of around 2.8ha. It is bordered to the east by the Birmingham to Oxford railway line and the Wildmere Industrial Estate, to the south by Grimsbury Green and Hennef Way, and to the north by land owned by Network Rail. The River Cherwell and its flood plain lie to the west of the site along with Grimsbury Reservoir, the Water Works, and the Oxford Canal. A public footpath follows the route of Grimsbury Green, connecting the Oxford Canal Walk and Spiceball Park to residential areas to the south and east. The Oxford Canal Walk follows the route of the canal to the west of Grimsbury Reservoir.
4. The nearest residential properties are located circa 150 metres to the south on the other side of Hennef Way. There is also a small group of dwellings on Meads Farm Lane to the east of the site, on the other side of the railway line, also at a distance of approximately 150m.

5. The application area for planning application MW.0012/21 comprises circa 0.84ha of land at the northern end of the existing railhead facility as well as the internal access route from Grimsbury Green. This part of the railhead facility currently contains a concrete batching plant and aggregate storage bays as well as vehicle circulation areas.
6. The application area for planning application MW.0013/21 is rectangular and comprises 0.97 ha in the southern part of the site, immediately north of Grimsbury Green and east of the railway line.
7. The application area for planning application MW.0014/21 is triangular and comprises 0.51 ha in the northern part of the site.
8. The nearest designated ecological site is Fishponds Wood Local Wildlife Site in Hanwell, which is approximately 2.3km to the north east of the application site.
9. Grimsbury Manor, a Grade II listed building, is located approximately 170m to the south east of the site.
10. The majority of the railhead facility lies within flood zone 1, which has the lowest risk of flooding, however small areas in the western and northern edges and closest to the River Cherwell fall within flood zone 2.

Planning History

11. Permission was originally granted for an asphalt plant at the railhead in 1993 under planning permission no. CHN.45/90. This permission was subject to a routing agreement dated 26 October 1992, which prohibits heavy goods vehicles (HGVs) accessing or leaving the site from using any routes other than the A422 Hennef Way, M40, A423 Southam Road, B4100, A4260 Concorde Avenue, and the A361. The site currently operates under a different consent, issued with the same reference number CHN.45/90 granted in 2003. The 2003 consent was issued following a Section 73 application on the original consent which extended the operating hours to the following:
 - 4am – 7pm Monday to Saturday
 - 8am – 5pm Sundays
12. The concrete batching plant at the site was originally granted under planning permission CHN.550/93, which has since been superseded by planning permission 02/02553/CM. Planning permission 02/02553/CM limits all operations associated with the concrete batching plant to the following hours:
 - 7am - 6pm Mondays to Fridays
 - 7am - 1pm Saturdays
13. Neither of the current permissions governing the site include a limitation on HGV movements.
14. In 2018, two applications were submitted to the County Council for determination (application reference numbers MW.0116/18 and MW.0117/18).

The first sought permission for the temporary use of a new site to the west of the existing site as a rail unloading and aggregate storage and distribution facility, and the second sought to vary the conditions on the extant permission to allow operations at any time of day and night and to amend the site layout. Both applications were withdrawn in 2019.

15. In 2020, application MW.0026/20 was submitted, which sought permission for revisions to the asphalt plant layout, widening and upgrading of the site access onto Grimsbury Green, relocation of the concrete batching plant, provision of an aggregate storage and rail unloading facility and associated development to enable the site to provide construction materials to the High Speed 2 (HS2) rail project. This application was due to be determined by the Planning & Regulation Committee at its meeting on 20 July 2020. However, the application was withdrawn prior to the meeting taking place.

Current Applications

16. Four planning applications have been submitted to the County Council in relation to the existing railhead facility at Banbury. This report covers three of the applications, because they seek consent for interlinked parts of the same overall development at the site.
17. The fourth application (MW.0011/21) relates to the access into the existing site and is independent of the other three applications. It is covered by a separate report to this meeting.
18. The applicant has stated that following confirmation from National Government of approval for the High Speed 2 (HS2) rail project, there is a requirement to supply construction materials to enable the development. The applicant will be delivering construction materials to the various HS2 compounds in and around the Midlands area, utilising the existing railhead facility at Banbury. It is stated that significant infrastructure projects such as HS2 require consistency and surety of supply of construction materials and for aggregates, these can only be sourced from specific locations around the UK, which are principally determined by geology. Using the railhead facility at Banbury will ensure that a significant volume of the construction materials for HS2 can be efficiently delivered from their source, closer to their end use location, via rail, meaning that overall road miles associated with the transport of these materials, along with corresponding CO₂ levels, are significantly reduced.
19. The application documents for all four planning applications explain that in order to accommodate the increased rail deliveries associated with HS2, various alterations to the configuration of the railhead site have been considered and assessed. Some of these have been the subject of previous planning applications, which were withdrawn. Following the withdrawal of planning application MW.0026/20 in July 2020, a series of discussions have taken place between the applicant and HS2, which has resulted in a reduction in the volumes of construction materials that would transit through the Banbury facility to HS2 compounds. As a result, the internal configuration work required on the Banbury site has also altered resulting in the submission of the current four

planning applications MW.0011/21, MW.0012/21, MW.0013/21 and MW.0014/21.

20. In brief, these applications seek permission for the following:

- M**

• **W.0011/21:** Widening of the site access onto Grimsbury Green and off-site highway works. This would be a permanent development relating to the existing facility. It could be implemented without the other developments and is covered in a separate report.
- M**

• **W.0012/21:** Removal of existing concrete batching plant and storage bays at the northern end of the existing facility and replacement with storage bays, weighbridge, and vehicular circulation areas. This would be a permanent development, although the storage bays would also be used temporarily to serve the HS2 contract.
- M**

• **W.0013/21:** Erection of new concrete batching plant adjacent to the existing asphalt plant at the southern end of the existing facility, new office/welfare buildings, enlarged car park, and re-configured stock bay area. This would be a permanent development.
- M**

• **W.0014/21:** Erection of temporary stock bays and weighbridge on land to the north of the existing facility for a 5-year period. This is a temporary proposal to serve the HS2 contract.

21. The railhead facility currently employs four full time staff. The increased activity to serve the HS2 contract would result in a doubling of staff numbers to eight.

Rail Deliveries

22. The applicant states that during the temporary period in which the site is servicing HS2 contracts, there would be an average of 3 rail deliveries to the site on weekdays, which would include deliveries associated with the existing development as well as HS2. There would be no rail deliveries at weekends. The applicant has stated there is no intention currently to have rail deliveries on public/bank holidays, but they request flexibility to add this at a later stage should demand from HS2 significantly increase. This would be an increase on the current operation, which generates circa 4 rail deliveries per week. The Planning Authority has no control over rail timetables but is able to control operations on the railhead.

23. If planning permission is granted for the overall re-configuration of the site, the rail-grab operation would take place in the northern two-thirds of the site, adjacent to proposed storage bay areas. The applicant states that, whilst there is currently no restriction on rail delivery or rail-grab operations, a condition that

prevents the use of the rail-grab between the hours of 8pm and 6.30am would be accepted for the duration of the HS2 works. These times would reflect the train paths that are available to enable movement of aggregate by rail from source and into the rail-head site. Following the 5-year period of HS2 works, the proposed rail-grab hours are 7am-8pm.

HGV Movements

24. There would be an increase in HGV movements associated with the site during the temporary period in which the HS2 contract was being served compared to movements arising from the existing operation. The application states that there is currently no restriction relating to HGV movements under the existing planning permissions and, if the existing operation was to run at full capacity, it would be capable of generating 41 HGV movements per hour or 410 HGV movements per day, whereas the anticipated movements generated by the HS2 contract during the average peak hour would be 35 HGV movements per hour or 348 per day. The Dust and Air Quality Assessment submitted with the application documents stated that the existing operation generates about 80 HGV movements per day.

Routeing

25. There is an existing routeing agreement dated 26th October 1992, which ensures that HGVs use only approved routes through Banbury to reach the M40, B4100, A361, A4280 and A423. It is proposed that a new agreement would be used to ensure that HGVs associated with the site continue to use these agreed routes.

Noise

26. A Technical Note on Noise has been submitted in support of applications MW.0012/21, MW.0013/21 and MW.0014/21 which considers the combined impact of the proposals. It concludes that the maximum noise levels from unloading activities would be lower at Webb Close and Grimsbury Green than at present due to the relocation of the rail-grab further north within the facility. At some receptors on Dean Close and Meads Farm Lane, the noise levels would increase by 2dB, which is below the general baseline noise level.

Landscape & Visual Impact

27. The applicant has submitted a Landscape and Visual Impact Assessment in support of applications MW.0012/21, MW.0013/21 and MW.0014/21, which looks at the combined impact of the proposals. It finds that the site currently has a functional and industrial character with reduced tranquillity due to the close proximity of major roads and industry. The impact of the developments on landscape character would therefore be negligible. The assessment also states that there are no landscape designations that would be affected by the development. It is stated that the application area is physically and visually enclosed by mature trees along the River Cherwell to the west and north, Hennef Way to the south, and Wildmere Industrial Estate to the east and

therefore visibility of the site is limited to areas within the immediate context to the south and east. Whilst there would be some fragmented views of the proposal, particularly from the railway overbridge at Grimsby Green, the effect would be minor at worst.

Dust & Air Quality

28. The applicant has submitted an Air Quality Assessment in support of applications MW.0012/21, MW.0013/21 and MW.0014/21. The assessment concludes that annual mean NO₂ objectives are forecast to be exceeded as exceedances of these objectives already occur without the proposed development, although concentrations are decreasing. It is stated that the increase in HGV movements would be temporary and therefore any adverse impacts on air quality would be temporary. All HGVs serving HS2 would be at least a Euro VI standard, which it is stated would minimise the impact from traffic related emissions. Further mitigation could also include screening along Hennef Way or additional air quality monitoring.
29. The applicant has also submitted a Dust Impact Assessment, which assesses the dust impacts of on-site operations. It concludes that dust effects can be mitigated through good practice dust handling measures, resulting in minimal dust effects.

Details of Proposed Development (MW.0012/21) Removal of Existing Concrete Batching Plant, Erection of new Weighbridge and Aggregate Storage Bays

30. Planning application MW.0012/21 seeks permission for the demolition of the existing concrete batching plant and associated storage bays. In their place, a new permanent weighbridge would be installed along with replacement aggregate storage bays and a loading/turning area for HGVs. It is also proposed that the internal access road in this part of the site would be widened and re-surfaced. The application seeks permanent permission in connection with existing operations at the site, although the aggregate storage bays would also be used on a temporary basis to serve the HS2 contract before reverting to serve local construction projects. It is the applicant's intention to locate a new concrete batching plant to the south of the site adjacent to the existing asphalt plant; this forms part of planning application MW.0013/21.
31. The proposed new storage bay area would contain five individual bays, providing capacity for around 10,800 tonnes of material in total. The bays would be designed in a manner that allowed for further sub-division if required, providing up to a total of ten bays. The bays would be a maximum of 4m in height, open-topped, and constructed using post and sleepers with a concrete dwarf wall. Material would be unloaded from rail wagons into the proposed bays via a mobile rail-grab as is consistent with existing operations at the site. HGVs would then access the storage bay area via the weighbridge to collect materials.
32. During the temporary 5-year period in which the site would serve the HS2 contract, it is proposed to align operating hours with the constraints placed on HS2 compounds, with the first vehicle leaving the facility at approximately 7am

and the latest vehicle returning at approximately 7.30pm. To accommodate this, the applicant proposes temporary operating hours as follows:

- 6am – 8pm Monday to Friday
- 6am – 3pm Saturdays
- 8am – 3pm Sundays and Bank Holidays

33. At the expiry of HS2 contract, it is proposed that operating hours would revert to those currently permitted for the asphalt plant operation at the site, which are:

- 4am – 7pm Monday to Saturday
- 8am – 5pm Sundays

34. Floodlights would be erected around the storage bays and loading/unloading facilities throughout the facility. These lights would be up to 300 Watt and mounted on poles of 6-8m.

Details of Proposed Development (MW.0013/21) – New Permanent Concrete Batching Plant

35. This application is for a new permanent concrete batching plant, office and welfare buildings, for the enlargement of the car park and re-configuring of stock bays. This would replace the existing concrete batching plant which is proposed to be demolished under application MW.0012/21. This would relocate the concrete batching operations to the southern part of the site.

36. The proposed concrete batching plant would be located adjacent and to the south of the existing asphalt plant at the site. It would be a smaller facility than the batching plant to be removed, with a maximum height of 12.6m compared to 18m for the existing plant. The cladding to the plant would be grey/green.

37. The 14 existing storage bays in this part of the facility would be refurbished and reconfigured. They are constructed using post and sleepers with a concrete dwarf wall. They would be 4 metres high. The row of 14 bays would stretch along the eastern side of the site. Material would be unloaded from rail wagons into the proposed bays via a mobile rail-grab as is consistent with existing operations at the site prior to being fed into the asphalt and concrete batching plants.

38. The concrete batching plant would operate the same hours as the existing asphalt plant, which are:

Monday to Saturday: 4am to 7pm
Sundays and Bank Holidays: 8am to 5pm

39. The applicant has stated that in practice, the nature of demand for ready-mix concrete means that the concrete batching plant is unlikely to operate such long hours, but that it would be helpful for management and compliance for both plants to be covered by the same operating hours.

40. The weighbridge office would have a footprint of approximately 45m² and would be a total of 3.8m high, with the main office structure supported on blockwork plinths to raise the ticket window to the height of HGV cab windows. It would be clad in a light-brown colour and would have a flat roof. A raised metal sampling platform would be connected to the weighbridge office. The weighbridge office would contain two office rooms, a kitchen, store and WC.
41. The proposed office and welfare building have a footprint of approximately 150m² with a flat roof and would contain two three office rooms, a meeting room, kitchen, WC, changing room and store. It would be approximately 3m tall at roof height. The colour of the building is yet to be determined and the applicant states that this is to be agreed with the planning authority. The car park would be located immediately adjacent to the office and welfare building and would provide 14 marked parking bays.

