



Planning & Regulation Committee

Monday, 29 November 2021 at 2.00 pm

Council Chamber, County Hall, New Road, Oxford, OX1 1ND

Please note that Council meetings are currently taking place in-person (not virtually) with social distancing at the venue. Meetings will continue to be live-streamed and those who wish to view them are strongly encouraged to do so online to minimise the risk of Covid 19 infection.

If you wish to view proceedings, please click on this [link](#). However, that will not allow you to participate in the meeting.

Places at meetings are very limited due to the requirements of social distancing. If you still wish to attend this meeting in person, you must contact the Committee Officer by 9am on Tuesday 23 November 2021 and he will advise if you can be accommodated at this meeting and of the detailed Covid-19 safety requirements for all attendees. Requests to speak should be sent to graham.warrington@oxfordshire.gov.uk in line with the arrangements set out at Agenda Item 4 on this agenda. You will be contacted by the officer regarding arrangements for speaking.

Please note that in line with current government guidance *all* attendees are strongly encouraged to take a lateral flow test in advance of the meeting.

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

Yvonne Rees
Chief Executive

November 2021

Committee Officer:

Graham Warrington

Tel: 07393 001211; E-Mail:

graham.warrington@oxfordshire.gov.uk

Note: Date of next meeting: 17 January 2022

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.

Membership

Chair – Councillor Geoff Saul
Deputy Chair - Councillor Richard Webber

Councillors

Judy Roberts
Robin Bennett
Felix Bloomfield
Yvonne Constance OBE

Imade Edosomwan
Mohamed Fadlalla
Stefan Gawrysiak
David Rouane

Les Sibley
Ian Snowdon

Notes:

- ***Date of next meeting: 17 January 2021***

Items for Decision

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 12)

To approve the minutes of the meeting held on 6 September 2021 (PN3) and to receive information arising from them.

4. **Petitions and Public Address**

Currently council meetings are taking place in-person (not virtually) with social distancing operating in the venues. However, members of the public who wish to speak at this meeting can also if they prefer attend the meeting 'virtually' through an online connection. Places at the meeting are very limited due to the requirements of social distancing. While you can ask to attend the meeting in person, you are strongly encouraged to attend 'virtually' to minimise the risk of Covid-19 infection.

Please also note that in line with current government guidance all attendees are strongly encouraged to take a lateral flow test in advance of the meeting.

Normally requests to speak at this public meeting are required by 9 am on the day preceding the published date of the meeting. However, during the current situation and to facilitate these new arrangements we are asking that requests to speak are submitted by no later than 9am four working days before the meeting i.e. 9 am on Tuesday 23 November 2021. Requests to speak should be sent to graham.warrington@oxfordshire.gov.uk. You will be contacted by the officer regarding arrangements for speaking.

If you ask to attend in person, the officer will also advise you regarding Covid-19 safety at the meeting. If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting i.e. Thursday 25 November 2021. Written submissions should be no longer than 1 A4 sheet.

5. **Chairman's Updates**
6. **Section 73 application for the continuation of the winning and working of sand and gravel with restoration using suitable imported materials to vary conditions 2, 3 and 6 of planning permission 19/02521/CM (MW.0111/19) in order to extend the period of extraction until 31st December 2022 and the time period for restoration until 31st December 2024 to allow for sufficient time for the working of mineral from beneath the plant site and the revised restoration of the plant site at Cassington Quarry,**

Worton, Witney, OX29 4EB - Application no: MW.0122/20
(Pages 13 - 40)

Report by the Assistant Director of Strategic Infrastructure and Planning (PN6).

The report sets out the proposed changes to the specified existing planning conditions which have been applied for under application no. MW.0122/20. Having considered the proposals against the development plan and other material considerations, including consultation responses and representations received, it is recommended that the application be approved.

It is RECOMMENDED that planning permission for MW.0122/20 be approved subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1 to the report PN6.

7. (i) Importation of inert material for use in restoration of the site and ii) To continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the date for restoration and allow the importation of inert material at Castle Barn Quarry, Fairgreen Farm, Sarsden, Oxfordshire - Application nos: MW.0057/21 and MW.0058/21
(Pages 41 - 78)

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

The report sets out the two proposed developments for which planning permission has been applied under application nos. MW.0057/21 and MW.0058/21. Having considered the report against the development plan and other material considerations including consultation responses and representations received it is recommended the two applications are refused.

It is RECOMMENDED that planning permission for application MW.0057/21 be refused for the following reasons:

- i) The development is Major Development in the Cotswolds Area of Outstanding Natural Beauty for which exceptional circumstances do not exist and for which it has not been demonstrated that the development is in the public interest. Therefore, the development is contrary to paragraph 177 of the National Planning Policy Framework, policy C8 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy, policies EH1 & EH2 of the West Oxfordshire Local Plan and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the Cotswolds AONB Management Plan 2018.***
- ii) The development is not necessary in order to achieve the satisfactory restoration and afteruse of the existing quarry in a timely manner contrary to Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy policies W6 and M10.***

- iii) The development would not minimise carbon emissions nor make effective use of natural resources contrary to policy C2 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy and policy OS3 of the West Oxfordshire Local Plan.**

It is RECOMMENDED that planning permission for application MW.0058/21 be refused for the following reasons:

- i) In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development is Major Development in the Cotswolds Area of Outstanding Natural Beauty for which exceptional circumstances do not exist and for which it has not been demonstrated that the development is in the public interest. Therefore, the development is contrary to paragraph 177 of the National Planning Policy Framework, policy C8 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy, policies EH1 & EH2 of the West Oxfordshire Local Plan and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the Cotswolds AONB Management Plan 2018.**
- ii) In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development is not necessary in order to achieve the satisfactory restoration and afteruse of the existing quarry in a timely manner contrary to Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy policies W6 and M10.**
- iii) In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development would not minimise carbon emissions nor make effective use of natural resources contrary to policy C2 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy and policy OS3 of the West Oxfordshire Local Plan.**

8. Relevant Development Plan and Policies (Pages 79 - 98)

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

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

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

Pre-Meeting Briefing

There will be a pre-meeting briefing via Teams to be confirmed for the Chairman, Deputy Chairman and Opposition Group Spokesman.

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PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 6 September 2021 commencing at 2.00 pm and finishing at 4.57 pm

Present:

Voting Members: Councillor Geoff Saul – in the Chair

Councillor Richard Webber (Deputy Chair)
Councillor Judy Roberts
Councillor Robin Bennett
Councillor Felix Bloomfield
Councillor Yvonne Constance OBE
Councillor Imade Edosomwan
Councillor Mohamed Fadlalla
Councillor Stefan Gawrysiak
Councillor David Rouane
Councillor Les Sibley
Councillor Ian Snowdon

Other Members in Attendance: Councillor Bob Johnston (for Agenda Item 6 and 7)

Officers:

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

Part of meeting

Agenda Item	Officer Attending
8	N. Richmond (Strategic Infrastructure and Planning)

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

18/21 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE
(Agenda No. 2)

With regard to Items 6 and 7 Councillor Constance advised that although she had previously chaired meetings of the Minerals and Waste Cabinet Advisory Committee she had no individual knowledge of either item prior to reading the officer report and therefore intended to participate in discussion and voting on both items.

19/21 MINUTES
(Agenda No. 3)

The minutes of the meetings held on 19 April 2021 and 18 May 2021 were approved and signed.

20/21 PETITIONS AND PUBLIC ADDRESS
(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Roger Thomas Richard Dudding County Councillor Bob Johnston Nick Dunn James Lodge)) 6. Serving of the Prohibition Order) (ROMP) at Thrupp Farm and) Thrupp Lane, Radley)
Roger Thomas Richard Dudding County Councillor Bob Johnston Nick Dunn James Lodge)) 7. Application No. MW.0075/20 –) Thrupp Lane, Radley))

21/21 SERVING OF THE PROHIBITION ORDER FOR THE REVIEW OF THE MINERAL PLANNING PERMISSION (ROMP) AT THRUPP FARM AND THRUPP LANE, RADLEY
(Agenda No. 6)

As resolved at the meeting of the Planning and Regulation Committee on 8th March 2021, the Committee now 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 areas DD1 and DD2.

Having presented the report Mr Periam confirmed that be understood a partial order could be served.

Speaking on behalf the Friends of Radley Lakes Roger Thomas advised that although members of the Committee had received a number of detailed papers about this item which all looked very complicated and technical it was in fact very simple. The Radley ROMP site was covered by a number of separate mineral planning permissions, granted at different times between 1954 and 1992. Those different areas had different histories with some worked out many years ago, but never

restored and others, where extraction had yet to even start - such as the Nyatt site, which was the subject of Item 7 on this agenda. Radley Parish Council was asking that a Prohibition Order be served on just two of these old permissions where extraction in both areas had been completed by 1979 at the latest. One had then been filled with waste but never properly restored and so a Prohibition Order would clarify the planning position and enable the County Council to require timely restoration.