Details of Proposed Development (MW.0014/21) – Temporary Stock Bays and Weighbridge

42. This application is for the erection of temporary stock bays and weighbridge for a five-year period. This would be in an area of existing hardstanding to the north of the existing railhead. The site comprises 0.51ha of land owned and used by Network Rail.
43. Permission is sought for a stock bay area and weighbridge along with vehicle loading and circulation space to accommodate additional aggregate rail deliveries associated with the HS2 construction project. This application seeks permission on a temporary basis, for five years.
44. The proposed temporary stock bay area would have a capacity for storage of 2,320 tonnes of aggregate in four individual bays. The bays would be a maximum of 4m in height, open-topped, and constructed using post and sleepers with a concrete dwarf wall. Material would be unloaded from rail wagons into the proposed bays via a mobile rail-grab as is consistent with existing operations at the site. HGVs servicing the HS2 construction compounds would then access the storage bay area via the weighbridge to collect materials before exiting the site via the main entrance.
45. The application states that the first HS2 vehicle would be likely to leave the facility at around 7am, with the latest returning vehicle at about 7.30pm. However, to allow for flexibility to service these times, it is proposed that the bay area would have the following operating hours:
 - Monday to Friday: 6am-8pm
 - Saturdays: 6am-3pm
 - Sundays and Bank Holidays: 8am-3pm
46. There would be no overnight parking of HGVs at the application site. HGVs will either be parked at the HS2 compounds or at other depots, depending on overall ownership of the vehicles.

47. Following the temporary period, the application states that the proposed stock bays, weighbridge and lighting would be removed from the site, and it would revert to an area of hardstanding.

PART 2 – OTHER VIEWPOINTS

Consultation Responses

48. The full text of the consultation responses can be seen on the e-planning website¹, using the references MW.0012/21, MW.0013/21 and MW.0014/21. These are also summarised at Annex 4 to this report.

Representations

49. 11 third-party representations were received, all of which raised objections to the proposal. The comments made are summarised at Annex 5 to this report and addressed in the main body of this report. Most representations related to the proposals for the site overall and did not distinguish between the three applications.

PART 3 – RELEVANT PLANNING DOCUMENTS

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

50. 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

51. The Development Plan for this area comprises:
- Cherwell Local Plan 2001-2031 (CLP)
 - Cherwell Local Plan 1996 Saved Policies (CLP 1996)
 - Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies) (OMWLP)

¹Click here to view applications [MW.0012/21](#) [MW.0013/21](#) [MW.0014/21](#)

Other Policy Documents

52. Other documents that are relevant to determining this application include:
- National Planning Policy Framework 2019 (NPPF)
 - National Planning Practice Guidance (NPPG)
 - Banbury Vision and Masterplan SPD (December 2016)

Relevant Development Plan Policies

53. The CLP policies most relevant to the consideration of this application are:
- Policy PS1: Presumption in Favour of Sustainable Development
 - Policy SLE4: Improved Transport and Connections
 - Policy SLE5: High Speed Rail 2
 - Policy ESD1: Mitigating and Adapting to Climate Change
 - Policy ESD6: Sustainable Flood Risk Management
 - Policy ESD7: Sustainable Drainage Systems (SuDS)
 - Policy ESD8: Water Resources
 - Policy ESD10: Protection and Enhancement of Biodiversity & the Natural Environment
 - Policy ESD11: Conservation Target Areas
 - Policy ESD13: Local Landscape Protection & Enhancement
 - Policy ESD15: The Character of the Built & Historic Environment
 - Policy ESD16: The Oxford Canal
54. The CLP 1996 policies that are most relevant to the consideration of this application are:
- Policy C28: Layout, Design & External Appearance
 - Policy TR10: Heavy Goods Vehicles
 - Policy ENV1: Pollution Control
55. The OMWCS policies most relevant to the consideration of this application are:
- Policy M6: Aggregate Rail Depots
 - Policy M9: Safeguarding Mineral Infrastructure
 - Policy C1: Sustainable Development
 - Policy C2: Climate Change
 - Policy C3: Flooding
 - Policy C4: Water Environment
 - Policy C5: Local Environment, Amenity & Economy
 - Policy C7: Biodiversity and Geodiversity
 - Policy C8: Landscape
 - Policy C10: Transport
 - Policy C11: Rights of Way

56. There are no relevant saved policies from the OMWLP that are relevant to the consideration of this application.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

57. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy PS1 of the CLP and C1 of the OMWCS. 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.
58. The key planning policies are set out above and discussed below in accordance with the key planning issues.
59. The key planning issues are:
- i. The Principle of the Developments
 - ii. Traffic Impacts
 - iii. Air Quality & Dust
 - iv. Noise
 - v. Landscape & Visual Effects
 - vi. Biodiversity
 - vii. Flooding & Drainage

The Principle of the Developments

60. The application areas are all associated with a site which is safeguarded under policy M9 of the OMWCS which states that existing and permitted infrastructure that supports the supply of minerals is safeguarded against development that would unnecessarily prevent the operation of the infrastructure or would prejudice or jeopardise its continued use by creating incompatible uses nearby. The site is an existing facility and the overall use of it would not change as a result of the developments proposed. It would continue to operate for the supply and transfer of mineral resources via rail and therefore there is no conflict with the safeguarding policy.
61. Policy SLE5 of the CLP states that the design and construction of the High Speed 2 Rail Link (HS2) must minimise adverse impacts on the environment, the local economy and local communities and maximise any benefits that arise from the proposals. As a matter of principle, the railhead seeks to minimise the adverse impacts of the HS2 construction on the environment through facilitating the transport of construction materials in part by rail. Although these applications would not result in a new facility, it is a material consideration that new aggregate rail depots are generally supported through policy M6 of the OMWCS where suitable access is available onto an advisory lorry route, which includes the A422 Hennef Way.

62. Subject to the consideration of the detailed aspects of the proposals against development plan policy, including the suitability of access arrangements and impacts on the local environment and amenity, members are advised that the applications are acceptable as a matter of principle.

Traffic and Rights of Way

63. Policy C10 of the OMWCS states that mineral development will be expected to make provision of 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 road users including pedestrians, the efficiency and quality of the road network, and residential and environmental amenity including air quality. It also states that, where practicable, mineral development should be located, designed and operated to enable the transport of minerals by rail, water, pipeline or conveyor. Developments that would generate significant amounts of traffic will be expected to be supported by a transport assessment or transport statement, including mitigation measures where applicable.
64. Policy SLE4 of the CLP supports a modal shift in travel and provides support for key transport proposals including transport improvements at Banbury. Amongst other things it states that development which is not suitable for the roads that serve the development, and which have a severe traffic impact, will not be supported. It requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Policy TR10 of the CLP 1996 states that development which would generate frequent heavy goods vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted. Proposals for heavy good vehicle operating centres that would create traffic problems or adversely affect the amenity of residential areas or villages will also be resisted.
65. Concerns have been raised from local residents, the local member, and the Town Council about the impact of the developments on the local highway, including traffic congestion, highway safety, and the condition of the road. Specific reference is also made to the safety of pedestrians and cyclists utilising the public right of way along Grimsbury Green which connects residential areas to Spiceball Park and the Oxford Canal. It has been noted during officer site visits that the route is popular and busy with recreational users, who at the current time are required to walk/cycle within the highway due to the lack of adequate footpath provision.
66. Although these applications relate to the reorientation of plant and ancillary structures within the existing site, the proposals would have the effect of increasing overall capacity at the site and the intensification of operations. The existing operation currently generates circa 80 HGV movements per day, although the site has the capacity to generate up to 410 per day (or 41 per hour) and the movements are unrestricted by planning controls. It is stated in the application documents that, during the five-year period that the site would service the HS2 contract, it would generate an average of 348 HGV movements per day, or 35 an hour. This represents a substantial increase on the existing

actual daily movements and would therefore have an impact on both the local highway network but also on users of the public right of way. However, it remains the case that the site is a permitted and important facility for the movement of material by sustainable transport modes with direct access to the Strategic Highway Network and onwards to M40 J11, and the applications are therefore generally supported by policies C10 of the OMWCS, SLE4 of the CLP and TR10 of the CLP 1996.

67. The Transport Development Control Officer has not objected to these applications, subject to a condition to limit the number of HGVs which can enter/leave the site during the peak hours of 08.00-09.00 and 17.00-18.00. The limit would be 40 movements (20 in, 20 out) per hour and this would apply to all HGVs visiting the site. This would ensure that the impacts on the local highway network, and in particular, Hennef Way, would be acceptable. It is recommended that a further condition is imposed requiring the operator to keep records of vehicle movements and provide those records to the Minerals Planning Authority on request. This would help to monitor and enforce the condition restricting peak hour movements.
68. As mentioned above, the applicant has submitted a separate application (MW.0011/21), which proposes improvement works to the site's access as well as within the highway on Grimsbury Green. These works would include the widening of the site access, resurfacing, and the provision of a 2m wide footway on Grimsbury Green with a central refuge point. Transport Development Control have advised that it is not necessary for those highway and access improvement works to be undertaken prior the works to increase the capacity of operations at the site. Therefore, it is not proposed to include any conditions on any consents relating to applications MW.0012/21, MW.0013/21 and MW.0014/21, requiring the works proposed under MW.0011/21 to be implemented.
69. Even with the improvement works in place, the developments would undoubtedly have an impact on the highway network and users of Grimsbury Green, and these are matters of concern to the local member and residents. However, these local impacts must be weighed against the benefits of the scheme in enabling the movement of construction materials around the region via rail and the benefits arising from this both in terms of wider highway impacts and sustainability. The applications offer an opportunity to impose new conditions to control peak hour HGV movements. Subject to the inclusion of the conditions as recommended above and to the applicant entering into an updated lorry routing agreement, the developments are considered to be acceptable in highway terms.
70. The routing agreement and the condition restricting peak hour HGV movements would be needed in relation to all three applications MW.0012/21, MW.0013/21 and MW.0014/21.
71. OMWCS policy C11 states that improvements and enhancements to the rights of way network will generally be encouraged. If granted the applications would be carried out in the context of the access improvements addressed in relation

to the report for application no. MW.0011/21 which would improve provision for pedestrians along an existing public right of way, in accordance with OMWCS policy C11. The applicant has advised that it is their intention to carry out these improvements and the Transport Development Control Officer has not advised that they are necessary in order to render the other developments acceptable. However, if the committee is minded that they are necessary in order to address any unacceptable harm to highway safety or amenity caused by the other three applications then further conditions could be attached to the other applications to the effect that the developments proposed under MW.0012/21, MW.0013/21 and MW.0014/21 cannot be commenced until the highway improvements proposed under MW.0011/21 have been provided.

Air Quality & Dust

72. Policy C10 of the OMWCS states that mineral development will be expected to make safe and suitable access to advisory lorry routes in ways that maintain and, if possible, lead to improvements in residential and environmental amenity including air quality. Policies C5 of the OMWCS and ENV1 of the CLP 1996 seek to resist development which is likely to cause materially detrimental levels of environmental pollution, including air quality. Policy ESD10 of the CLP requires air quality assessments for proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution. Policy ESD15 of the CLP states that well-designed landscape schemes can support improvements in air pollution amongst other things.
73. The A422 Hennef Way is a designated AQMA for exceedances of the annual mean air quality objective for NO₂ of 40 µg/m³, however concentration levels are falling from 84.8 µg/m³ in 2017, 74.9 µg/m³ in 2018 and 72.1 µg/m³ in 2019. As stated above, the applicant has submitted an Air Quality Assessment in support of the applications, which considers the cumulative impact arising. The assessment states that the increase in HGV movements would be temporary and therefore that any air quality effects would be temporary. Impacts would be minimised as far as possible through ensuring that all HGVs serving HS2 would be at least Euro VI standard, although it is also suggested that further mitigation could be achieved through additional monitoring.
74. The Environmental Protection Officer at Cherwell District Council has reviewed the application and has stated that there are no objections to the development.
75. The developments have the potential to create adverse impacts from dust arising through on-site operations. Representations received from local residents include photographs showing dust around the application site and on parked cars following rain. The applicant proposes to manage potential dust impacts through good practice techniques. The Environmental Protection Officer has confirmed that the information submitted by the applicant is acceptable subject to the proposed mitigation measures being implemented. It is also commented that the asphalt and concrete plants are covered by an environmental permit providing additional controls.

76. Subject to conditions requiring compliance with the dust control measures set out in the Dust Impact Assessment, all HS2 HGVs to be Euro VI standard and a maximum of 3 daily rail deliveries during the HS2 works, the developments are considered to be acceptable in terms of impacts on air quality and through dust.

Noise

77. Policies C5 of the OMWCS and ENV1 of the CLP 1996 seek to resist development which is likely to cause materially detrimental levels of environmental pollution, including through noise and vibration.
78. The application includes a Technical Note on Noise, which assesses the cumulative effect of the developments, which concludes that there would be no adverse impacts arising from the developments. It is noted that the Environmental Protection Officer has commented that the developments in combination would result in the rail grab being located further away from residential properties than at present which would result in an improvement in the noise climate, and that subject to conditions restricting the hours of use of the rail grab and the submission for approval of a Construction and Demolition Environmental Management Plan, there are no objections to the development on noise grounds. The District Council has also requested that the existing condition in relation to noise complaints is carried over onto any new consents if permissions are granted.
79. The applicant states that, although the new concrete plant would be closer to Grimsbury Green and residential properties on the other side of Hennef Way than the existing plant, there would be no perceptible increases in noise, dust or air quality issues. The processing itself would be contained within the plant structure which would suppress noise and dust.
80. Cherwell District Council Environmental Protection Officer initially considered that the rail grab operation should not start until 07.00, rather than 06.30 as proposed. However, they have accepted the applicant's reasons for requiring a 06.30 start, due to the first timetabled rail delivery. The applicant has stated that most days, the early morning delivery could be offloaded onto bays to the north of the site, reducing noise impacts in the early morning. The rail grab operation would be restricted to a 07.00 start following the temporary period of HS2 works.
81. The number of trains is proposed to be a temporary arrangement. Tarmac have agreed to a condition limiting the daily number of trains to 3 during the HS2 works. Following those works, the number of trains is likely to return to 1-2 trains per week but demand could lead to a greater number and so the applicant would wish for flexibility. The applicant has indicated that they would accept a condition limiting trains to 7 per week following the HS2 works and if Committee is minded to approve the applications then conditions could be attached to this effect.