The County Council's position was that a Prohibition Order could not be served on only part of a ROMP site whereas Government guidance said exactly the opposite and indeed went on to say that in some circumstances, probably including this one, there was a statutory duty on the authority to serve an order covering only part of a ROMP site. Obviously there had been some kind of misunderstanding over the legal position and he had hoped to have been able to discuss this with county officers before this meeting, but that hadn't been possible. The Committee obviously would not want to ask officers to do anything which wasn't supportable in law, so in his opinion there were two possible ways forward. One to amend its resolution so that the Council's intention to serve a Prohibition Order on areas where future extraction was planned was revoked, while maintaining that intention to serve on the two areas where extraction had definitely ceased. The other approach would be to defer a decision to allow time for discussion between officers and interested parties in order to resolve apparently conflicting views of the legal position. This all mattered because if a Prohibition Order was not served on the land which he had referred to above then restoration of those areas might not take place until 2043 - around 65 years after the completion of extraction and that quite simply was not how mineral planning was supposed to work.

Councillor Constance asked Mr Thomas to clarify the emphasis he had made regarding cessation of work in those 2 areas in 1979 and that the County Council would be able to make a prohibition order on those 2 areas whereas our advice was that the EIA would not be capable of being assessed.

Mr Thomas replied that it was not clear to him that the EIA for the Nyatts site was intended to cover those areas and he was not aware of plans to extend that assessment over areas of land they had no interest in.

Mr Periam added that officers had been advised of work being undertaken by the operator for the submission of the application for the review of conditions. However, that in itself was not a submission but an indication that they were doing some work and it was impossible to say what would eventually be put forward until an application had been received although the expectation was that everything in the relevant areas would be included.

Richard Dudding spoke on behalf of Radley Parish Council whose position remained as in its submission of 6 July namely that a prohibition order should not be made for most of the ROMP area but that an order should be made for the north-western part of the area. Where minerals remained that would enable extraction to proceed with suitable modern conditions and where minerals were exhausted and had been now for 40 years enable that land to be restored and future uses decided on their merits. That outcome was not just desirable but sound in law. Officers had still not looked

properly at this solution and their current advice did not address the points put forward by Radley Parish Council but relied on a counsel's opinion, which the Parish Council believed to be unsound. In their view the advice did not correctly describe the statutory tests for a prohibition order to be made; did not correctly assess the facts to see whether those tests had been met and did not report what had been said to Parliament about the purpose of the legislation. The key points about that legislation were that it did not require a prohibition to cover the whole of a ROMP area but quite deliberately allowed a partial approach, to cater for a ROMP area with split control and circumstances and created a duty to make a prohibition order where the statutory test was met, not just a power. This was to avoid blight through inaction.

Circumstances now before the Committee were that the ROMP area was in split control, with good progress towards a ROMP application in one part but not in the other. The latter part clearly met the statutory test for a prohibition order, having no remaining minerals and no evidence of mineral activity resuming. The land could easily be delineated and that there would be continued blight if no action was taken. It was quite clear to them that there was a duty to serve a prohibition order for this part of the ROMP area and they urged the Committee not to make a decision today based on the advice submitted as they considered that to be unsound but instead resolve to proceed with a prohibition order for the north-western area alone or defer a decision pending further advice. If the latter course was decided upon then the parish council would consider commissioning its own counsel's opinion.

Responding to Councillor Bennett Mr Dudding advised that although the county council had been impressed by the evidence submitted in support of the studies undertaken it was quite clear from, for example, the bird survey that clearly none of it related to the north west area.

Councillor Johnston speaking as local member stated that he had been involved with this site since 1982 during which time the area had been blighted. Having regard to the officer report and the comments from the earlier speakers, which he endorsed he considered safest thing to do was defer a decision in order to resolve the legal issues.

Officers confirmed that if a decision was taken to defer then the County Council would need to decide if another legal opinion might be required.

Nick Dunn speaking on behalf of H Tuckwell and Sons reminded the Committee that this was the second attempt at serving a Prohibition Order on the Thrupp Farm ROMP the first having been quashed in 2014 by the Secretary of State who had awarded full costs against Oxfordshire County Council. As detailed in the current Committee Report, Tuckwells had made significant financial investments in the ROMP, at the cost of tens of thousands of pounds and would continue to make further significant investments over the coming months, to deliver a ROMP Application and Environmental Impact Assessment.

The key legal test to quash the Prohibition Order was that if 'evidence of a genuine intention to extract minerals for the ROMP' had been provided. It was clear from the Committee Report that your Planning Officer and legal advisor had recognised that this legal test had been met and with no legal justification for the Order they

welcomed the officer recommendation for its revocation. In considering that recommendation the summary of your Council's legal opinion in Paragraph 21 of the Committee Report was key. That advice did not support a full or partial Prohibition Order and recognises that the Secretary of State would almost certainly refuse to confirm the Prohibition Order, in the light of the evidence provided with a significant risk of costs being awarded against the Council should the Prohibition Order proceed. That advice echoed a Legal Opinion sought by Tuckwells which had been provided to your Officers. Pursuing the Prohibition Order had resulted in 2 years of uncertainty and extra costs for Tuckwells, at a time when they have been making significant financial investments in the ROMP and so they were requesting that this ongoing uncertainty should end and an evidence-based decision made today to quash the Prohibition Order, as recommended by your officers.

Mr Dunn then responded to questions from:

Councillor Bennett – Tuckwells controlled the ROMP but there was recognition that because the ROMP was a whole area that restoration and management of the unrestored areas was a requirement of the ROMP. Tuckwells were lessees and John Curtis the owners. He agreed with the assessment that it was unlikely that no more mineral would be found in the north west area but if partial prohibition order were served that would sever access to the site which was why the application at Item 7 needed to be approved.

Councillor Gawrysiak – with regards to timing for a workable Romp application an EIA took time and ecology needed to be at least 2 years old in order to be viable. Furthermore, if a problem occurred as part of the process then that would need to be addressed. He hoped an application would be ready for submission by spring 2022 but if problems occurred then that might be delayed. The intention was to bring forward plans to include restoration of parts of the site that have not yet been restored with conditions attached to control what was done.

Councillor Roberts – he would not support a partial order on the north west area as the opportunity needed to be taken to deal with the site as a whole and by doing so provide regulatory control to ensure restoration of the whole area including the north west section but if the site were severed then that control might not be there. Permissions with attached conditions went with the land and requiring the landowner to comply so there would be a regulatory control that restoration would happen.

Councillor Constance – the ROMP would give the ability to control restoration of the whole site. Severance of the site could create an extra and unnecessary set of problems. The programme for submission was definite with a genuine intent to extract material.

James Lodge, the Managing Director at H Tuckwell and Sons advised that the Thrupp Farm ROMP area was owned by J. Curtis and Sons Ltd who previously worked the site and the reason for the issuing of the current Prohibition Order was a perceived inactivity by this Landowner to progress the ROMP. That, in fact, was incorrect as Tuckwells and the Landowner had been involved in a detailed negotiation to agree a legal contract. That contract had been agreed allowing

Tuckwells the sole right to work the remaining 1 million tonnes of sand and gravel and restore the land to lakes with biodiversity and amenity benefits. To achieve that Tuckwells needed to first submit the ROMP application to agree modern planning conditions - that application was being prepared. They had and continued to heavily invest in the ROMP Application with evidence of that provided to and accepted by County Council officers. It was clear to him and County officers that the legal test had been met as 'a genuine intention to extract the mineral' had been provided and as a result, there was no legal justification or mechanism by which this order could be pursued. In his view, the evidence provided was even stronger now than it had been in 2014 when the Prohibition Order had been quashed and costs awarded against the County Council. He asked that the Committee give due regard to the extensive works and investment Tuckwells had made in the ROMP Application; recognise that the legal test to quash the ROMP had been met; and so support your officer recommendations.

Mr Lodge confirmed the response from Mr Dunn regarding the suggested timetable for submission of the ROMP application. Regarding restoration of the ROMP area of extraction that would certainly be in his company's hands and capabilities. Regarding the rest of the area that would need to be the subject of further discussion between the landowner and us as operators but there would be a legal obligation to comply with restoration requirements for the site, which would need to be met by us or the landowner or both.

Responding to questions from members officers confirmed that a decision had been taken to secure a ROMP application which needed to deal with the whole area including Curtis' industrial yard. That application would include conditions requested by the applicant and conditions that the County Council would impose but it was not possible at this time to predict what those might be but restoration would be a requirement. Although it would be possible to apply a partial order our advice was that that would not be the best course of action. The Council made a decision or determination to consider the whole area as a single site under the 1995 Environmental Act but sitting alongside that were the 2017 EIA regulations which specifically related to ROMP applications and stated that should be treated as a whole site. The officer assessment had been that it needed to cover the whole site and severing the site presented risks and was not considered a sensible or reasonable approach. It was not possible to say what the operator would do if a partial order was served but it was likely that they would appeal.

Following a long debate it was **RESOLVED** (on a motion by Councillor Gawrysiak seconded by Councillor Constance and carried by 11 votes to 1) to defer a decision to the July 2022 meeting of the Committee with the expectation being that the operator would by that time have submitted a ROMP application accompanied by an Environmental Statement for the whole of the Radley ROMP permissions area.