82. Subject to the conditions as suggested above, the developments are unlikely to have any adverse impacts by way of noise therefore they are considered to be in accordance with policies C5 of the OMWCS and ENV1 of the CLP 1996.

Landscape & Visual Impact

83. Policy ESD13 of the CLP expects opportunities to be sought to secure the enhancement of the character and appearance of the landscape through the restoration, management or enhancement of existing landscape features or habitats, including the planting of woodlands, trees and hedgerows. Taken together, policies C8 of the OMWCS, ESD15 of the CLP and C28 of the CLP 1996 expect new development to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
84. Policy ESD16 of the CLP seeks to protect and enhance the Oxford Canal corridor. Proposals which would be detrimental to its character or appearance will not be permitted.
85. The applicant has submitted a Landscape and Visual Appraisal with the application documents which assessed the combined impact of the developments proposed. The appraisal takes into account the site's industrial character and proximity to major roads and concludes that the applications would have a negligible impact on landscape character. Whilst the site is visible from Grimsbury Green to the south and from in and around the access road, it is largely screened from the more sensitive views and recreational areas to the west. The landscape officer has no objections to the proposals subject to the developments being carried out in accordance with the submitted drawings, including the implementation of a plan showing landscape enhancements on the bank where the site fronts Grimsbury Green. Accordingly, the developments are considered to be acceptable in terms of impacts on views and the wider landscape, in accordance with the relevant policies.

Biodiversity

86. Policy ESD10 of the CLP supports the protection and enhancement of biodiversity and the natural environment including through seeking a net gain in biodiversity, protection of trees, and the incorporation of features to encourage biodiversity. Where development is proposed within or adjacent to a Conservation Target Area, biodiversity surveys are required by Policy ESD11 of the CLP. The objectives of these policies are complemented by policy C7 of the OMWCS.
87. The applications would involve the reorientation of plant and ancillary structures within the existing area of hardstanding and there would be no direct impact on trees, hedgerows or other habitats in and around the site. It is noted that there are no objections from the Ecology Officer and therefore the applications are considered to be in accordance with policies ESD10 and ESD11 of the CLP and policy C7 of the OMWCS.

Flooding & Drainage

88. Policies C2 of the OMWCS and ESD1 of the CLP expect measures will be taken to mitigate the impact of developments on climate change. Measures will include consideration of location and design approaches that are resilient to climate change, minimising the impact on flooding and reducing effects on the microclimate. Policy ESD2 of the CLP and policies C3 of the OMWCS require development to take place in areas with the lowest probability of flooding wherever possible. Policy ESD7 further states that all development will be required to use sustainable drainage systems for the management of surface water run-off.
89. Policies C4 of the OMWCS and ESD8 of the CLP resist development proposals which would adversely affect the quantity or quality of water resources.
90. At the time of drafting the report, comments had not yet been received from the Lead Local Flood Authority, or the Environment Agency. It is not anticipated that there would be any significant issues relating to drainage or flooding at this site, as the proposals are contained within existing areas of hardstanding within flood zone 1, the area of least flood risk. However, the application areas include a small area that is within flood zone 2 albeit outside the area of proposed development. Therefore, it is recommended that no decision is issued on these applications until comments have been received from the Lead Local Flood Authority and the Environment Agency. It is hoped that it will be possible to update the committee on these comments at the meeting, however the consultation period for the Environment Agency runs until 24th April. This is because the consultation was sent late after it was identified that a small area of the application site lies within flood zone 2.

Financial Implications

87. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

88. There are not considered to be any legal implications arising from this report.

Equality & Inclusion Implications

89. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusions

90. Subject to the applicant entering into a routeing agreement and to the inclusion of the conditions listed in the annexes, the development is considered to be in accordance with the development plan. It is therefore recommended that planning permission is granted.

RECOMMENDATIONS

91. It is **RECOMMENDED** that planning permission for application MW.0012/21 be approved subject to no objection being received from the Lead Local Flood Authority and the Environment Agency, the applicant first entering into a routeing agreement and to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 1.
92. It is **RECOMMENDED** that planning permission for application MW.0013/21 be approved subject to no objection being received from the Lead Local Flood Authority and the Environment Agency, the applicant first entering into a routeing agreement and to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 2.
93. It is **RECOMMENDED** that planning permission for application MW.0014/21 be approved subject to, no objection being received from the Lead Local Flood Authority and the Environment Agency, the applicant first entering into a routeing agreement and to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning, to include those set out in Annex 3.

RACHEL WILEMAN

Assistant Director for Strategic Infrastructure and Planning

April 2021

Annexes:	Annex 1:	Conditions for MW.0012/21
	Annex 2:	Conditions for MW.0013/21
	Annex 3:	Conditions for MW.0014/21
	Annex 4:	Consultation Responses
	Annex 5:	Summary of Representations
	Annex 6:	European Protected Species
	Annex 7:	Compliance with National Planning Policy Framework

Background papers: None

Other Documents:

Cherwell Local Plan 2001-2031

Cherwell Local Plan 1996

Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy

Oxfordshire Minerals and Waste Local Plan 1996 (Saved Policies)

National Planning Policy Framework

National Planning Practice Guidance

Annex 1 – Conditions for MW.0012/21

1. Time limit for commencement
2. Development to be carried out in accordance with approved drawings and details
3. Submission for approval of Construction Traffic Management Plan prior to commencement
4. Submission and approval of Construction and Demolition Environmental Management plan prior to commencement
5. Dust management measures to be implemented in accordance with submitted details
6. All HS2 HGVs to be Euro VI standard or equivalent
7. Peak hour HGV restriction – maximum 40 movements per hour between 08.00-09.00 and 17.00-18.00
8. Operational hours during temporary 5-year period to be limited to those proposed
9. Operational hours following temporary 5-year period to be limited to those proposed
10. Rail deliveries to be limited to 3 per day for a five-year period and then to revert to 7 per week.
11. Replication of condition 5 of CHN.45/90 relating to noise complaints
12. Boundary vegetation to be retained as proposed in the Landscape and Visual Appraisal
13. No external lighting other than in accordance with the approved scheme
14. Rail grab operations limited to 06.30-20.00 for 5-year period of HS2 works
15. Rail grab operations limited to 07.00-20.00 following 5-year period of HS2 works

Annex 2 – Conditions for MW.0013/21

1. Time limit for commencement
2. Development to be carried out in accordance with approved drawings and details
3. Submission for approval of Construction Traffic Management Plan prior to commencement
4. Submission and approval of Construction and Demolition Environmental Management plan prior to commencement
5. Dust management measures to be implemented in accordance with submitted details
6. All HS2 HGVs to be Euro VI standard or equivalent
7. Peak hour HGV restriction – maximum 40 movements per hour between 08.00-09.00 and 17.00-18.00
8. Operational hours to be limited to those proposed
9. Rail deliveries to be limited to 3 per day for a five-year period and then to revert to 7 per week.
10. Replication of condition 5 of CHN.45/90 relating to noise complaints
11. Boundary vegetation to be retained as proposed in the Landscape and Visual Appraisal
12. No external lighting other than in accordance with the approved scheme
13. Details of the external materials and colour of the concrete batching plant and welfare/amenity building to be submitted and approved prior to implementation
14. Implementation of landscape mitigation and enhancement plan LVA-0006 S4-P2 for the landscaped bank on the site frontage
15. Rail grab operations limited to 06.30-20.00 for 5-year period of HS2 works
16. Rail grab operations limited to 07.00-20.00 following 5-year period of HS2 works

Annex 3 – Conditions for MW.0014/21

1. Time limit for commencement
2. Development to be carried out in accordance with approved drawings and details
3. Submission for approval of Construction Traffic Management Plan prior to commencement
4. Submission and approval of Construction and Demolition Environmental Management plan prior to commencement
5. Dust management measures to be implemented in accordance with submitted details
6. All HS2 HGVs to be Euro VI standard or equivalent
7. Peak hour HGV restriction – maximum 40 movements per hour between 08.00-09.00 and 17.00-18.00
8. Operational hours to be limited to those proposed
9. Rail deliveries to be limited to 3 per day for a five-year period and then to revert to 7 per week.
10. Replication of condition 5 of CHN.45/90 relating to noise complaints
11. Boundary vegetation to be retained as proposed in the Landscape and Visual Appraisal
12. No external lighting other than in accordance with the approved scheme.
13. Sto
ck bays, weighbridge and lighting to be removed from the site and it to revert to an area of hardstanding at the end of the five-year temporary period.
14. Rail grab operations limited to 06.30-20.00 for 5-year period of HS2 works
15. Removal of the development on completion of the temporary 5-year period.

Annex 4 – Consultation Responses Summary

Cherwell District Council – Planning and Environmental Protection

1. Final comments – The revised Air Quality Assessment is accepted. Accept that the Damage Cost Calculation Assessment and contribution towards off-setting measures cannot be required in this case as there is no current limit on vehicle movements and the proposals associated with HS2 would be temporary. Would prefer a 07.00 start time for rail grab operations but note the reasons for an earlier start and that early morning deliveries would mostly be in the northern end of the site. Accept that requirement for vehicles to be Euro VI standard can only relate to HS2 vehicles. Landscape enhancements appear sensible.

MW.0012/21

2. The District Council is aware of local concern and objections raised, including the following issues:
 - Concern regarding the increase in HGV movements during the 5-year period on an already congested part of the highway network. This would cause unacceptable additional congestion and delays to the public;
 - Notwithstanding the importance of the HS2 project, the transport impacts would be unacceptable unless significant mitigation measures are funded and put into place;
 - Concern regarding the impact upon Hennef Way, a known pollution and particulate hotspot and whether any rise in industrial or traffic activity in this zone could be safely accommodated;
 - Concerns regarding the submitted Transport report and the view that this should be carefully validated to understand the impacts;
 - Concerns for the health of constituents close to the application site and whose gardens back onto Hennef Way due to the air quality in this area;
 - Concerns regarding the noise and dust pollution this proposal would generate;
 - Concerns regarding the safety of pedestrians and cyclists using Waterworks Road/ Grimsbury Green; and
 - Concerns regarding the adequacy of the on-site parking arrangements and the view that there is a risk that HGVs could park within residential streets.
3. The Environmental Protection Officer has made the following comments:

Noise:

Pleased to see that the new location of the grab unloading activities will be located further away from residential properties and that there will be an improvement in the noise climate. Based on this, the levels in the report are acceptable. The proposed increase in trains and unloading for HS2 (3 trains per day) is for a 5-year basis – the maximum number of trains for the 5-year basis should be conditioned. The hours for the use of the rail grab should be amended (this is set out below). A construction and demolition environment management plan should also be required by condition.

Contaminated Land: No comments

Dust and air quality:

The Dust Assessment Report produced by Dustscan AQ in Jan 2021 is acceptable providing the suggested mitigation measures outlined in Section 6 are followed and put into place. The Roadstone Coating and Concrete Batching plants will be regulated under the environmental permit scheme using standard industry controls for the site. It is noted that there have been no dust complaints from the site. In respect to the AQ report for Hennef Way produced by Dustscan AQ in Jan 2021 (ref: ZTTBAN_AQA_Rev_G) for this proposal the following comments are made:

The main traffic route for the proposed development is through the Hennef Way Air Quality Management Area (AQMA) which was declared for exceedances of the annual mean air quality objective for Nitrogen dioxide of 40 µg/m³. Levels have however, been falling over the last few years; 84.8 µg/m³ in 2017, 74.9 µg/m³ in 2018 and 72.1 µg/m³ in 2019. The Air Quality Assessment Referenced ZTTBAN_AQA_Rev_G January 2021 submitted by Dustscan has modelled levels in 2021 (year one) without and with the proposed development for NO₂, PM₁₀ and PM_{2.5}. The methodology used for the assessment and the verification of the model are generally accepted, however clarification is required on the background data used for nitrogen dioxide for the modelling. Table 4.2 gives a figure of 17.5 µg/m³ in 2019 whereas Table C.1 gives a figure of 15.5 µg/m³ in 2019. At the urban background site in Banbury a level of 11.0 17.5 µg/m³. Based on the findings of the air quality assessment report there would be no objections to the proposed development with regards to air quality subject to the applicant being required to undertake a Damage Cost Calculation assessment. This would present the impact of the development in monetary terms on air quality, and any funds identified put towards off-setting measures or additional monitoring. The fact that the proposals associated with the HS2 works are for a temporary period of 5 years, and the fact that there is no current limit on vehicle movements associated with the current development would need to be taken in to account when considering any contribution towards off setting measures. In addition, a condition to ensure that only vehicles rated EURO VI standard of emissions are used on the site should be considered to ensure that emissions remain as low as possible for the 5-year period. A condition that this permission only lasts for 5 years as stated is also suggested and further planning permission is sought should the need arise, or the site is to remain permanently as proposed now.

Odour: This will be regulated under the environmental permits for the site.

Light: No comments.