22/21 USE OF THE EXISTING PROCESSING PLANT SITE TO PROCESS SAND AND GRAVEL FROM THE NEARBY 94 ACRE REVIEW OF OLD MINERAL PERMISSION (ROMP) SITE (REF: DD1 AND DD2), THE INSTALLATION OF A FIELD CONVEYOR SYSTEM TO THE SITE BOUNDARY AND ANCILLARY FACILITIES FOR THE TRANSPORTATION, STORAGE AND PROCESSING OF THE SAND AND GRAVEL AND THE USE OF AN EXISTING HAUL ROAD - THRUPP LANE, RADLEY, ABINGDON, OXON, OX14 3NG.- APPLICANT: H TUCKWELL AND SONS LTD - APPLICATION NO: MW.0075/20

(Agenda No. 7)

The Committee considered an application (PN7) setting out proposed use of the existing processing plant site to process sand and gravel from the nearby 94 acre Review of Old Mineral Permission (ROMP) site along with installation of a field conveyor system to the site boundary and ancillary facilities for the transportation, storage and processing of the sand and gravel and the use of the existing haul road.

Mr Periam presented the report.

Roger Thomas accepted that, if the Nyatt mineral was going to be extracted, then it would need to be processed but there were, though, some big unanswered questions about this application. Firstly, why was this permission needed now? Extraction wasn't planned to start until perhaps 2025 so why was this permission needed so far in advance? To an onlooker, it didn't make sense and the officer report did not help much in that regard. In due course, the Committee would be considering a ROMP application for modern planning conditions to cover the Nyatt extraction. That application had to be accompanied by an Environmental Statement covering all the environmental impacts of the Nyatt quarrying, including processing but, because the processing arrangements were being dealt with separately, they wouldn't be covered by the Statement which again made no sense. Oxfordshire County Council had requested an Environmental Statement for the present application, but as Tuckwell had successfully appealed that the environmental impacts of this application hadn't been fully assessed. Arrangements for extraction and processing were, in effect, a single operation so why were they being considered in isolation from each other? This was bound to cause problems as the conveyor only ran to the edge of Tuckwell's land so how would material be moved from the quarry to the start of the conveyor, a distance of around a kilometre? All this meant that it was impossible to see things in the round so how could the public be assured that, in terms of the environment and the community, this was the best option for processing? An Environmental Statement would have looked at alternatives but this application did not do that. If the decision was to grant permission then it should be made very clear that the permission was entirely without prejudice to future decisions on the best processing arrangements and all options for processing needed to be reviewed, once the full ROMP application for the quarrying and its Environmental Statement were available.

Speaking for Radley Parish Council Richard Dudding advised that if minerals were to be extracted in the ROMP area the Parish Council's view had always been that the Tuckwells yard would be the most suitable location for servicing the operations and processing the minerals once extracted. Nevertheless, they had concerns about the

application and a year ago had registered an objection to it. Since then there had been developments namely that it had become clearer that Tuckwells had a genuine intention to extract minerals at Nyatt. Secondly county officers have said that this application for processing should be determined now without waiting for the related application for extraction. The parish council still felt that was not the best approach as the two were inter-connected but needed to address the application as it stood today. Third, Tuckwells had indicated a willingness to work with the local community and the Radley Lakes Trust and although there was nothing in writing it was hoped they would confirm their intentions to do that in their statement to the Committee at this meeting. The parish council in particular hoped that they would confirm their intention to work co-operatively with the Radley Lakes Trust on implementation of the Radley Lakes Masterplan; build and manage their proposed bailey bridge and conveyor across the old disused railway spur in a manner which allowed safe pedestrian access along this much used historic path, which was of great importance to the masterplan and provide, as part of the site restoration, a new permissive path across their land from Thrupp Lane to the railway spur shortly before it joined the Byway Open to All Traffic. The Parish Council asked the Committee to satisfy itself on these three points and, if they resolved to grant permission, bind them into the approval documentation.

He then responded to questions from:

Councillor Bloomfield – if the application was not considered now then the likelihood was that an appeal would be submitted on grounds of non-determination.

Councillor Gawrysiak – protection of the existing footpath was vital in order to maintain safe access as this was a well walked footpath. The parish Council hoped that when the Tuckwell site was restored it would include a new permitted path which had been proposed some years before but there was now an opportunity to move that forward.

Councillor Bob Johnston endorsed the comments made by Richard Dudding adding that he couldn't see any reason to refuse the application but would like to see 2 additional conditions requiring wheelwash facilities and improved screening to be approved in writing between the applicants and the Planning Authority.

Nick Dunn for the applicants. Allowing access with plant to the ROMP Area with the ability to then transport mineral back by conveyor to Tuckwells yard at Thrupp Lane clearly provided an environmentally preferable option when compared to refusal of the application which would mean access to and from the site passing close to properties at Thrupp Farm and requiring the use of Thrupp Lane resulting in an unnecessary increase in noise and HGV movements and their associated emissions. That was clearly something which needed to be avoided if possible. Referring to some very late comments from a third party, principally on Newts, it was not clear to him from those comments whether the author had had sufficient training. He queried the methodology used in the surveys which they claimed to have done and asked why they had been undertaken in the first place. What was clear, however, was that this third party had accessed the land without consent from the Landowner whereas in contrast, the ecological assessments they had provided had been undertaken by two professional ecological consultants with a combined 60+ years' experience who

were both full Members of the Chartered Institute of Ecology and Environmental Management; Chartered Environmentalists and held protected species survey licenses, including that for Great Crested Newts and who had clearly detailed the standardised methodologies used.

Furthermore, the site had been visited this summer by the County Council's ecological advisor and a planning officer who had walked the site to assess the issues raised and these concerns had not been upheld. There had since been two further submissions, which continued to be contested by both your ecological advisors and the trained ecologists who undertook the surveys. In summary the Newts had been adequately surveyed and considered in the planning application. Nevertheless, as a failsafe, in the unlikely event that newts or other animals were found, Planning Conditions 13 would require that:

'a suitably Qualified Ecologist will be present prior to works commencing, to ensure that no animals are present. Should they be found, the Ecologist shall move them to a safe location.'

In light of the extensive specialist technical input into, and support, for this Planning Application and the protection offered by Condition 13 there was clearly no material technical reason to refuse or delay this application on ecological grounds and asked that the Committee take an evidence-based approach and support the officer recommendations, recognising the benefits this development would provide. In conclusion he thanked County officers and their advisors for the time and effort they had put into this application over the last 14 months.

He then responded to questions from:

Councillor Webber – a similar permission some eight years before had lapsed because no legal agreement had been secured. That had now been done evidencing the commitment of the company to the operation.

Councillor Gawrysiak – the request for conditions with regard to wheelwashing and screening as raised by Councillor Johnston were acceptable as was the S106 permissive path provision. Protection of the existing path would be required under quarry safety regulations.

Councillor Bennett – the application had been submitted now to allow it to be added to the EIA.

James Lodge for the applicants noted that the proposals sought to renew a planning application previously granted by OCC in 2012. That had lapsed before it was commenced but the only fundamental change was the inclusion of a Bailey bridge but, unlike the 2012 Application, the current application had resulted in objection from some in the local community and so he had spoken to representatives of the Friends of Radley Lakes and Thrupp Lane residents and could now confirm that access on the Old Branch Line would not be severed. He was also in the process of purchasing the Old Branch Line and was discussing provision of a car park, as proposed in the Radley Lakes Masterplan with the local community. He recognised the importance of the Old Branch Line, which was why he had proposed a permissive path to join

Thrupp Lane when the site was restored. He was in regular and positive discussion about the management of restored areas as they arose and had opened discussions about restoration of the ROMP area and how that could be incorporated into the Radley Master Plan and had discussed with those residents living closest to the ROMP Area about the need to avoid HGVs passing their properties and as a result their support for the Application. He was confident that he had addressed objections raised by the local community and would continue to do so going forward to maximize the ecological and amenity benefits from his land and the ROMP Area and help deliver the vision of the Radley Lakes Master Plan. He also thanked officers and their advisors for their work on this application and urged the Committee to support their recommendation.

RESOLVED: (on a motion by Councillor Webber, seconded by Councillor Gawrysiak and amended with their consent by Councillor Roberts and carried unanimously) that subject to the applicant first entering into a section 106 agreement for the provision of a permissive path to provide a link between Thrupp Lane and the disused railway line as part of the restoration of the site that planning application no. MW.0075/20 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 PN7 subject to additional conditions and informative to secure:

- Provision of wheelwashing facilities;
- Details of screening for the site to be submitted for prior approval (amendment to Condition 10);
- The period for commencing the development be reduced from 5 years to 3 (amendment to Condition 2);
- Informative that Tuckwells work co-operatively with the Radley Lakes Trust on implementation of the Radley Lakes Masterplan.