4. The District Council would have **concerns about the proposal unless conditions to deal with the following matters are imposed:**
 - A condition to deal with the timing of the use of the site (phase 1 and 2);
 - A condition relating to the use of the rail grab – in this respect, Environmental Protection Officers have suggested that the rail grab be prevented from being used during the following hours instead of those requested by the applicant: 20:00-07:00 daily;

- A condition to control the number of deliveries to the site by train and that the increase to 3 per day is for a five-year period only;
- A condition to restrict HGV movements related to HS2 to Hennef Way during the AM and PM peak hours as recommended by the Highway Authority;
- A condition to require the identified dust and air quality mitigation measures (section 6 of the Dust Assessment Report Jan 2021) to be implemented;
- A condition to ensure that only vehicles rated EURO VI standard of emissions are used;
- A condition to require a construction and demolition environmental management plan;
- A condition to replicate condition 5 of CHN.45/90 relating to noise complaints;
- A condition to ensure that at the expiry of 5 years, the development on the site is removed and the land reverted back to its current condition;
- A condition to seek enhancements for fauna; and
- Any conditions recommended by other consultees including with regard to highway and drainage matters.
- It is also noted that the Routeing agreement will need to be revised and updated pursuant to the applications

MW.0013/21

5. Comments as per MW.0012/11 other than that conditions are recommended to cover:
- A condition to deal with the timing of the use of the site (phase 1 and 2);
 - A condition relating to the use of the rail grab – in this respect, Environmental Protection Officers have suggested that the rail grab be prevented from being used during the following hours instead of those requested by the applicant: 20:00-07:00 daily;
 - A condition to control the number of deliveries to the site by train and that the increase to 3 per day is for a five-year period only;
 - A condition to restrict HGV movements related to HS2 to Hennef Way during the AM and PM peak hours as recommended by the Highway Authority;
 - A condition to require the identified dust and air quality mitigation measures (section 6 of the Dust Assessment Report Jan 2021) to be implemented;
 - A condition to ensure that only vehicles rated EURO VI standard of emissions are used;
 - A condition to require a construction and demolition environmental management plan;
 - A condition to replicate condition 5 of CHN.45/90 relating to noise complaints;
 - A condition to control the colour finish of the concrete batching plant and amenity/ welfare building;
 - A condition to require the approval and implementation of landscaping enhancements to Grimsbury Green;
 - A condition to seek enhancements for fauna; and
 - Any conditions recommended by other consultees including with regard to highway and drainage matters.
 - It is also noted that the Routeing agreement will need to be revised and updated pursuant to the applications.

MW.0014/21

6. Comments as per MW.0012/11 other than that conditions are recommended to cover:
- A condition to deal with the timing of the use of the site (phase 1 and 2);
 - A condition relating to the use of the rail grab – in this respect, Environmental Protection Officers have suggested that the rail grab be prevented from being used during the following hours instead of those requested by the applicant: 20:00-07:00 daily;
 - A condition to control the number of deliveries to the site by train and that the increase to 3 per day is for a five-year period only;
 - A condition to restrict HGV movements related to HS2 to Hennef Way during the AM and PM peak hours as recommended by the Highway Authority;
 - A condition to require the identified dust and air quality mitigation measures (section 6 of the Dust Assessment Report Jan 2021) to be implemented;
 - A condition to ensure that only vehicles rated EURO VI standard of emissions are used;
 - A condition to require a construction and demolition environmental management plan;
 - A condition to replicate condition 5 of CHN.45/90 relating to noise complaints;
 - A condition to seek enhancements for fauna; and
 - Any conditions recommended by other consultees including with regard to highway and drainage matters.
 - It is also noted that the Routing agreement will need to be revised and updated pursuant to the applications

Banbury Town Council

MW.0012/21, MW.0013/21, MW.0014/21

7. Banbury Town Council object on the grounds that:

- The proposal will generate a significant increase in HGV traffic over extended periods of the day on an already congested part of the Highway network. It will cause unacceptable additional congestion and consequent delays to the travelling public. Notwithstanding the importance of the HS2 project this is considered to be an unacceptable impact over the projected 5 year construction period unless significant mitigation measures are funded and put into place
- As this operation is only 75 metres from residential property it is likely that there will be problems with dust migrating from the plant to the nearby houses. Banbury Town Council are concerned about the assessment of the dust and noise impacts of the proposal. OCC are asked to ensure that CDC's Environmental Protection Officers are fully involved in assessing these impacts and that mitigation measures are required to minimise nuisance

- The extra operating hours and high volume of HGV movement will be detrimental to the already poor air quality in this area. This area already suffers from congestion and to add the proposed number of vehicle movements will put extreme pressure on the local environment.

Councillor Banfield

MW.0012/21, MW.0013/21 & MW.0014/21

8. If these applications are granted, I have grave concerns for the health of my constituents that have homes located just 250 meters away from this Tarmac plant. I'm also gravely concerned for my constituents that have homes next to Hennef Way as their small back gardens back directly onto this highly polluted dual carriageway which in 2019 had Nitrogen Dioxide readings that were double the safe and legally recommended limit and Hennef Way was the most polluted location in the whole of Oxfordshire.
9. If granted the HGV movements on Waterworks Road, are going to increase from a daily total of 80 in 2020 to a daily total of 348 HGV movements and they all have to drive through Waterworks Road and enter on to Hennef Way. Not to mention the extra noise and dust pollution this plant would generate if they are able to secure their planning permission. I have serious safety concerns for the many pedestrians and cyclists that I have recently witnessed using Waterworks Road and the Tarmac plant has in my opinion inadequate parking facilities for the heavy goods vehicles that would be entering and leaving their site and insufficient overnight, onsite parking for such vehicles. Which will lead to heavy goods vehicles being parked overnight within residential streets.
10. I have found the Highways Report written by David Tucker which was commissioned and paid for by Tarmac to be very misleading. In this report, they write that the Banbury Tarmac plant is going to turn away their long-term and trusted business customers and run their plant at a reduced capacity just to serve their short-term HS2 custom. But if this is true because why have Tarmac asked for within application number MW.0014/21 – Provision of new temporary stock-bay area and weighbridge to the north of the existing site. This would be for a temporary period (circa 5 years) to support the increased capacity needed to serve the HS2 contract. At the end of the temporary period, the site would be restored. The important words within that paragraph are (to support increased capacity needed to serve the HS2 contract. It would be incredibly naive of us to think that any business would not want to expand their plant and thus increase their capability to supply both their long-term business contracts and their new business contracts.
11. Furthermore, this David Tucker Highways report writes in paragraph 3.6 that if granted the HGV traffic from their site would be less than the 410 daily total which is often generated from the site now. I can say that I have in the last few weeks visited this location in my vehicle and parked up and physically counted the HGV traffic both entering and exiting this site and at no point did I witness the numbers of vehicles needed to reach the 410 daily total. They also stated within their report that (It can be seen that the overall expected use of the site will be

lower than the existing fall-back position of the capacity of the site and therefore no further assessment is deemed necessary.). This is just not true and so air pollution impacts on both Hennef Way and Waterworks Road and their surrounding residential streets should be fully investigated within a comprehensive air pollution assessment report and published for all to read.

Environment Agency

12. No response received at time of drafting this report. Comments are due by 24th April.

OCC Transport Development Control

MW.0012/21

13. Final Response – No objection, subject to condition limiting peak hour (08.00-09.00 and 17.00-18.00) HGV movements to/from the site to 40 movements. This is necessary to ensure that the local highway network is not significantly impacted.
14. Initial Response - This application if granted permission would result in an increased aggregate storage capacity on the site which the application points out that would be necessary for continued productivity of this aggregate facility and also more importantly, albeit on a temporary basis, to serve the HS2 compounds from this facility. As such, this facility would be in a position to deliver construction material (aggregate) to various HS2 compounds around the midlands for the HS2 rail project. In a separate application which was later withdrawn, the proposals of this application were previously agreed with the Highway Authority. The pertinent difference is the apparently assumed reduction of trip generation which is unsubstantiated. The submitted Highway Note assumes that operations that currently serve the existing markets shall be reduced as a result of the temporary operations of the HS2. I have not seen evidential support on this. However, on the basis of the substantiated traffic impact within the previously withdrawn application (Ref: MW.0116/18), the Highway Authority made the following remarks which I consider still applicable in this case.

“...to ensure that the proposed development does not contribute to an already burdened network, it is suggested that a restriction is put in place on HGV's associated with the development to avoid Hennef Way during the AM and PM peak hours. On this basis, the proposal would not add to existing levels of traffic generation during the peak hours and therefore I do not wish to raise any objection.

Away from Hennef Way, the development proposes to make highway improvements in the vicinity of the site access, which include formation of a central refuge to the access junction on Grimsbury Green and provision of an advisory cycle lane. This is in acknowledgement of the adopted cycle path that is in place immediately adjacent to the site access. This runs along the southern

front of Grimsbury Green opposite the site access. This provision of a 1.2 metre advisory cycle lane across the junction shall improve cycling between the Grimsbury suburb to Banbury Cross area and Banbury Cross and to Banbury Gateway retail parks and vice versa.”

Recommend that if permission is granted, it should be subject to a condition requiring Hennef Way to be kept free from HS2 related traffic at peak times.

MW.0013/21

15. Final response – Final Response – No objection, subject to condition limiting peak hour (08.00-09.00 and 17.00-18.00) HGV movements to/from the site to 40 movements. This is necessary to ensure that the local highway network is not significantly impacted.
16. Initial Response - No objection. Relocation of the RMX concrete plant and other alterations to the facility have been identified as necessary in order to accommodate the increased deliveries associated with HS2. This application if granted permission would result in an increased aggregate storage capacity on the site which the application points out that would be necessary for continued productivity of this aggregate facility and also more importantly, albeit on a temporary basis, to serve the HS2 compounds from this facility. As such, this facility would be in a position to deliver construction material (aggregate) to various HS2 compounds around the midlands for the HS2 rail project. The isolated proposals herein will have no impact on the volume of site traffic or the access to/from the highway network. I find the application proposals acceptable from a highway safety and traffic movement point of view.

MW.0014/21

17. Final Response – No objection, subject to condition limiting peak hour (08.00-09.00 and 17.00-18.00) HGV movements to/from the site to 40 movements. This is necessary to ensure that the local highway network is not significantly impacted.
18. Initial Response - No objection. The isolated proposals herein are acceptable. However, seeing that the proposals are likely to make way for increased operations on site, in which the combined traffic impact (existing and HS2 operations) has not been adequately validated, I remain apprehensive that some degree of impact may be transferred onto Hennef Way if the anticipated movements associated with the HS2 projects are left unchecked. I therefore find it reasonable in the absence of an adequate mitigation strategy to request imposition of a planning condition that would restrict HGV trips associated with the HS2 project between the peak hours.

Recommend that if permission is granted, a condition is imposed requiring that Hennef Way is kept free from HS2 related traffic at peak times.

OCC Rights of Way

MW.0012/21, MW.0013/21 & MW.0014/21

19. Response received – No comments made.

Public Health England

MW.0012/21, MW.0013/21 & MW.0014/21

20. PHE is satisfied with the approach and methodology used by the applicant except for the choice of representative background levels for use in the air quality modelling assessment. We strongly recommend that the Local Planning Authority liaise with Cherwell District Council (CDC) to ensure they are happy with the assumed background levels and if they are not the applicant may wish to consider re-running the model with amended levels as agreed with CDC.
21. The five-year increase in capacity associated with HS2 construction will result in an increase in NO₂ and PM₁₀ concentrations in the air quality management area (AQMA) adjacent to the site. The predicted increase is relatively small, but these are non-threshold pollutants and any increase in exposures is undesirable. However, based on the submitted reports, it would not be possible to quantify the additional risk to persons living in or adjacent to the AQMA. For that reason, PHE cannot raise an objection to the proposed development in principle.
22. In terms of dust control from the site we recommend that the local planning authority should consider including suitable planning conditions to require suitable dust control measures at the site (in line with industry good practice).

OCC Public Health

23. The recommendations made by PHE also constitute the consultant's advice.

OCC LLFA

24. No response received

OCC Ecology

MW.0012/21, MW.0013/21 & MW.0014/21

25. No objections

OCC Landscape Advisor

MW.0012/21, MW.0013/21 & MW.0014/21

26. No objection subject to conditions. I don't expect the application to cause unacceptable landscape or visual impacts subject to the boundary vegetation along the western boundary be retained as suggested in the Landscape and Visual Appraisal (LVA) and lighting to be implemented in line with the proposed lighting scheme. Confirm that the submitted Landscape Mitigation and Enhancement Plan is acceptable and should be implemented.

Network Rail

MW.0012/21, MW.0013/21 & MW.0014/21

27. The proposal is acceptable in principal – subject to agreement to their proposed grab operations over the freight sidings (adjacent to the operational passenger lines) and acceptable arrangements around their machines and delivery movements – guaranteeing Network Rail maintenance access 24/7/365.

Annex 5 – Summary of Representations

MW.0012/21, MW.0013/21 & MW.0014/21

- Noise pollution, including in the early mornings
- Air Quality, pollution & dust
- Health impacts including mental health
- Light pollution
- Traffic congestion
- Highway safety
- Safety of pedestrian and cyclists
- Impact on recreational areas including the reservoir
- Impact on birds, wildlife and biodiversity
- The loss of woodland habitat
- Overnight parking of HGVs outside of the site
- General opposition to HS2
- HGVs blocking visibility on the highway for vehicles and pedestrians
- Damage to the highway through broken road surface and eroded signs

Annex 6 - 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).

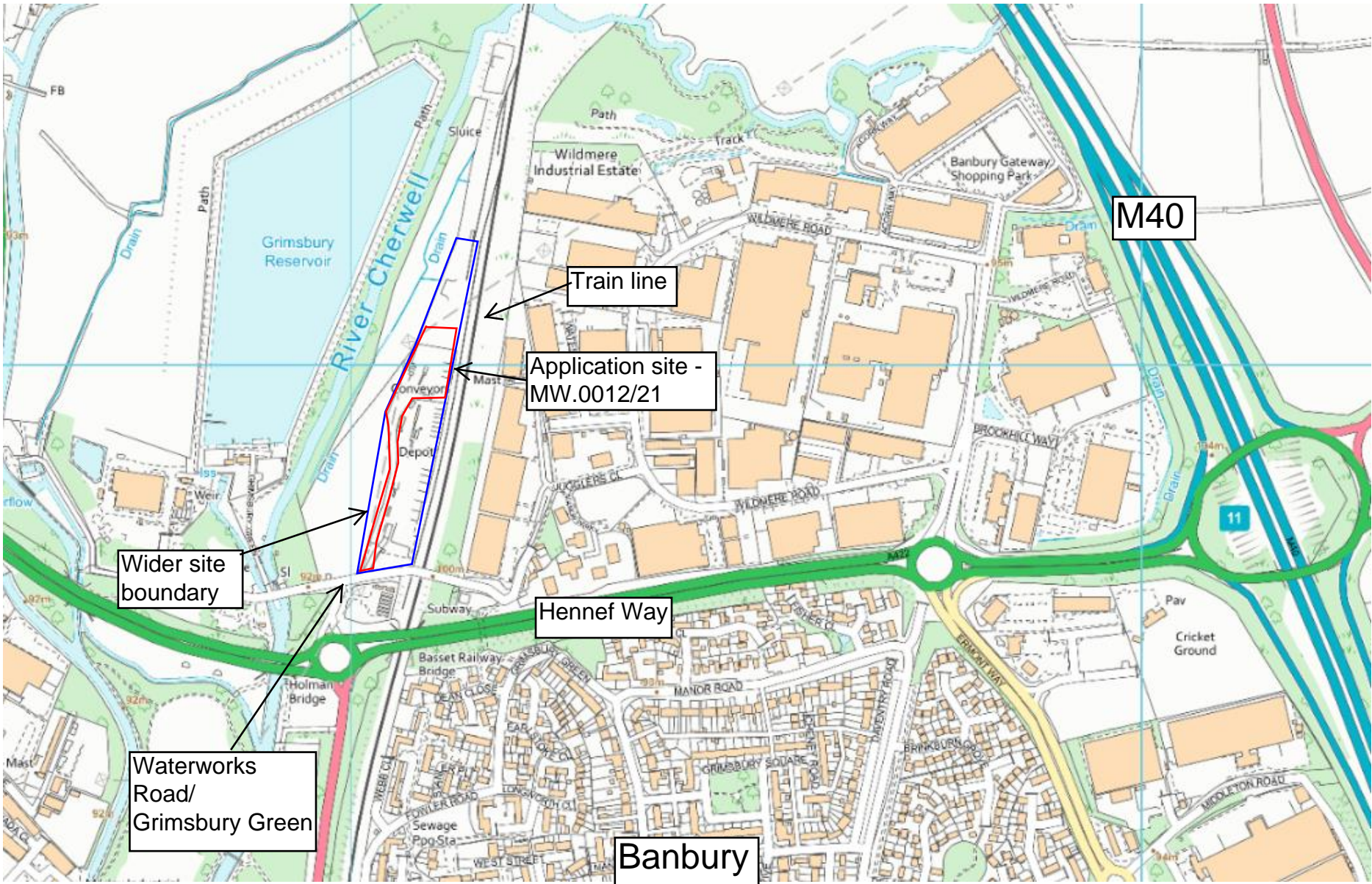
1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, 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.

Annex 7 - Compliance with National Planning Policy Framework

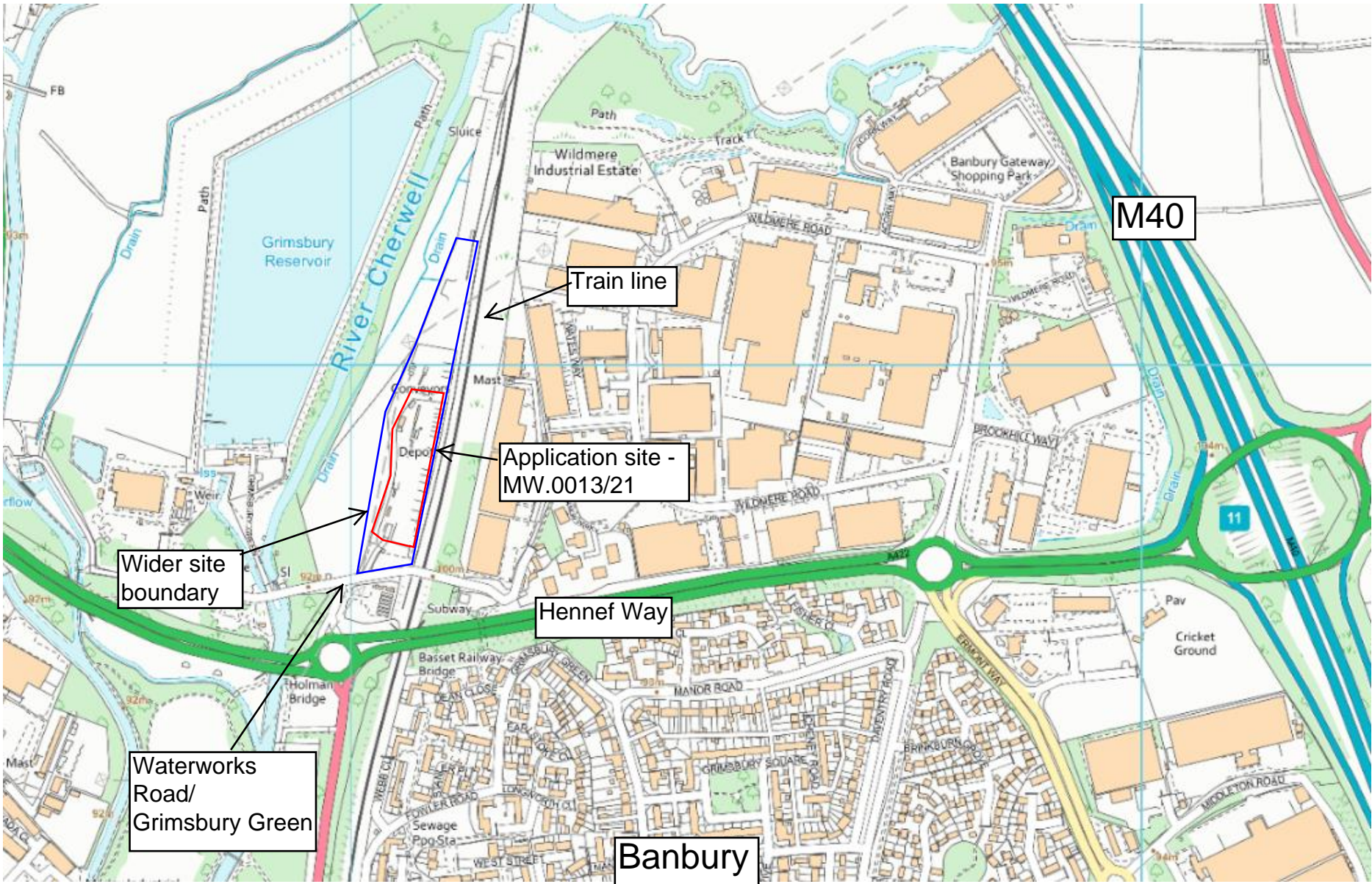
In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications 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 this case the applicant was provided the opportunity to respond to objections and concerns raised by consultees.



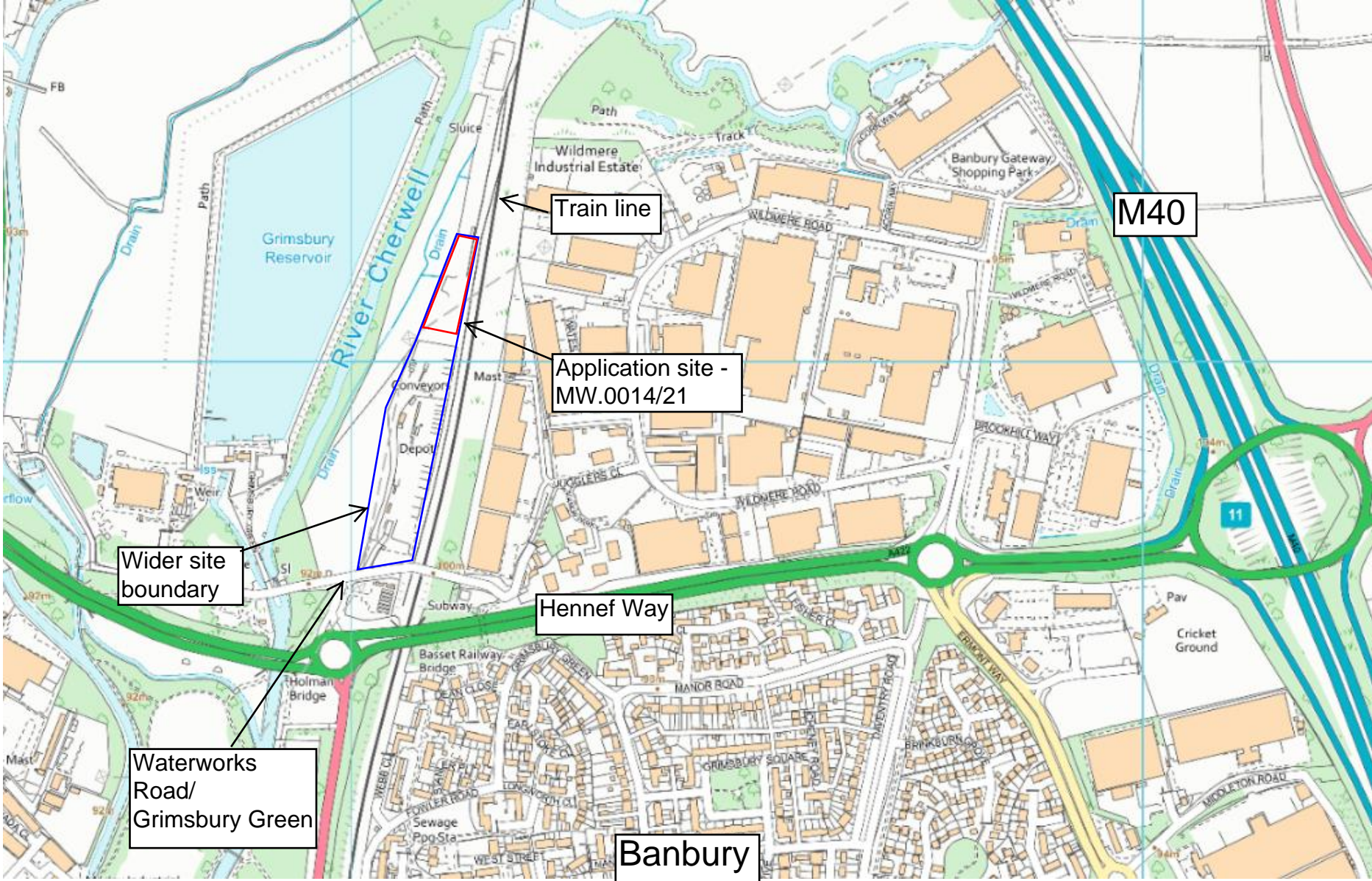
Boundaries shown are approximate, please refer to application documents for detailed plans.

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Divisions Affected – Benson and Cholsey and Wallingford

PLANNING AND REGULATION COMMITTEE

19 APRIL 2021

THE USE OF THE LAND AT NEW BARN FARM QUARRY FOR THE IMPORTATION, HANDLING AND RE-SALE OF AGGREGATES.

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Naomi Woodcock **Tel:** 07554 103 464

Location: New Barn Farm, Cholsey, Wallingford, Oxfordshire OX10 9HA

OCC Application No: MW.0114/20

SODC Application No: 19/01725/CC3REG P20/S4474/CM

District Council Areas: South Oxfordshire

Applicant: Grundon Sand and Gravel Ltd

Application Received: 12th November 2020

Consultation Period: 3rd December 2020 – 24th December 2020

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

Executive Summary

1. The report sets out the proposed development for which planning permission has been applied under application no. MW.0114/20. Having considered the report against the development plan and other material considerations including consultation responses and representations received it is recommended that subject to a supplemental routing agreement first being entered into that the application be approved subject to conditions to be determined by the Assistant Director of Strategic Infrastructure and Planning.

PART 1- FACTS AND BACKGROUND

Location (See Plan 1):

2. New Barn Farm Quarry is located 500 metres¹ south of the edge of Wallingford and 1km north of Cholsey in the south of the county.
3. The application site lies 1.3km south of Wallingford AQMA.

Site and Setting:

4. The application site is located within New Barn Farm Quarry close to the eastern corner of the permitted quarry site.
5. The approved quarry site is approximately 38 ha in size, and is bordered to the north east by the A4130 Bosley Way; the south east by the Wallingford Road, which links Wallingford and Cholsey; to the south west by a drainage ditch, beyond which lies agricultural land; and to the north west by the Cholsey and Wallingford Railway, beyond which lies agricultural land. There is a solar farm to the east of the northern part of the site, on the other side of Wallingford Road.
6. The application site is 0.57ha in area and lies 600 metres west of the Chilterns Area of Outstanding Natural Beauty (AONB) and 1,100 metres east of the North Wessex Downs AONB.
7. The closest residential dwellings to the proposed development are located 600 metres away to the west and 800 metres away to the south.
8. South Oxfordshire District Council has granted outline planning permission² for a new residential development of up to 502 dwellings (amended from 550 dwellings) and a new primary school, directly north of the application site, on the other side of the A4130.
9. The application site is a hardstanding area that comprises:

¹ All distances are approximate.

² reference P16/S4275/O

- In the northernmost part of the site, access to both the application site and the wider quarry from the A4130;
 - A wheel wash and office to the east of the site access;
 - A weighbridge immediately north east and south west of the office
 - A large storage area for minerals/aggregates to the south west of the offices and weighbridges; and
 - An internal route from the site access to the mineral/aggregate storage area.
10. The application site also includes a small 'pick up' zone to the east of the weighbridge. This zone was created in early summer 2020 as a social distancing mitigation measure following the implications/guidance of the Covid-19 outbreak.

Relevant Planning History:

11. Planning permission MW.0094/16 was granted on 8 November 2018 for the extraction of sand and gravel with associated processing plant, conveyors, office and weighbridge, and parking areas. This permission included the construction of a new access onto the A4130 and restoration to agriculture, incorporating two ponds, using imported inert materials. This permission has been implemented and the quarry is now operational.
12. Condition 3 of this permission requires the extraction of minerals to cease by 31 December 2037.
13. Condition 4 of this permission requires the land to be restored by 31 December 2039 or within 24 months of the cessation of mineral extraction if sooner.
14. Condition 5 of this permission stipulates that no operations shall be carried out at the site except between 7.00 and 18.00 Monday to Fridays and 7.00 and 13.00 on Saturdays.
15. Condition 22 of this permission stipulates the maximum noise levels for the development during working hours.
16. Condition 23 of this permission stipulates the maximum noise levels for temporary operations for construction and removal of bunds.
17. Condition 24 of this permission requires the noise from typical site operations to be monitored every 3 months for the life of the development.
18. Approval³ was granted on 24 April 2019 for the dust monitoring and control scheme for New Barn Farm Quarry, as required by condition 26 on permission MW.0094/16.