23/21 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT

(Agenda No. 8)

The Committee considered a report (PN8) on the regular monitoring of minerals and waste planning permissions for the financial year 1st April 2020 to 31st March 2021 and on progress with regard to enforcement cases.

Neal Richmond presented the report together with a detailed résumé of the work of the enforcement team.

RESOLVED: that the Schedule of Compliance Monitoring Visits set out at Annex 1 to the report PN8 and the Schedule of Enforcement Cases at Annex 2 also to PN8 be noted

..... in the Chair

Date of signing

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Divisions Affected – Kidlington South

PLANNING AND REGULATION COMMITTEE - 29 NOVEMBER 2021

Section 73 application for the continuation of the winning and working of sand and gravel with restoration using suitable imported materials to vary conditions 2, 3 and 6 of planning permission 19/02521/CM (MW.0111/19) in order to extend the period of extraction until 31st December 2022 and the time period for restoration until 31st December 2024 to allow for sufficient time for the working of mineral from beneath the plant site and the revised restoration of the plant site at Cassington Quarry, Worton, Witney, OX29 4EB.

Report by Assistant Director for Strategic Infrastructure and Planning

Contact Officer: Emma Bolster **Tel:** 07775 829 954

Location: Cassington Quarry, Cassington Road, Yarnton OX29 4EB

OCC Application No: MW.0122/20
CDC Application No: 21/02998/CM
WODC Application No: 20/03551/CM

District Council Area: Cherwell District Council

Applicant: Hanson Quarry Products Europe Ltd

Application Received: 10th December 2020

Consultation Period: 31st December 2020 – 22nd January 2021
9th September 2021 – 30th September 2021

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RECOMMENDATION

1. It is **RECOMMENDED** that planning permission for MW.0122/20 be approved subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1.

Executive Summary

2. The report sets out the proposed changes to the specified existing planning conditions which have been applied for under application no. MW.0122/20. Having considered the proposals against the development plan and other material considerations, including consultation responses and representations received, it is recommended that that the application be approved.

PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

1. The quarry plant area sits within the wider Worton Farm site, with the permitted and largely restored extraction operations straddling the administrative boundary between Cherwell District Council and West Oxfordshire District Council.



Plan 1 shows the planning application area outlined and shaded in green and the wider application area of Cassington Quarry outlined in red. The application site lies wholly within Cherwell District Council's administrative area, approximately 670m from the boundary with West Oxfordshire, approximately 0.5 mile (1 km) south-west of the village of Yarnton and 1 mile (1.5 km) north-east of the village of Cassington. The village of Eynsham, approximately 2.5 miles (4 km) south-west of the site. The city of Oxford is approximately 2 miles (3 km) to the south-east.

Site and Setting

2. Cassington Quarry's plant site is located immediately adjacent to a waste recycling facility, which encroaches the red-line area to the north and an anaerobic digestion (AD) site immediately adjacent to the west. The closest residential properties are approximately 350m to the north of the site at Mead Farm. The closest residential properties within Yarnton are approximately 600m from the site, also to the north. Other residential properties at a similar distance are Worton, approximately 710m west of the site.
3. The application site is 7.12 hectares in total. The remaining sand and gravel within the consented Plant Site area was being actively extracted from February 2019, having been left dormant previously, until March 2020. Extraction then ceased due to the COVID-19 pandemic and the first of the national lockdowns.
4. The plant site is within a wider area of restored sand and gravel workings, also under the control of the same applicant. The wider quarry area has been worked and restored in stages. Each stage has then entered a corresponding five-year aftercare period, and then a longer-term Management Plan period where specified in legal agreements attached to the approved planning permissions. The overall restoration consists of some agricultural after use and water bodies either for nature conservation or recreational purposes. Several of the created water bodies are immediately south of the application site. The A40 runs south along the southern boundary of the wider Worton Farm operations. The River Windrush is approximately 970m south of the site, 480m south of the A40. The northern boundary of the application site is adjacent to the Cotswold railway line. This runs east-west along the north-eastern boundary of the wider Worton Farm site.
5. The site is largely in Flood Zone 1, which is the area of least flood risk. However, the eastern and southern boundaries of the plant site are edged by Flood Zone 2 and Flood Zone 3, which is the highest area of flood risk.
6. Public footpath 420/5/20 (Yarnton) runs along a short section of the northern edge of the application site along the railway line before running north and joining Bridleway 420/21/10. Bridleway 420/21/30 runs along the eastern boundary of the application site, before joining Bridleway 420/21/20. This then also joins Bridleway 420/21/10 which runs towards Mead Farm/ Yarnton.
7. The application site access is via the main haul road, which spurs off the eastbound A40 before the Duke's Cut bridges. The haul road services the former quarry workings, this application site, and the separate waste management and AD plant sites. The haul road runs back towards the A40 and passes under the A40 to join the westbound carriageway, approximately 115 metres east of the overall site entrance.

8. The Pixey and Yarnton Meads Site of Special Scientific Interest (SSSI) lies approximately 480 metres south of the application site. The SSSI forms part of the Oxford Meadows Special Area of Conservation (SAC), which lies mainly to the southern side of the A40.

Planning History

9. Application W1132/83 and CHS458/83 (MW.015/86) was approved and issued in August 1986. This was to allow for the extraction of sand and gravel at Worton Rectory Farm, where operations were to cease by 31 December 2010, with restoration to be completed by 31 December 2012 and aftercare to finish by 31 December 2017. This permission has been subsequently superseded. A legal agreement was also signed (12 May 1986) to ensure that the water levels of the adjacent Pixey and Yarnton Mead SSSI were not adversely affected by the sand and gravel operations.
10. Application W2001/1729 & 02/00602/CM (MW.033/01) was submitted October 2001, due to non-compliance with condition 22 of W1132/83 & CHS 458/83 (MW.015/86), for the importation of waste to land other than that area outlined on plan W92m/50. This application was approved and issued May 2002, with operations to cease by 31 December 2010, restoration to be completed by 21 December 2012 and aftercare to finish by 31 December 2017. This permission has subsequently been superseded.
11. Application W2003/0726 and 03/00775/CM (MW.006/03) was submitted March 2003, for the extraction of sand and gravel from Cassington Quarry and to amend the restoration scheme to create a reed bed by importation of waste materials. This application was refused in August 2003. This was subsequently approved on appeal and issued in August 2004. Operations were to cease by 31 December 2011, restoration to be completed by 31 December 2012 and aftercare to finish by 31 December 2017. This permission has now been completed. A planning obligation was signed (14 June 2004) for the long-term after care management for the restored workings of Cassington Quarry, including bird management plans, prior to the permission being issued.
12. Application 07/1757/8/CM and 07/01927/CM (MW.022/07) was submitted in August 2007, for the extraction of 1.86mt of sand and gravel from land at Eynsham and restoration to reed bed/ open water (using basal clay and soils) for conservation/ recreation purposes and installation of conveyors and infrastructure at Cassington Quarry. This application was withdrawn
13. Application 10/01929/CM (MW.0175/10) was submitted in December 2010, for the continuation of the winning and working of sand and gravel with restoration using suitable materials without complying with the requirements of condition 2, to extend the time period for extraction until December 2015 and the time period for restoration until December 2017 to allow for sufficient time for the working of material from beneath the plant site. This application was approved and issued

March 2011. Operations were to cease by 31 December 2015, restoration to be completed by 31 December 2017 and aftercare to finish by 31 December 2022. This permission has now been superseded.

14. Application 15/04415/CM (MW.0158/15) was submitted December 2015, under Section 73 for the continuation of the winning and working of sand and gravel with restoration using suitable materials without complying with the requirements of condition 2 of planning permission 10/01929/CM, to extend the time period for extraction and restoration until December 2024 to allow for sufficient time for the working of material from beneath the plant site. This application was approved and issued in June 2016. Operations are to cease by 31 December 2020, restoration to be completed by 31 December 2022 and aftercare to finish by 31 December 2027. This permission has now been superseded.

15. Application 19/02521/CM (MW.0111/19) was submitted October 2019, under Section 73 for the continuation of the winning and working of sand and gravel with restoration using suitable materials, without complying with the requirements of conditions 1 and 6, of planning permission 15/04415/CM, to amend the restoration scheme from a large water body to increase the previously approved area of grassland restoration with a correspondingly smaller but more diverse area of planting to the reduced water bodies as a small complex to the south of the Plant Area site. It was proposed that the revised restoration would include the importation of inert waste from the Oxford Flood Alleviation Scheme (OFAS), if available. This application was approved and issued in April 2020. Operations are consented to cease by 31 December 2020, restoration to be completed by 31 December 2022 and aftercare to finish by 31 December 2027. This is the active permission.

Details of Proposed Development

16. This application has been submitted to extend the approved timescales for operations within the Plant Site by varying conditions 2, 3 and 6. This would allow a further two years for extraction, from 31st December 2020 to 31st December 2022 and would amend the date for completion of restoration from 31st December 2022 to 31st December 2024. The relevant aftercare period would commence following the completion of restoration and finish by 31st December 2029.