Details of Proposed Development:

Need

³ Oxfordshire County Council Planning Reference: MW.029/18

19. The quarry has identified a need for the provision of a wider range of aggregate products within the local area. The need arose from the interest which the local community have shown in the different types of aggregates.
20. The applicant proposes to meet this demand by providing the local community with a wider range of aggregate products. Planning permission is therefore being sought for the importation, handling and resale of 10,000tpa of aggregates within a small section of New Barn Farm Quarry.
21. It is anticipated that 30% of the imported aggregates would be secondary and/or recycled and would largely comprise compost soil blend. The proportion of secondary and/or recycled aggregates is expected to increase as more supplies become available.
22. The application provides the following indicative list for the composition of the imported aggregates:
 - Building sand
 - Type1/ Scalpings,
 - 20mm shingle
 - Compost soil blend/top soil,
 - 20mm Old English chippings; and
 - 20mm Cotswold chippings.
23. It is proposed to blend some imported aggregates with mineral won from the quarry prior to re-sale.
24. It is envisaged that non-commercial builders, DIYers, landscape gardeners, and local residents would collect the imported aggregates in various load sizes, such as between less than 1 tonne to 4 tonne loads, directly from the quarry.

Storage area

25. The existing storage area for the quarry would be re-arranged to accommodate the storage of the imported aggregates. In particular, the existing mineral stocks would be relocated and 1.6 metre high concrete blocks would be installed to the west of the office to create 6 20m² aggregate importation bays. The materials stored within these bays would have a maximum height of 3 metres.
26. A turning area for vehicles associated with material delivery and pick-ups would be created immediately west of the new importation bays.
27. The new layout of the storage area would allow for the separation of large vehicles and small vehicles. It would also make provision for: i) a customer self-bagging area and ii) an area where customers can pick up material in already pre-packed circa 1t bags.
28. Small quantities of imported aggregates would also be stored in a 100m² 'Pick & Mix' area. This area would have the potential to store four 1.5 metre high aggregates stockpiles prior to their sale/export off site.

29. The Pick and Mix area would comprise a self-service zone for customers wishing to collect up to 1 tonne of material. The area would allow for vehicle manoeuvring associated with material delivery and pickups.

Hours of operation and timescale

30. The site would be operational 279 days of the year and the hours of use would be limited to those permitted by the quarry, which are as follows:
- 07:00 – 18:00 Mondays to Friday; and
 - 07:00 – 13:00 Saturday
31. No operations would take place on Sundays, Public or Bank Holidays.
32. Planning permission is sought on a temporary basis until 31 December 2037 to coincide with the date that mineral extractions cease at the quarry site.

Vehicular movements

33. The aggregates would be imported to the site in HGVs. Based on the maximum volumes proposed to be imported to the site, it is anticipated that the development would generate on average 2 in and out trips per day (4 two-way HGV movements). This calculation is based on 20-tonne average vehicle load to import the material to the site.
34. The Planning Supporting Statement explains that the number of HGV movements may actually be less as some HGVS which enter the quarry site to purchase sharp sand may bring the aggregates to the development site on their way in i.e. they would form part of the existing movements associated with the quarry.
35. It is anticipated that the exportation/sale of the aggregates would generate on average 12 in and out trips per day (24 two way movements), based on 3 tonne average vehicle load.
36. In total, the overall proposed development would generate on average 14 in and out trips per day (28 two way movements).
37. New Barn Farm Quarry generates 120 HGV two way movements per day and 22 two way car movements from staff and visitors. No changes are proposed to these traffic movements.

Additional information

38. A Surface Water Statement was submitted during the consultation period to address the issues raised in the Lead Flood Authority's first response.

PART 2 – OTHER VIEWPOINTS

Consultation & Representations:

39. 8 public responses have been received to this application, of which 3 object to the development proposal, 2 raise concerns and 3 support the application. The main issues raised by the responses are as follows:
- Objections/concerns:
 - Environmental impacts of the development;
 - Need for the development;
 - Use of the application site for builders merchant type operations;
 - Negative impact on local businesses and the local economy;
 - Extension of the quarry and development beyond 2037;
 - Transport impacts;
 - Type of aggregates being imported and the blending of materials; and
 - Existing impacts from the permitted quarry works.
 - Support:
 - Environmental benefits for local businesses;
 - Economic benefits for local businesses; and
 - Improved level of services for local businesses.
40. The local member (County Councillor Mark Gray) has not submitted a formal response to the application.
41. Councillor Sudbury (County Councillor for Wallingford, Brightwell, Wittenhams) objects to this application and requests that the application be determined by the Planning & Regulation Committee. This land has permission to quarry aggregate. That should not include selling aggregate quarried somewhere else, which can be bought from builders' merchants and which will take business away from the local economy. He also questions the proposed vehicle movements and the likelihood of smaller vehicles being suitable for transporting the weight of material suggested and that the vehicle movements generated are likely to be up to 50 to 100 times higher than proposed. He also considers that the access road layout is not suitable for a high volume of retail traffic.
42. Cholsey Parish Council comment that one of their main concerns expressed over many years of opposing the New Barn Farm quarry was the huge number of lorry movements that would be required on a daily basis. This new application for importation of minerals suggests that the council were correct to oppose the initial development of the area. Many local residents have already expressed concerns about the increased number of lorries on the bypass and they are concerned that this number can only increase given the basis of this application.
43. Wallingford Town Council comment that that this appears to be building merchant type operation for the building trade and general public and is contrary to the gravel extraction activities that Grundon were granted permission for. They have concerns on the impact of Grundon's proposed business on local small businesses. This is contrary to the emerging Neighbourhood Plan Policy 6.2.6 and 6.2.19. With regards to proposed selling of 'compost soil blend/topsoil' which is totally unrelated to aggregates produced from quarrying activities again there are local garden centres that this will have an impact on. Indeed, it would have an impact on the local economy. Wallingford Town Council is concerned that the quarrying activity will extend well beyond 2037 with the likely consequential extension to the current

application if granted. Wallingford Town Council also has grave concerns regarding traffic volumes and movements and is concerned with the impact increased traffic movements will have on air pollution which will be contrary to emerging Neighbourhood plan policy EE2.6

44. South Oxfordshire District Council raises no objection to this proposal given the overall scale of development occurring on the site in relation to the current quarrying activities.
45. South Oxfordshire District Council Environmental Health Officer raises no objections to the proposed development.
46. South Oxfordshire District Council Air Quality Officer first response: Due to the size and nature of the proposed development and its close location to Wallingford's Air Quality Management Area, we would request an Air Quality Assessment to be carried out in order to fully assess the air quality impacts of the development.
47. South Oxfordshire District Council Air Quality Officer second response: I have now reviewed the initial AQ Assessment and AQ Addendum (DustScan Ltd, 2016) submitted by the developer for the original application which found that the AQ impacts would be negligible for a development that would entail 142 two-way movements per day. Therefore, it is unlikely that the current application, which refers to an additional 28 two-way movements daily, would have a significant impact on local air quality. However, due to the size and nature of the proposed development and the nearby Wallingford Air Quality Management Area, in order to protect public health from any impacts arising from the traffic increase associated to this development, I suggest conditions: i) requiring vehicles associated with the quarry workings and the aggregate importation operation to adhere to the routing agreement; and ii) compliance with the dust scheme approved as part of the original quarry application.
48. CPRE object to the planning proposal and comment that the application site is not identified as industrial, retail or employment land by either the Cholsey or Wallingford Neighbourhood Plans nor the emerging South Oxfordshire Local Plan. We note there are at least three builders' merchants, selling sand and aggregate, in the area. There is no evidence of local demand and this activity would damage these long-established businesses.
49. Natural England raises no objection to the application. They comment that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
50. The Environment Agency have no comments to make in respect of the proposed development.
51. The OCC Environmental Team raise no objection to the application and comments that the development is proposed to be located within the boundary of the existing

operational quarry and as such don't consider the application to cause additional adverse ecological effects.

52. The Lead Archaeologist explains that the site has been subject to a programme of archaeological mitigation ahead of the quarry. No further archaeological investigations are required for this area. As such there are no archaeological constraints to this scheme.
53. The Landscape Specialist 1st response: An increase in vehicle movements could cause additional adverse effects on the special qualities of the nearby AONBs. The Specialist requested clarification on whether cumulative impacts on the highway networks had been considered, and on the proposed routing of vehicles. In addition, commented that an update of the Planning Statement is required to include an assessment of the potential impact on the AONBs.
54. Landscape Specialist 2nd response: As the quarry is already existing, I don't expect the proposals within the site boundary to cause additional adverse landscape or visual effects. However, consideration should also be given to whether an increase in vehicle movements could cause adverse effects on the special qualities of the nearby AONBs such as tranquillity or the landscape character of country lanes. I don't envisage the development to cause adverse effects on the AONBs. As such I have no objection to the application. However, it is also my understanding that the stated vehicle movements are predictions rather than a firm commitment, and that traffic volumes could increase over time. Whilst I am content that the predicted level of traffic will not cause adverse effects on the AONBs, I am concerned about the cumulative impact potential future increases in vehicle movements could have on traffic volumes, especially in combination with other developments in the area. I would therefore welcome if vehicle movements associated with this application could be restricted if possible.
55. Lead Local Flood Authority 1st response: Object. The key issues are: i) excessive lorry and truck movements; ii) the impact of access road, layby loading/unloading bays on water quality; iii) surface water strategy is needed and should be in line with guidance; and iv) the groundwater issues need to be fully understood.
56. Lead Local Flood Authority 2nd response: Following the further information provided, I have had a look at the proposals in detail again and as the access road is already approved and constructed, and the operations within the site are pretty much the same as already approved, then I have no further concerns with this application.
57. Transport Development Control raise no objection subject to a condition capping the amount of aggregates imported to the site to 10,000tpa.

PART 3 – RELEVANT PLANNING DOCUMENTS

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

Development Plan Documents:

58. Planning applications should be decided in accordance with the Development Plan unless material considerations indicate otherwise. The relevant development plan for this area comprises:

- The Oxfordshire Minerals and Waste Local Plan Part 1 Core Strategy 2031 (OMWCS);
- South Oxfordshire Local Plan 2035 (SOLP); and
- Cholsey Neighbourhood Plan 2017 – 2033 (CNP) (However, neighbourhood plans cannot include policies for county matters i.e. minerals and waste development).

59. The relevant Development Plan policies are:

Oxfordshire Minerals and Waste Local Plan Part 1 Core Strategy 2031 (OMWCS)

- M1 (Recycled and secondary aggregate)
- M9 (Safeguarding mineral infrastructure)
- W4 (Locations for facilities to manage the principal waste streams)
- W5 (Siting of waste management facilities)
- C1 (Sustainable development)
- C4 (Water Environment)
- C5 (Local environment, amenity and economy)
- C8 (Landscape)
- C10 (Transport)

South Oxfordshire Local Plan (SOLP) 2035:

- DES6 (Residential amenity)
- ENV1 (Landscape and countryside)
- ENV12 (Pollution)
- TRANS5 (Consideration of development proposals)

Cholsey Neighbourhood Plan (CNP) 2017 – 2033:

- CNP T2 (Transport and AONB)

Other Policy Documents and Material Considerations

60. The Government's National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a material consideration in taking planning decisions.

61. The Chilterns Area of Outstanding Natural Beauty Management Plan (CAONBMP) 2019 – 2024 is a material consideration. The relevant policy is:

- DP4 (Setting of the AONB).

62. The North Wessex Downs Area of Outstanding Natural Beauty Management Plan (NWDAONBMP) 2019 – 2024 is also a material consideration. The relevant policies area. The relevant policy :
- DE20 (Traffic Volumes)
63. The emerging Wallingford Neighbourhood Plan does not cover the application area but it does about it with the access being onto and from the A4130. The Neighbourhood Plan is not yet adopted but has been through independent examination and is being put to local referendum on 6th May and so is at an advanced stage.

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

64. Key considerations are:
- i. sustainable Development;
 - ii. need;
 - iii. environmental and amenity impacts;
 - iv. transport Impacts;
 - v. impact on the natural environment;
 - vi. water environment;
 - vii. economic impact; and
 - viii. consultation period.

Sustainable Development

65. Policy C1 of the OMWCS states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework and the aim to improve the economic, social and environmental conditions of the area.
66. Policy C1 of the OMWS also states that planning proposals which accord with the policies in this plan will be approved unless material considerations indicate otherwise. The development will therefore only be in compliance with these policies if it is also generally in compliance with other development plan policies.
67. The CPRE, Wallingford Town Council and 2 public responses are concerned about the submission of future applications to extend quarry working beyond 2037. In particular, they are concerned that this may give rise to the submission of a further application to extend period for the importation of aggregates at the site, if permitted. Consequently, this could add permanence to the development.
68. As every application submitted must be determined on its own merits, I do not consider the concerns raised about possible future applications to be a material consideration and therefore should not be taken into consideration. In relation to the

application for the importation of aggregates at New Barn Farm Quarry, there is a presumption in favour of this development provided that the proposals accord with planning policy and material considerations do not consider otherwise.

69. The rest of this section of the report assesses whether the key issues of the proposed development accord with development plan policy and so informs the conclusion as to whether it is sustainable development.

Need

Demand

70. To meet the aggregate mineral demand in Oxfordshire Policy M1 of the OMWCS prioritises the supply of recycled and secondary aggregate materials above primary aggregates in order to minimise the need to work primary aggregates.
71. Policy M1 of the OMWCS seeks to enable the maximum delivery of recycled and secondary aggregate within Oxfordshire by encouraging the supply of recycled and secondary aggregate.
72. Policy M1 explains that provision will be made for facilities to enable the supply of a minimum of 0.926 million tonnes of recycled and secondary aggregates per annum.
73. Wallingford Town Council, the CPRE and a public response have objected to the application as they do not consider there to be a local need for this type of development, particularly given that there are existing and similar businesses in the area.
74. One public response has advised that the development would enable them to provide a better service to their customers within the Wallingford area.
75. Whilst there are similar businesses in the area, I am of the view that the development would help meet the demand for aggregates in Oxfordshire. The proposal includes the supply of recycled and/or secondary aggregates, which is afforded preference above primary aggregates by Policy M1 of the OMWCS. However, it is disappointing that only up to 30% of the aggregates imported would comprise recycled and/or secondary aggregates, although this percentage is expected to increase as supply increased. Nonetheless, the proposal does include the supply of recycled and secondary aggregates. I therefore consider this proposal to be in line with Policy M1 of the OMWCS, subsequently the development would help Oxfordshire meet its minimum supply target of 0.926 million tonnes of recycled and secondary aggregates per annum.

Safeguarding mineral infrastructure

76. Policy M9 of the OMWCS states that existing and permitted infrastructure that supports the supply of minerals in Oxfordshire is safeguarded against development that would unnecessarily prevent the operation of the infrastructure or would

prejudice or jeopardise its continued use by creating incompatible land uses nearby. Paragraph 4.69 of the OMWCS states that such infrastructure includes existing and permitted quarries with remaining permitted reserves.

77. Councillor Sudbury, Wallingford Town Council, the CPRE and 2 public responses are of the view that the proposed development should not be located on the quarry site as the development is akin to that of a builder's merchant. They add that the site has permission for quarried aggregates, not industrial, retail or employment land. For this reason, one public respondent considers the district council to be the determining authority.
78. The applicant explains that the development would not trigger new employment at the quarry and that the proposed operation would not be 'a typical' Builders' merchant's operation that tend to sell small bags. Although the customers would be welcome to 'fill their own bags' (except for top soil) to purchase smaller quantities of aggregate it is not expected that the material would be pre-packed by the quarry in smaller than circa 1t bulk bags (also material prepacked into bulk bags would be in the minority as this is to be the supplementary activity). Some blending with mineral won at the quarry is proposed which would not be the case at a typical Builders Merchants.
79. The proposal to sell imported aggregates at quarry sites is not unique as similar arrangements exist at other quarries across Oxfordshire such as Faringdon and Duns Tew. As this application involves the use of land for the preparation or adaptation for sale of mineral at a quarry, it falls to Oxfordshire County Council as the Minerals and Waste Planning Authority to determine this application as a county matter. The district council has not disputed this point.
80. I consider that the proposal does not conflict with the aims of policy M9 of the OMWCS as:
- i) the proposed development would be sited on an existing and permitted quarry site; and
 - ii) permission is being sought on a temporary basis to coincide with the life of the permitted quarry workings.
81. However, to ensure compliance with policy M9 of the OMWCS, a condition should be imposed requiring the removal of the development at the end of the temporary period to ensure the completion of restoration in accordance with the existing permitted time period.

Environmental and amenity impacts

82. Policy C5 of the OMWCS and policies DES6 and ENV12 of the SOLP ensure that new development will not have an unacceptable or significant adverse impact on the local environment or residential amenity including from noise, dust, air quality and pollution.
83. Wallingford Town Council are concerned that the proposed development would have a negative impact on air pollution levels.

84. The Air Quality Officer initially expressed similar concerns given the proximity of the site to Wallingford AQMA. However, upon review of the air quality documents which were approved as part of the quarry development, the officer concluded that it is unlikely that the proposed development would have a significant impact on local air quality. In order to protect public health from any impacts arising from the proposed traffic increase, the Officer considers it necessary to attach a condition requiring all vehicles associated with the development to comply with a routeing agreement which avoids Wallingford Town Centre. The Air Quality Officer is happy for the routeing agreement to apply to HGVs only and the applicant has confirmed that they are agreeable to this.
85. The Air Quality Officer also suggests a condition requiring the proposed development to comply with the dust scheme for the wider quarry site in order to ensure satisfactory air quality for the nearby residents.
86. Two public responses raise environmental impacts as an issue. The first expresses concern that the proposed development would significantly add to noise and pollution, and the other response highlights existing noise, dust and health impacts from the permitted working quarry.
87. The dust section of the supporting statement demonstrates that the development should not give rise to significant noise or dust impact if implemented in accordance with the approved dust mitigation practices (e.g. use of a road sweeper) and noise limits (e.g. restricted hours of working) for the wider quarry area. Whilst concerns are expressed about the effectiveness of these measures in relation to the permitted quarry workings, no concerns about noise have been raised by the Environmental Health Officer. In addition, the reports produced by Oxfordshire County Council's Monitoring and Enforcement team show that no comments or complaints have been received about dust, noise or health impacts from the permitted quarry workings.
88. I agree with the Air Quality Officer that a dust condition should be imposed to ensure that the proposed development does not have an unacceptable or significant adverse air quality impact on the local environment or residential amenity. I consider that the applicant should enter into a supplemental routeing agreement to ensure that all HGVs comply with the existing routeing requirements and that the air quality impacts are not significant or adverse. To encourage visitors leaving the site not to travel through the AQMA, a condition could also be imposed requiring the applicant to erect appropriate signage close to the site exit.
89. Conditions requiring the development to comply with the noise mitigation measures and the hours of working for the wider quarry site could also be imposed.
90. It is unclear whether external lighting is proposed. In my view it would be appropriate to apply an external lighting condition to ensure that the development does not result in any unacceptable or significant adverse light pollution impacts on the local area.

Water Impacts

91. Policy C5 of the OMWCS ensures that minerals and waste developments do not have an unacceptable adverse impact on or risk to the quantity or quality of surface or groundwater resources.
92. The Lead Local Flood Authority confirm in their final response that there are no concerns about potential impacts on ground water, water quality or surface water. Therefore, the proposal is considered to be in accordance with OMWCS policy C5.

Transport Impacts

93. Policy C5 of the OMWCS seeks to ensure that minerals and waste development do not have an unacceptable adverse impact on the local environment including from traffic and air quality.
94. Policy TRANS5 of the SOLP requires new development to be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment.
95. Transport related objections have been received from Wallingford Town Council, Cholsey Parish Council, Councillor Sudbury, CPRE and 2 public respondents. The objectors are concerned that the proposed development will increase vehicular movements on the local transport network.
96. The objectors consider that traffic levels on the A4130 would be significantly exacerbated by the culmination of the ongoing developments around Wallingford and the new development.
97. One public response expresses that the development would reduce unnecessary travel of up to 50 miles for the collection of materials.
98. Wallingford Town Council are concerned about safety at the site entrance/A4130 if the site is used by the general public.
99. Transport Development Control have not raised any concerns about road safety. To minimise the impact of the development on the local highway network, Transport Development Control suggest that the amount of aggregate being imported to the site should be capped at 10,000tpa.
100. The transport note that accompanies this application concludes that the development would have a negligible adverse⁴ impact on the local road network.
101. In my view the combined average increase for HGVs and customers associated with the proposed development above that already permitted for the quarry should not have an unacceptably adverse impact on the local transport network. In addition, it is likely that the average figure would be less as some of the HGVs importing aggregates to the site would already be travelling to the quarry to purchase sharp

⁴ Negligible adverse: A change in traffic flows or HGV movements of less than 10% of the baseline for the receptors of very low sensitivity.

sand. I do consider it appropriate to cap the amount of aggregates being imported to the site to ensure that the development does not result in additional HGV movements.

102. Concerns have been raised about road safety at the entrance to the site. In accordance with paragraph 109 of the NPPF development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. No objection has been raised by the Transport Development Control Officer subject to the tonnage limitation set out above. In my view neither the use of the site access by the public or the average increase in vehicle movements should create a traffic hazard particularly as there are existing road signs indicating to turn left only when accessing and leaving the site and a condition could be attached to any permission granted requiring that these are maintained as is the case for the main quarry permission. In addition, the access road design itself is such that it encourages drivers to turn in the correct direction and, as set out above, a supplemental routeing agreement for the HGVs should be entered into.
103. I consider that subject to the routeing agreement and these conditions, the development accords with policies C5 and TRANS5.

Impacts on the natural environment

104. Paragraph 172 of the NPPF places great weight on “conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (AONBs), which have the highest status of protection in relation to landscape and scenic beauty.” Paragraph 172 also states that planning permission for major development in these areas should be refused except in exceptional circumstances. The development site is located outside of the North Wessex Downs and Chilterns AONBs.
105. Policy C8 of the OMWCS requires proposals for minerals and waste development that would significantly affect an AONB to demonstrate that they take this into account and that they have regard to the relevant AONB Management Plan.
106. Policy ENV1 of the SOLP explains that development which affects the setting of an AONB will only be permitted if it conserves the character and natural beauty of the AONB.
107. Policy CNP T2 of the CNP 2019 explains that where appropriate, proposals should be designed to minimise their impact on the AONB.
108. Policy DP4 of the CAONBMP explain that in the setting of the AONB, consideration should be given to whether the development proposals harm the AONB, such as generating traffic in or across the AONB.
109. Policy DE20 of the NWDAONBMP resists developments that would substantially increase traffic volumes in sensitive areas.

110. The Landscape Specialist is of the view that the proposed development should not cause adverse effects on the AONBs. However, the Landscape Specialist is concerned about the cumulative impact potential future increases in vehicle movements could have on traffic volumes, especially in combination with other developments in the area and expresses that a restriction of vehicle movement would be welcome.
111. The CPRE comment that the site is very close to the North Wessex Downs AONB and as such great care needs to be taken to preserve its rural nature. They consider that the development would bring additional low grade building, light, noise and dust pollution.
112. In my view the temporary development should not affect the character or natural beauty of the nearby AONBs nor should it have any additional visual or landscape impacts on the setting of the nearby AONBs as the application site is located within a permitted working quarry. Additional buildings are not proposed as part of the works and the development would be subject to the same dust and noise control measures as the permitted quarry. A lighting condition would also ensure that the development does not give rise to additional light pollution within the AONB.
113. Given the low level of average traffic movements proposed per hour and that the application site is located just off the Oxfordshire National Lorry Route, I consider that the development should not be harmful to the setting of the nearby AONBs. A condition capping the amount of aggregates imported to the site each year (as discussed above) should go some way to addressing the Landscape Officer's concerns about future cumulative impacts.
114. I therefore consider that the proposed development should not conflict with these AONB policies.

Economic Impacts

115. Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can expand. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
116. Policy C5 of the OMWCS seeks to ensure that minerals and waste developments do not have an unacceptable adverse impact on the local economy.
117. Councillor Sudbury, Wallingford Town Council and the CPRE are concerned that the planning proposal may damage existing builders merchants in the area. They consider that the development would add nothing to the local economy.
118. Four public responses consider that the development would provide time, cost saving and environmental benefits for existing businesses who currently travel outside of the local area to purchase aggregates.

119. One public response has advised that the development would enable them to provide a better service to their customers within the Wallingford area.
120. In my view approval of this temporary application would enable the applicant to diversify their product range in association with the mineral produced at the quarry so that their business can expand. As a result, customers who currently travel outside of the local area to purchase aggregates would be able to take advantage of the cost and time saving benefits that the new development would bring. In turn, this should have a positive impact on economic growth in the area. It is not considered that to allow this development would be likely to have a significant unacceptable adverse impact on the local economy with local builders merchants still supplying a considerably wider range of items than would be provided for through this application, for example timber, bricks and roofing materials
121. I therefore consider that the proposed development aligns with Paragraph 80 of the NPPF and does not conflict with policy C5 of the OMWCS.

Consultation period

122. Several complaints were received during the consultation period as the neighbour notification letters from Oxfordshire County Council requested that representations be made within 10 days of the date of the letter. Once the Planning Officer was made aware of the issue, a new letter which allowed for a 21 day consultation period was sent to all neighbours affected. The error, which was due to a database issue, has now been fully resolved.

Financial Implications

123. Not applicable as the financial interests of the County Council are not relevant to the determination of planning applications.

Legal Implications

124. Legal comments and advice have been incorporated into the report.

Equality & Inclusion Implications

125. In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusions

126. Permission is being sought for the use of the land at New Barn Farm Quarry for the importation, handling and re-sale of aggregates. The application is in line with policy M1 of the OMWCS. Subject to condition, the proposal would not conflict with the aims of policy M9 of the OMWCS. The implementation of a supplemental routeing agreement for HGVS associated with the development and the attachment of conditions relating to noise, signage, dust and lighting would ensure that the development does not have an unacceptable or significant adverse impact on the local environment or residential amenity. A condition restricting the amount of aggregates imported to the site and maintenance of existing signage would ensure that the transport impacts of the development are acceptable along with the supplemental routeing agreement. The development would not be harmful to the setting of the nearby AONBs. Approval of the application would enable the applicant's business to expand without having an unacceptable adverse impact on the local economy.

RECOMMENDATION

127. **Subject to a supplemental routeing agreement first being entered into planning permission MW.0114/20 be APPROVED subject to conditions to be determined by the Assistant Director for Strategic Infrastructure and Planning to include those set out in Annex 1 to this report.**

RACHEL WILEMAN

Assistant Director for Strategic Infrastructure and Planning

April 2021

Annex:	Annex 1: Conditions
	Annex 2: European Protected Species
	Annex 3: Compliance with National Planning Policy Framework
	Plan 1: Site Location Plan
Background papers:	Nil

Other Documents:	Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy
	South Oxfordshire Local Plan 2035
	Cholsey Neighbourhood Plan 1996
	National Planning Policy Framework
	Chilterns Area of Outstanding Natural Beauty Management Plan
	North Wessex Downs Area of Outstanding Natural Beauty Management Plan
	The emerging Wallingford Neighbourhood Plan

Annex 1 – Conditions

1. Full compliance with approved plans.
2. Development to be implemented within 3 years of consent.
3. Temporary permission until 31st December 2037 and removal of the development.
4. No more than 10 000 tonnes of aggregate to be imported each year.
5. Records of imports to be maintained and made available on request.
6. Standard operating hours (07.00-18.00 Mon-Fri, 07.00-13.00 Sat).
7. Development to be carried out in accordance with dust monitoring, control and management documents approved under MW.0129/18.
8. No import until a sign has been erected advising drivers to avoid the Wallingford AQMA.
9. Sign to be maintained at site exit advising drivers of 'left in, left out' requirement.
10. Noise limits.
11. Noise monitoring.
12. No reversing beepers other than white noise.
13. No external lighting other than in accordance with a plan which has been submitted and approved.