17. The extended timescale is to allow for the required Great Crested Newt capture-programme, to commence from April 2022 in accordance with the relevant licensing. The application site is within Cherwell District Council's administrative area. The identified relocation sites for the Great Crested Newts are within West Oxfordshire's administrative area. Both are within the overall red-line area for Cassington Quarry. Once the capture-programme is completed, gravel extraction can recommence and the restoration of the Plant Site can be completed.

18. There are no further changes to the approved plant site restoration, which is for grassland and water bodies. The substantial tree and shrub planting as previously approved, to the northern and eastern boundaries, would remain unchanged. Also, as previously permitted, importation of suitable inert material is allowed to create the restoration levels, which were approved in 2019. There is no change proposed to how the inert material will be brought onto site.

PART 2 – OTHER VIEWPOINTS

19. There were two periods of public consultation. The original consultation period was for the application as originally submitted for an extension of time of one year to 31st December 2021, to extract the remaining mineral and restore the plant site area by 31st December 2023. The second consultation period followed amendment of the application to be for a further year for extraction to 31st December 2022 and restoration to 31st December 2024, which is due to it not being possible to extract the remaining mineral by 31st December 2021. This was due to the extended time it took to arrange for the relocation of the Great Crested Newt population under District Licensing at the correct times of year. The full text of the consultation responses can be seen on the e-planning website¹, using the reference MW.0122/20. These are also summarised in Annex 2 to this report.
20. No third party representations expressing concern or objection were received on either consultation.

PART 3 – RELEVANT PLANNING DOCUMENTS

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

21. 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

22. The Development Plan for this area comprises:
- Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP)
 - Cherwell Local Plan 2031 Part 1 (CLP1)
 - Cherwell Local Plan 1996 (saved policies) (CLP)
23. The **Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy** (OMWCS) was adopted in September 2017 and covers the period to 2031. The

¹Click here to view application [MW.0122/20](#)

Core Strategy set out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire.

24. The **Oxfordshire Minerals and Waste Local Plan 1996** (OMWLP) was adopted in July 1996 and covered the period to 2006. Of the 46 'saved' policies, 16 remain saved following the adoption of the OMWCS. These 16 policies are non-strategic and site-specific, which will remain saved until the adoption of the Part 2: Site allocations document.
25. The **Cherwell Local Plan 2031 Part 1** (CLP1) was adopted in July 2015. The plan sets out the details of the strategic sites, policies and considerations for development within Cherwell District Council's administrative area for the plan period to 2031.
26. The **Cherwell Local Plan** (CLP) was adopted in November 1996. The plan covered the period to 2001. The 'saved' policies from the CLP were saved in September 2007 and have not been replaced by the policies of the adopted CLP1, and remain a consideration.

Emerging Plans

27. The **Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations** (OMWSA) (upon adoption) will set out those mineral and waste sites needed to deliver the Core Strategy and may include further development management policies. The Site Allocations Document is currently being prepared, and very limited weight can be given to the emerging plan in decision-making. There has been a delay in the production of the Preferred Options consultation, which was expected in August 2021, whilst a Review of the Core Strategy is undertaken. An updated Minerals and Waste Development Scheme setting out the revised timetable, including the Core Strategy Review, was approved in October 2021.

Other Policy Documents

28. The **National Planning Policy Framework** (NPPF) was first published in 2012, revised in July 2018, further minor revisions made in February 2019 and revised again in 2021. This is a material consideration in taking planning decisions. Relevant sections include those on facilitating the sustainable use of minerals, and conserving and enhancing the natural environment.
29. The **National Planning Policy Guidance** (NPPG) contains specific advice on matters including the Green Belt, minerals, determining a planning application and natural environment.

30. The **National Planning Policy for Waste** (NPPW) contains specific advice on matters including the identifying suitable sites and areas and determining a planning application.

31. There is no adopted neighbourhood plan for the application site area.

Relevant Development Plan Policies

32. The OMWCS policies most relevant to this development are:

- M2 – Provision for working aggregate minerals
- M3 – Principal locations for working aggregate minerals
- M5 – Working of aggregate minerals
- M10 – Restoration of mineral workings
- C1 – Sustainable development
- C2 – Climate Change
- C5 – Local environment, amenity and economy
- C7 – Biodiversity and Geodiversity
- C8 – Landscape
- C10 – Transport
- C11 – Rights of Way
- C12 – Green Belt

33. The OMWLP policies most relevant to this development are:

- CY3 – After uses of Cassington – Yarnton area
- CY4 – Promotion of pedestrian/ cycle routes

34. The CLP1 policies most relevant to this development are:

- Policy PSD 1 – Presumption in favour of sustainable development
- Policy ESD 9 – Protection of the Oxford Meadows SAC
- Policy ESD 10 – Protection and enhancement of biodiversity and the natural environment
- Policy ESD 13 – Local landscape protection and enhancement
- Policy ESD 14 – Oxford Green Belt
- Policy ESD 17 – Green infrastructure

35. The CLP policies most relevant to this development are:

- C1 – Protection of sites of nature conservation value
- C2 – Development affecting protected species
- C7 – Landscape conservation
- TR7 – Minor roads
- TR10 – Heavy goods vehicles
- ENV1 – Pollution control

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

36. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.
37. The key planning issues are:
- | | | |
|------|--|-------------|
| i. | <u>Minerals</u> | <u>Min</u> |
| ii. | <u>Green Belt</u> | <u>Gre</u> |
| iii. | <u>Landscape, Biodiversity and potential impact on the SAC</u> | <u>Lan</u> |
| iv. | <u>Biodiversity and potential impact on the SAC</u> | <u>Bio</u> |
| v. | <u>Restoration and Rights of Way</u> | <u>Site</u> |
| vi. | <u>Amenity and Transport</u> | <u>Am</u> |
| vii. | <u>Sustainable Development</u> | <u>Sus</u> |

Minerals

38. OMWCS policy M2 states that provision will be made through policies M3 and M4 to enable the supply of sharp sand and gravel, soft sand and crushed rock, with a total provision requirement for each, from land-won sources within Oxfordshire for the period 2014 – 2031 inclusive. Also, permission will be granted for aggregate mineral working under policy M5 to enable separate landbanks of reserves with planning permission to be maintained for the extraction of minerals of, for sand and gravel, at least 7years. The policy requires landbanks to be calculated in accordance with the annual requirement rates in the most recent Local Aggregate Assessment, taking into account the need to maintain sufficient productive capacity to enable these rates to be realised.
39. OMWCS policy M3 states that the principal locations for aggregate mineral working will be located within strategic resource areas, as shown on the Policies Map.
40. OMWCS policy M5 states that prior to the adoption of the Minerals and Waste Local Plan Part 2: Site Allocations Document, permission will be

granted for the working of aggregate minerals where this would contribute towards meeting the requirement for provision in policy M2 and provided the proposal is in accordance with the locational strategy in policy M3 and that the requirements of policies C1 – C12 are met.

41. This application is for an extension of time to allow for the permitted, remaining mineral reserves to be extracted and the site to then be subsequently restored, therefore the principal for the location of the development has been determined. Whilst not in a Strategic Resource Area, locational policies have been saved from the 1996 OMWLP, which still apply to the Cassington and Yarnton area which is stated as being an area where the council accepts the principle of working. The current landbank of sharp sand and gravel as at the end of 2020, is 11.27 years. There is no change to the application area for extraction and there is no extension of the already permitted mineral workings. Although the landbank position suggests that there is not currently an urgent need for additional permissions for sand and gravel, it is important to note that the landbank is a minimum and not a maximum and also that as this site has already been consented, the reserve will already be included in the county's landbank.

42. The proposed development is to extend the existing timescales for the existing mineral development to allow for the permitted reserve to be worked out. If the proposed extension of time isn't allowed, then the quarry would need to be restored without the remaining mineral being worked. This would sterilise the remaining mineral which would then be lost from the existing landbank. It is considered that working mineral in this location, as an unrestored area of an existing quarry, is likely to have less impacts than working the same quantity of mineral elsewhere. The proposal is considered to be in accordance with OMWCS policies M2, M3 and M5

Green Belt

43. OMWCS policy C12 states that proposals that constitute inappropriate development in the Green Belt will not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Conditions may be imposed on any permission granted to ensure that development only serves to meet a need that comprises or forms an 'other consideration' in the Green Belt leading to the demonstration of very special circumstances.

44. CLP1 policy ESD 14 states that the Oxford Green Belt boundaries within Cherwell District will be maintained, which assists in safeguarding the countryside from encroachment and development proposals within the Green Belt will be assessed in accordance with government guidance in the NPPF and NPPG. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purpose of the Green Belt or harm its visual amenities.