Annex 2 - 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 2010 which identifies 4 main offences for development affecting European Protected Species (EPS).

- 1) Deliberate capture or killing or injuring of an EPS
 - 2) Deliberate taking or destroying of EPS eggs
 - 3) Deliberate disturbance of an 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.

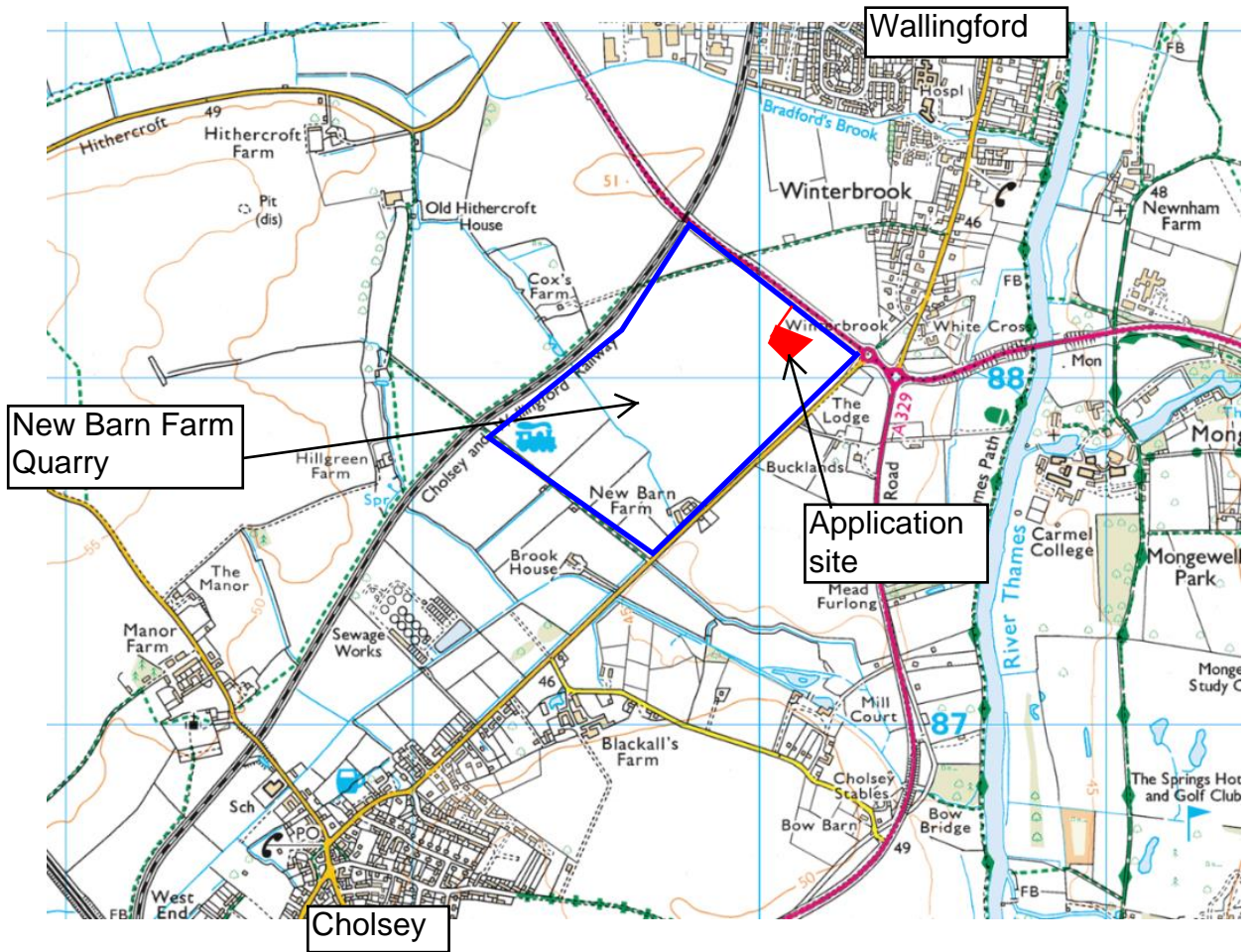
Annex 3 - Compliance with National Planning Policy Framework

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, and
- updating applicants and agents of any issues that may arise in the processing of their application and where possible suggesting solutions. For example, in this case we updated the applicant of the drainage and air quality issues which arose during the planning application process and suggested solutions.

Plan 1



MW.0114/20 – New Barn Farm Quarry

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PLANNING & REGULATION COMMITTEE – 19 APRIL 2021

Policy Annex (Relevant Development Plan and other Policies)

Oxfordshire Minerals and Waste Core Strategy 2017 (OMWCS)

POLICY C1: SUSTAINABLE DEVELOPMENT

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

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

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

POLICY C2: CLIMATE CHANGE

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

POLICY C3: FLOODING

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

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

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

POLICY C4: WATER ENVIRONMENT

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

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

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

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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

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

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

POLICY 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 M1: RECYCLED AND SECONDARY AGGREGATES

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

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

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

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

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

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

POLICY M6: AGGREGATE RAIL DEPOTS

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

POLICY M9: SAFEGUARDING MINERAL INFRASTRUCTURE

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

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

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

as shown on the Policies Map; and

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

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

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

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

POLICY 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.

Cherwell Local Plan 1996 (CLP 1996) (saved policies)

POLICY C28: DESIGN CONSIDERATIONS

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

POLICY TR10: HEAVY GOODS VEHICLES

Development that would generate frequent heavy goods vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted. The council will resist proposals for the establishment of heavy goods vehicle operating centres where they would create traffic problems or adversely affect the amenity of residential areas or villages.

Cherwell Local Plan 2011-2013 Part 1 (CLP)

POLICY PSD 1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with

applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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

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

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

POLICY ESD 1: MITIGATING AND ADAPTING TO CLIMATE CHANGE

Measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include:

- Distributing growth to the most sustainable locations as defined in this Local Plan
- Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars
- Designing developments to reduce carbon emissions and use resources more efficiently, including water (see Policy ESD 3 Sustainable Construction)
- Promoting the use of decentralized and renewable or low carbon energy where appropriate (see Policies ESD 4 Decentralised Energy Systems and ESD 5 Renewable Energy).

The incorporation of suitable adaptation measures in new development to ensure that development is more resilient to climate change impacts will include consideration of the following:

- Taking into account the known physical and environmental constraints when identifying locations for development
- Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling
- Minimising the risk of flooding and making use of sustainable drainage methods, and
- Reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).

Adaptation through design approaches will be considered in more locally specific detail in the Sustainable Buildings in Cherwell Supplementary Planning Document (SPD).

POLICY ESD 6: SUSTAINABLE FLOOD RISK MANAGEMENT

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

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

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

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

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

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

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

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

POLICY ESD7: SUSTAINABLE DRAINAGE SYSTEMS (SuDS)

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

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

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

POLICY ESD 8: WATER RESOURCES

The Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use.

Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.

Development will only be permitted where adequate water resources exist, or can be provided without detriment to existing uses. Where appropriate, phasing of development will be used to enable the relevant water infrastructure to be put in place in advance of development commencing.

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

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

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

wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity

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

POLICY ESD 11: CONSERVATION AREA TARGETS

Where development is proposed within or adjacent to a Conservation Area Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, the design and layout of the development, planning conditions or obligations will be used to secure biodiversity enhancement to help achieve the aims of the Conservation Target Area.

POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT

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

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

- Cause undue visual intrusion into the open countryside
- Cause undue harm to important natural landscape features and topography

- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

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

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

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

New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions
- Support the efficient use of land and infrastructure, though appropriate land mix and density/development intensity
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting
- Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under-used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged
- Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified

this should include an appropriate desk based assessment and, where necessary, a field evaluation

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

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

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

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

POLICY ESD 16: THE OXFORD CANAL

We will protect and enhance the Oxford Canal corridor which passes south to north through the District as a green transport route, significant industrial heritage, tourism attraction and major leisure facility through the control of development. The length of the Oxford Canal through Cherwell District is a designated Conservation Area and proposals which would be detrimental to its character or appearance will not be permitted. The biodiversity value of the canal corridor will be protected.

We will support proposals to promote transport, recreation, leisure and tourism related uses of the Canal where appropriate, as well as supporting enhancement of the canal's active role in mixed use development in urban settings. We will ensure that the towpath alongside the canal becomes an accessible long distance trail for all users, particularly for walkers, cyclists and horse riders where appropriate.

Other than appropriately located small scale car parks and picnic facilities, new facilities for canal users should be located within or immediately adjacent to settlements. The Council encourages pre-application discussions to help identify significant issues associated with a site and to consider appropriate design solutions to these and we will seek to ensure that all new development meets the highest design standards.

POLICY SLE 4: IMPROVED TRANSPORT AND CONNECTIONS

The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth.

We will support key transport proposals including:

- Transport Improvements at Banbury, Bicester and the Former RAF Upper Heyford in accordance with the County Council's Local Transport Plan and Movement Strategies
- Projects associated with East-West rail including new stations at Bicester Town and Water Eaton
- Rail freight associated development at Graven Hill, Bicester
- Improvements to M40 junctions

Consultation on options for new link and relief roads at Bicester and Banbury will be undertaken through the Local Transport Plan (LTP) review process. Routes

identified following strategic options appraisal work for LTP4 will be confirmed by the County Council and will be incorporated in Local Plan Part 2.

New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.

All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.

POLICY SLE 5: HIGH SPEED RAIL 2

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

The implementation of HS2 will also be expected to:

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

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

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

The Council will work with HS2 Ltd to:

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

- Achieve its sustainability objectives.

South Oxfordshire Local Plan (SOLP) 2035

POLICY DES6: RESIDENTIAL AMENITY

1. 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) smell, dust, heat, odour, gases or other emissions;
 - v) pollution, contamination or the use of/or storage of hazardous substances;
and
 - vi) external lighting.

POLICY ENV1: LANDSCAPE AND COUNTRYSIDE

1. The highest level of protection will be given to the landscape and scenic beauty of the Chilterns and North Wessex Downs Areas of Outstanding Natural Beauty (AONBs):
 - Development in an AONB or affecting the setting of an AONB will only be permitted where it conserves, and where possible, enhances the character and natural beauty of the AONB;
 - Development in an AONB will only be permitted where it is appropriate to the economic and environmental wellbeing of the area or promotes understanding or enjoyment of the AONB;
 - Major development in an AONB will only be permitted in exceptional circumstances and where it can be demonstrated to be in the public interest;
and
 - Development proposals that could affect the special qualities of an AONB (including the setting of an AONB) either individually or in combination with other developments, should be accompanied by a proportionate Landscape and Visual Impact Assessment.
2. South Oxfordshire's landscape, countryside and rural areas will be protected against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular:
 - i) trees (including individual trees, groups of trees and woodlands), hedgerows and field boundaries;
 - ii) irreplaceable habitats such as ancient woodland and aged or veteran trees found outside ancient woodland;
 - iii) the landscapes, waterscapes, cultural heritage and user enjoyment of the River Thames, its tributaries and flood plains;
 - iv) other watercourse and water bodies;

- v) the landscape and setting of settlements or the special character and landscape setting of Oxford;
 - vi) topographical features;
 - vii) areas or features of cultural and historic value;
 - viii) important views and visually sensitive skylines; and
 - ix) aesthetic and perceptual features such as tranquillity, wildness, intactness, rarity and enclosure.
3. Development which supports economic growth in rural areas will be supported provided it conserves and enhances the landscape, countryside and rural areas.
 4. The Council will seek the retention of important hedgerows. Where retention is not possible and a proposal seeks the removal of a hedgerow, the Council will require compensatory planting with a mixture of native hedgerow species.

POLICY ENV12: POLLUTION

1. Development proposals should be located in sustainable locations and should be designed to ensure that they will not result in significant adverse impacts on human health, the natural environment and/or the amenity of neighbouring uses.
2. The individual and cumulative impacts of development on human health, the natural environment and/or local amenity will be considered when assessing development proposals.
3. The consideration of the merits of development proposals will be balanced against the adverse impact on human health, the natural environment and/or local amenity, including the following factors:
 - noise or vibration;
 - smell, dust, odour, artificial light, gases and other emissions;
 - air pollution, contamination of the site or its surroundings and hazardous substances nearby;
 - land instability; and
 - any other relevant types of pollution.

POLICY TRANS5: CONSIDERATION OF DEVELOPMENT PROPOSALS

1. Proposals for all types of development will, where appropriate:
 - i) provide for a safe and convenient access for all users to the highway network;
 - ii) provide safe and convenient routes for cyclists and pedestrians, both within the development, and including links to rights of way and other off-site walking and cycling routes where relevant;
 - iii) provide for covered secure and safe cycle parking, complemented by other facilities to support cycling where relevant;
 - iv) be designed to facilitate access to high quality public transport routes, including safe walking routes to nearby bus stops or new bus stops;
 - v) provide for appropriate public transport infrastructure;

- vi) be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment;
- vii) where new roads, pedestrian routes, cycleways and street lighting are to be constructed as part of the development, they should be constructed to adoptable standards and be completed as soon as they are required to serve the development;
- viii) make adequate provision for those whose mobility is impaired;
- ix) be designed to enable charging of plug-in and other low emission vehicles in safe, accessible and convenient locations;
- x) provide for loading, unloading, circulation and turning space;
- xi) be designed to enable the servicing of properties by refuse collection vehicles;
- xii) provide for parking for disable people;
- xiii) provide for the parking of vehicles in accordance with Oxfordshire County Council parking standards, unless specific evidence is provided to justify otherwise; and
- xiv) provide facilities to support the take up of electric and/or low emission vehicles.

Cholsey Neighbourhood Plan

POLICY CNP T2: TRANSPORT AND AONB

Proposals which improve public transport facilities, increase disabled provision and secure off-road car and cycle parking provision for rail users at Cholsey Station will be supported and encouraged. Where appropriate proposals should be designed to minimise their impact on the AONB.