45. NPPF paragraph 150 states that certain forms of development, which includes mineral extraction, are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
46. This proposal is for an additional two years for the remaining extraction of sand and gravel and subsequent restoration. An extension of time would not lead to any additional impacts on the openness of the Green Belt, once the mineral workings have ceased. The site weighbridge is the only fixed structure, and the plant on site is mobile when the site is operational and these will be removed once extraction has ceased as part of the restoration of the site. There is no change proposed to the approved restoration, which is to conservation grassland and water bodies, with existing tree and hedge planting to the site, and which remain as already approved.
47. The extension of time to allow for the remaining permitted mineral reserve to be extracted and the approved restoration scheme to conservation grassland and water bodies does not lead to any other change to the site as permitted and so any impact on the openness of the Green Belt or the purposes of including land within it. The extended timescale proposed in the application as a variation to the existing permission would not therefore be inappropriate development. The additional time is necessary to secure the approved restoration of the site. The development proposals are therefore considered to be in accordance with OMWCS policy C12, CLP1 policy ESD 14 and NPPF paragraph 150.

Landscape and Biodiversity

48. OMWCS policy C7 states that proposals for minerals and waste development should conserve and, where possible, deliver a net gain in biodiversity. Development should not cause significant harm, except where the need for and benefits of development at that location clearly outweigh the harm.
49. OMWCS policy C8 states that proposals for minerals and waste development should demonstrate they respect and where possible enhance local character. Proposals shall include adequate and appropriate measures to mitigate adverse impacts on landscape.
50. CLP1 policy ESD 9 states that during operation of the development any run-off of water into adjacent or surrounding watercourses will meet Environmental Quality Standards and new development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality. Run-off rates of surface water from the development will be maintained at greenfield rates.

51. CLP1 policy ESD 10 states that protection and enhancement of biodiversity and the natural environment by, among other measures, considering proposals that protect, manage, enhance, or extend existing resources. Protection of trees will also be encouraged, with an aim to increase the number in the District overall.

52. CLP1 policy ESD 13 states that opportunities will be sought to secure the enhancement of the character and appearance of the landscape, through restoration, management or enhancement of existing landscapes, features or habitats, and where appropriate the creation of new ones including 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 would not be permitted if they would, among other considerations, cause undue visual intrusion, undue harm to important natural landscape features or be inconsistent with local character.

53. CLP1 policy ESD 17 states that the district's green infrastructure network will be maintained and enhanced, including protecting existing sites and features forming part of the green infrastructure network and maximising opportunities to extend links to form a multifunctional network of open space, providing opportunities for walking and cycling, connecting towns, the urban fringe and the wider countryside beyond.

54. CLP saved policy C1 states that the interests of nature conservation will be promoted. Development which would result in damage or loss of designated sites would not normally be permitted and the council will see to ensure the protection of sites of local nature conservation value.

55. CLP saved policy C2 states that development which would affect any protected species will not normally be permitted.

56. CLP saved policy C7 states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

57. An extension of time by two further years is proposed to allow for the Great Crested Newt (GCN) capture programme to be carried out from April 2022, as the ideal months are between March and September. The extraction of the remaining mineral reserve would then recommence following this programme. The conservation grassland and water bodies restoration would then be carried out. The GCN capture programme will be carried out under the District Licensing regime (District Licence WML-OR49-2020). The semi-permanent perimeter newt fence and stand-off capture fence are in place to

ensure that the capture and relocation of the newts is carried out as permitted.

58. There would be no significant adverse impact on the existing landscape or cause for any visual concerns in the overall setting by proposing the extension of time. The site's location is within the largely restored workings and adjacent to recycling and AD operations. There are no changes to the proposed restoration, which is an increased grassland and a collection of smaller water bodies. There is no change to the proposed biodiversity net gain of the restoration, once completed. The relocation of the resident GCN population ensures that the statutory protection is adhered to and diverse biodiversity is maintained on the site overall.
59. There are no changes proposed to the approved restoration or the tree and hedge planting along the northern and eastern boundaries. Although there would be a further delay of a year for the extraction to be completed, this does not create a significant adverse impact on the approved overall site's eventual restoration, to include lakeside water-related activities, general public access, bird-watching and some fishing. No new development is proposed and there would be no significant effect on the nearby Oxford SAC either alone or in combination with other plans or projects, as the safeguards in place would continue as approved, whilst extraction and restoration is being carried out.
60. The extension of time allows for the required Great Crested Newt capture programme to be carried out at the appropriate time of year, to allow for the extraction to recommence and thereafter enable restoration. There are no significant impacts on the existing or proposed landscape and biodiversity. The proposal is in line with OMWCS polices C7 and C8, CLP1 policies ESD 9, ESD 10, ESD 13 and ESD 17 and CLP saved policies C1, C2 and C7.

Site Restoration and Rights of Way

61. OMWCS policy M10 states that minerals workings will be restored to a high standard and in a timely, phased manner to an after-use which is appropriate to the location and delivers a net gain in biodiversity. The restoration and after-use of the minerals workings needs to take into account various factors. This includes a site's characteristics, landscape, local amenity, water-quality, biodiversity, geodiversity and historic environment.
62. OMWCS policy C2 states that proposals for mineral development, including restoration proposals, should take account of climate change for the lifetime of the development from construction through operation and decommissioning. Applications for development should adopt a low-carbon approach and measures should be considered to minimise greenhouse gas emissions and provide flexibility for future adaption to the impacts of climate change.

63. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and if possible it shall be retained in situ in safe and useable condition. Improvements and enhancements to the rights of way network will be generally encouraged and public access sought across restored mineral workings, especially if this can be linked to the wider provision of green infrastructure.
64. OMWLP saved policy CY3 states that after-uses for the Cassington- Yarnton area should normally conform with those on the Proposals Map. Planning permission will not normally be granted until these after-uses and means of funding them have been secured.
65. OMWLP saved policy CY4 states that the County Council will promote pedestrian and cycle routes, including east from Eynsham to link with the Oxford Canal towpath to provide largely segregated pedestrian/ cycle routes avoiding major roads and junctions, from Eynsham along Cassington Road and circular walks from Eynsham, Cassington and Yarnton villages.
66. There are no changes proposed to the approved after use for the wider Worton Farm site, which includes agriculture and public use. The extension of timescales for extraction and restoration of the plant site area does increase the delay from completion of workings and full restoration of the quarry workings for the approved uses, including intensive water-based activities, to include water-skiing and jet-skiing and public walking and cycle routes. The plant site, once restored, would contribute conservation grassland and smaller waterbodies, with the cycle and walking route running along the haul road and the northern edge of the plant site.
67. There are no changes proposed to the approved after use for the wider former quarry workings. There would be no impact on the existing rights of way adjacent to the plant site operations, or the wider approved restoration promotion of a cycle and pedestrian route, to be implemented across the wider site as it crosses Stages 5-9 and Stage 13. This route is not likely to be implemented until the completion of all restoration and the after care phase of Stage 13.
68. The extension of timescales to allow for the required Great Crested Newt capture scheme, remaining mineral extraction and approved restoration does not adversely impact the overall intention of the plant site restoration to provide various recreational after uses across the immediate and wider site. The development proposal would be in line with OMWCS policies M10, C2 and C11 and OMWLP saved policies CY3 and CY4.

Amenity and Transport

69. OMWCS policy C5 states that proposals for waste development shall demonstrate that there would be no adverse impact on the local environment, human health or residential amenity and the local economy.

70. OMWCS policy C10 states that waste development will be expected to make provision for safe and suitable access to the advisory lorry routes as shown on the Oxfordshire Lorry Routes Map. Development should maintain and, where possible, improve the efficiency and quality of the network, residential and environmental amenity and improve safety for all road users. Development which generates significant amounts of traffic should provide mitigation measures where appropriate.
71. CLP saved policy ENV1 states that development which is likely to cause materially detrimental levels of noise, vibration, odour, smoke, fumes, or other type of environmental pollution will not normally be permitted.
72. CLP saved policy TR7 states that development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.
73. CLP saved policy TR10 states that development that would generate frequent heavy goods vehicle movements through residential areas or unsuitable urban or rural roads will not be permitted.
74. The extended timescales to allow for the GCN capture programme, the recommended extraction and subsequent restoration of the plant site do not change any of the existing conditions to protect amenity or the routing of HGVs accessing the site. Quarry traffic is via the A40 both to and from site. HGVs are prohibited from using Cassington Lane to the north, which includes weight limits of 7.5 tonnes.
75. There would be a further delay in the extraction and restoration being completed by a further year. There would be no change to the conditions attached to any planning permission which controls, among other things, noise and dust impacts of the quarry operations.
76. The quarry generates HGV movements to and from the site, which would apply for both extraction and when restoration would be carried out. The quarry operations add to the overall HGVs generated by the adjacent Waste and AD operations. However, an extended timescale for the quarrying operations would not increase HGVs on the local road network or impact on the local residents' amenity, above what is currently generated other than that the movements would continue over a longer period. HGVs are not permitted to enter or exit the quarry operations other than via the A40, which is a main trunk road. This existing arrangement would continue. On balance, the additional impact of HGVs using the existing access arrangements over a longer period of time is considered acceptable given the desirability of ensuring the site's satisfactory final restoration. However, any further

increases in timescales would require a further submission to satisfy the council as Highway Authority that any further increase of timescales, even if there was no appreciable change to HGV generation, would not impact adversely on the A40. This is in response to large-scale changes to sections of the A40, specifically consented proposals for a dedicated bus lane along the road and a park and ride site near Eynsham, which could have impacts on and be impacted by HGVs related to the quarry operations but were not a consideration at the time that the original quarrying permission was granted.

77. There is no new development or other changes proposed by this application. This application is considered to be in line with the existing permission and in accordance with OMWCS policies C5 and C10 and CLP saved policy TR7, TR10 and ENV1 with regards to impacts on amenity and transport movements.

Sustainable Development

78. The NPPF (2021) contains a presumption in favour of sustainable development. This has environmental, economic and social roles, reflected in OMWCS policy C1 and CLP1 policy PSD 1.
79. The extended timescales would enable the approved transfer of Great Crested Newts from the Plant site to the relocation site, west of the application site. There are no changes to the approved restoration, which would provide overall environmental benefits and health benefits, which would contribute to sustainable development in accordance with these policies.

Financial Implications

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

Legal Implications

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

Equality & Inclusion Implications

82. 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.

Annex 1 – Conditions

1. Development shall be carried out in accordance with the approved drawings and details.
2. Time limit for extraction 31st December 2022.
3. Time limit for restoration to be completed 31st December 2024.
4. Excavations carried out as approved.
5. No working shall take place except in accordance with the approved schemes.
6. Restoration shall be carried out in accordance with the approved drawings and Details.
7. Details of mobile plant shall be submitted to, and approved by, the Mineral Planning Authority.
8. Slopes no steeper than 1 in 1 ½.
9. No excavations within specified areas without prior written consent.
10. Watercourse margins as specified shall be preserved.
11. No watercourses shall be incorporated into excavations without prior written approval.
12. Solid matter shall be prevented from passing into the watercourses.
13. No discharge of polluted water into any watercourse.
14. Oil storage tanks shall be bunded.
15. No stockpiles sited in the flood plain shall impede water flow.
16. No dewatering whilst watercourses are under flood conditions.
17. Hours of operation 0700 hours to 1800 hours Mondays to Fridays;
0700 hours to 1300 hours on Saturdays.
18. No operations on Sundays or Bank Holidays.
19. All plant and machinery used shall be fitted with silencers and only electric pumps shall be used, with prior approval.
20. No fixed plant or machinery on site without prior written consent.
21. Total area of worked land shall not exceed 24 hectares, without prior approval.
22. Any land not being used for mineral operations shall be in agricultural use .
23. No waste imports except where approved.
24. Existing hedges along the boundaries of the land shall be retained and properly maintained.
25. All trees on the land shall be preserved and properly maintained.
26. Any fence or gate which is required by this permission to be retained and maintained.
27. All derelict material, buildings, plant and machinery, and all structures shall be removed once redundant for mineral extraction.
28. Written notice of completion of the development.
29. The junction between the internal haul route and A40 as approved and maintained.
30. Facilities for machinery to cross footpaths and bridleways without causing damage.
31. No development on the old railway turntable between the disused Witney Branch railway line and the internal haul route.
32. Aftercare scheme as approved.
33. Aftercare scheme as approved as under Stage 10 – Five Year Outline Aftercare Scheme.

35. Area bounded in red on the approved plan W92m/44 shall be restored to agriculture.
36. Heavy goods vehicles via the A40 as approved.
37. No mud on the highway.
38. Dust suppression on the haul road.
39. Vehicle noise.
40. Removal of processing plant following the cessation of extraction.
41. All Ecological works as approved, including checking for badger setts.
42. All of site clearance, demolition or development as approved in line with results of reptile surveys.
43. Details or proposed water bodies buffer planting prior to restoration.
44. Development in accordance with the great crested newt licensing.

Informative

It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

All public rights of way crossing the site shall either be protected from working and kept free of all obstructions, or diverted in accordance with statutory procedures.

If any protected species (e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the

nest of any wild bird while it is use or being built. Therefore, no removal of vegetation should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

All deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers and hedgehogs being inadvertently killed or injured within the active quarry after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

All wild mammals are protected from unnecessary suffering, including suffocation in burrows. Where common mammals such as hedgehogs, rabbits, foxes, voles and mice are encountered during works, they should be allowed to safely escape the working area to avoid unnecessary cruelty. Should any burrows be located in the vicinity of intrusive works, advice should be sought from a suitably qualified ecologist to determine which species is present and what measures can be taken to avoid any unnecessary suffering to mammals. Please see the requirements relating to badgers in the Ecology Report.

Annex 2 – Consultation Responses

Cherwell District Council - Planning

Responded – No observation on either consultation.

West Oxfordshire District Council - Planning

Responded – No observation on either consultation.

Cherwell District Council – Environmental Health

Responded – No comments or observations on either consultation.

Yarnton Parish Council

Yarnton Parish Council objects to this application that represents yet another extension and delay to restoration beyond original plan. Yarnton Parish Council remains concerned that restoration using spoil from the Oxford Flood Alleviation Scheme will vary substantially the wetland space from original images and description of what the area was depicted to become. Additional HGV traffic can only increase air pollution and is contrary to local and regional Climate Change policies.

Should Oxfordshire County Council grant permission allowing this plan to proceed it is important that HGV routes must not include movement through the villages of Yarnton and/or Cassington.

No response received on the subsequent consultation.

Environment Agency

No comments in respect of the proposed development or the proposed further extension of time for extraction and restoration.

Natural England

Responded – No comment on either consultation

Network Rail

Final response

Network Rail has no objection in principle to the above proposal.

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise

and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Initial response

Due to the proposal being next to Network Rail land and infrastructure, it should be ensured that no part of the development adversely impacts the safety, operation and integrity of the operational railway. It is strongly recommended that comment from Asset Protection should be actioned should the proposal be granted planning permission. Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the applicant should contact assetprotectionwestern@networkrail.co.uk .

If these matters have not been addressed in the supporting documentation submitted with this application, the following conditions should be included:

Condition

Acknowledging that mineral will be worked beneath the plant site, adjacent to railway, no development approved by this permission should be commenced until further details of the extent and depth of workings are provided to the Local Planning Authority and approved by Network Rail.

Reason: To ensure the development does not impact on the safety of the neighbouring railway.

Informatives

LANDSCAPINGSITE LAYOUT
EXCAVATIONS/EARTHWORKS
GROUND DISTURBANCE
DRAINAGE

OCC Transport Development Control

No objection to the original consultation. The application is for an extension of one year until 31 December 2021, to facilitate further extraction of material from the site. Subject to no further application via this process, the Local Highway Authority (LHA) can see no reason to object to this request, subject to all the existing conditions

being carried over from the previous planning permissions. Should the applicant envisage this extraction may not be completed prior to Friday, December 31st 2021, then the applicant should come in with a new, and timely application, that provides a full and updated assessment that reflects and incorporates updates and changes that have occurred upon the LHA network in Oxfordshire and specifically the A40 corridor between Oxford and Eynsham, since the original application was made and subsequently renewed. Conditions 3 and 6 are restoration conditions and subject to the same clauses as condition 2, the LHA can see no reason to object.

Notwithstanding the above and subject to the above, the proposals are unlikely to have any additional adverse impact upon the local highway network from the existing permitted permission from a traffic and safety point of view.

Please note that if works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

Oxford Green Belt Network

No response has been received on either consultation.

OCC Ecology

No objection to the extension of time proposed.

Happy with the recommendations and conditions provided in relation to the District Licencing for newts.

OCC Landscape

No objection. The proposed variations to conditions do not raise any landscape or visual concerns.

No objection to the proposed time extension.

OCC Rights of Way and Countryside Access

Responded – No comment to the initial consultation.

No objection to the second consultation on the further proposed extension for timescales.

OCC Lead Local Flood Authority

No response has been received on either consultation.

Oxfordshire County Councillor

I've spoken to the parish council and the feeling there is that this site has already come to the end of its life. I understand it's been active for over 25 years and the original proposal was that after the initial period of working it would be landscaped as a wildlife reserve.

Considering the impending destruction of large areas of green belt in the area it's now even more vital that we have those sorts of spaces available. I would imagine the operators have made ample profits from the extraction works and I think, given the lifetime of the site, it's time it was give back to the community. We can't keep pushing back the point where the promises about the final restoration of the site will be kept.

Annex 3 – European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Habitats & Species (Amendment) (EU Exit) Regulations 2019, which identifies 4 main offences for development affecting European Protected Species (EPS).

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

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

Given the nature of the proposed restoration, no further consideration in respect of European Sites is required.

European Protected Species are unlikely to be harmed as a result of the proposals.

Divisions Affected – Charlbury & Wychwood

PLANNING AND REGULATION COMMITTEE - 29 NOVEMBER 2021

Application 1: Importation of inert material for use in restoration of the site

Application 2: Section 73 application to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the end date for restoration and allow the importation of inert material

Report by Assistant Director for Strategic Infrastructure and Planning

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

Location: Castle Barn Quarry, Fairgreen Farm, Sarsden, Oxfordshire

OCC Application No: App 1: MW.0057/21 App 2: MW.0058/21

VOWH Application No: App 1: 21/01669/CM App 2: 21/00076/CM

District Council Area: West Oxfordshire District Council

Applicant: C D Brooks & Partners

Application Received: 1st April 2021

Consultation Period: 22nd June 2021 to 13th July 2021
29th September 2021 to 20th October 2021

Contents

Part 1- Facts and Background

Part 2 – Other Viewpoints

Part 3 – Relevant Planning Documents

Part 4 – Assessment and Conclusions

RECOMMENDATION

1. **The report recommends that applications MW.0057/21 and MW.0058/21 be refused for the reasons set out at paragraph 113 (A) and (B).**

Executive Summary

- The report sets out the two proposed developments for which planning permission has been applied under application nos. MW.0057/21 and MW.0058/21. Having considered the report against the development plan and other material considerations including consultation responses and representations received it is recommended the two applications are refused.

PART 1- FACTS AND BACKGROUND

Location (see Plan 1)

- The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) approximately 4.8km (3 miles) south of Chipping Norton and 400m to the west of the A361. The nearest settlements are Sarsden (north-west) approximately 1km (0.6 miles), Churchill (north-west) and Chadlington (east) both approximately 2.5km (1.6miles). Both applications have identical application and ownership boundaries.



Site and Setting

- The access to the site is via a narrow road which runs a short distance west from the A361, then south to a private road. The private road which runs south-west towards Fairgreen Farm, passes between both the restored and active quarry.

5. The quarry site is surrounded by open agricultural land and the nearest residential dwelling is approximately 380 metres to the south-west of the site. The driveway to Fairgreen Farm runs along the west side of the active quarry.
6. A public right of way passes in an east to west direction approximately 50 metres to the south of the quarry site.
7. The existing permission has a Routeing Agreement attached to the permission which only allows HGV traffic to use the minor road off the A361 to the north-east of the development. It only allows drivers to turn left out of the access road, and not right south-east down a minor road to the A361. The Routeing Agreement also prohibits HGV traffic through any of the villages surrounding the quarry. The permission is also subject to a legal agreement requiring a 20-year Long Term Management Plan and public access to a geological exposure. Both agreements would continue to apply to any subsequent Section 73 application granting varied planning permission to the existing permission although the agreements may need reviewing and updating if the Planning and Regulation Committee are minded to approve application MW.0058/21 with any amended requirements.

Planning History

8. The first planning permission W97/1530 was permitted on 23rd September 1999. The original permission covered a rectangular area of land to the north west of the private access road to the existing quarry.
9. In July 2003 planning permission W2003/0953 was granted for an extension to the quarry. This permission allowed for a temporary 12-month period of crushing and export of stone. Two years later in February 2005, planning permission 04/0361/P/CM was granted to vary the consent to enable works to continue without compliance to condition 29, which related to transportation of large stone blocks.
10. Planning permission was granted in November 2015 (MW.0109/14) for a Section 73 application to vary conditions 2 (approved plans), 3 (extraction restricted to walling stone and building blocks), and 25 (restriction on stone leaving the site) and amendments to the approved restoration scheme. The application allowed for the crushing and export of 72,000 tonnes of stone over a temporary 12-month period to assist in clearing the site of mineral waste material. As part of the application a routeing agreement was completed. This agreement was to ensure that all HGV movements associated with transporting crushed aggregate followed a designated route between the quarry and the A361 in order to protect local residents. This application permitted the currently approved restorations scheme which would restore the site with a gentle slope across the site from east to west to agriculture using on site overburden and

respread soils with a void towards the southern end of the site enabling improved access to the geological rock face and benches.

11. A further Section 73 application (MW.0071/16) was approved on the 29th July 2016, to vary condition 10, to remove the need for passing bays. This condition required the construction of passing bays on the adjacent highway prior to any works commencing on site.
12. A non-material amendment application was granted on the 1st March 2017 to regularise minor working arrangements at the working. The application allowed for container units and the use of mobile plant and machinery on the site.
13. A further Section 73 application (MW.0031/17) was granted on 21st June 2017 to enable the continuation of crushing and export of stone up to 31st December 2020 (the end date for the quarry working).
14. In September 2018, planning permission (MW.0027/18) was granted under Section 73 to enable the transportation of large stone block by HGVs. This superseded a previous restriction allowing transportation of block by tractor and trailer only.

Details of Proposed Development

Overview

15. The applicant has made two applications for consideration together in order to enable the importation of inert material to the development, to extend the timescale for delivery of site restoration to 31st December 2024 and amend the approved restoration scheme.

Application 1 (MW.0057/21)

16. The applicant seeks via a full planning permission for the Importation of inert material for use in restoration of the site. The current approved restoration scheme shows a large void space (See Annex 1). The previous operator had extracted beyond the point the development can be restored with onsite materials as previously permitted. The applicant wishes to reinstate the development back to pre-extraction levels but keeping a geological feature for local geological interest in the south western corner.
17. It is estimated that a total of 118,000m³ of inert material would be required to fill the quarry void apart from the geological feature. The applicant proposes that all material will be sourced entirely within Oxfordshire.

Application 2 (MW.0058/21)

18. The applicant seeks via a Section 73 application to vary conditions 1, 2, 8 and 26 of Planning Permission MW.0027/18 (18/02008/CM). Details are provided on the conditions below:

19. Condition 1 states: *“The winning and working of minerals hereby permitted shall cease on or before the 31st December 2020 and the site shall be restored in accordance with approved plan ‘S73 Restoration Proposals’ (2307/S73/2B) and the conditions of this permission no later than 30th June 2021.”*
20. The applicant wishes to vary the condition to supersede approved restoration Drawing No. 2307/S73/2B with new Drawing No. 2948-5-1-DR-0001 which reflects the infilling proposed in application MW.0057/21 and extend the completion date for restoration to 31st December 2024. Currently the restoration scheme should have been completed by the 30th June 2021. The three-year extension has been requested in order to give flexibility if the market for inert material then slows.
21. Condition 2 relates to the set of approved plans and documents, the list of documents detail the approved working and restoration of Castle Barn Quarry. Therefore, the applicant seeks to vary the plans and documents.
22. Condition 8 states: *“No aggregates or waste shall be imported to the site for any purpose whatsoever.”* Subject to MW.0057/21 being approved, the applicant seeks for the condition to be deleted or varied to ensure there is no conflict between the two permissions.
23. Condition 26 states: *“HGV movements relating to crushed stone activities and the transportation of large stone blocks to and from the site shall not exceed a maximum of 58 per day, split as 44 movements relating to ...crushed stone and 14 relating to large stone block. All movements shall be made only in accordance with Plan A of the Routeing Agreement, dated 11 November 2015.”*
24. The applicant does not seek to increase daily two-way HGV movements, totalling 58 as described in condition 26. But seeks an amendment to the condition to account for the import of inert material to site within the established 58 daily two-way movement.

Restoration

25. The size of the final void space is proposed to be greatly reduced in terms of the final restoration scheme, keeping the established geological feature in the south-west corner of the site. The new scheme would infill almost all the void space to restore the site, to ensure development to agricultural afteruse. The applicant wishes to tie the revised agricultural use into the surrounding landscape. Additional enhancements proposed include a grassland scrub mosaic, woodland planting and non-cultivated field margins.
26. The scheme has measures to mitigate potential for agricultural run-off conflicting with the water features and adjacent habitat. These water features

include a surface water capture and infiltrator drainage scheme to mitigate surface water runoff.

Traffic and Access

27. As part of the application 2 (MW.0058/21), the applicant seeks variation of the approved Routeing Agreement.
28. The current agreement requires HGVs to access the site from the A361 using Sarsden Road, then turning south partly down 'Quarry Lane' (currently unnamed minor road) to the development via a private estate road. HGVs are restricted to the same route and cannot turn right onto 'Quarry Lane' to access the A361. They must turn left, then on to Sarsden Road back to A361. The applicant wishes to instead use the 443m stretch of unnamed minor road to the south east of the site entrance to the A361 to both access and leave the site.
29. The applicant proposes to implement junction improvements to the junction onto the A361 and introduce passing places along 'Quarry Lane'.

Additional and Revised Information

30. After the first round of consultation, objections were received from a number of consultees relating to landscape, transport and surface water runoff. The applicant then submitted a number of additional and revised information. Please see below a summary of the changes and information:

Counsel Opinion

31. The applicant sought the legal advice of Christopher Young QC, summary below (Full document can be found online attached to both applications).
 - (a) Paragraph 176 and 177 of the National Planning Policy Framework (NPPF) states whether the development is 'major development' or not is matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
 - (b) The QC doesn't believe the development is major development in the AONB. As the proposal is to infill an artificial excavation, and seeks to restore the natural level of the site, by importing materials which will rest below the natural surface of the land. In his view the nature of the development is the critical element. A development of the same scale above ground may well be major development in the AONB, but not when it's located below ground level. The development is well screened by existing vegetation. The QC believes the Mineral and Waste Planning Authority (MWPA) is basing its verdict that the proposed importation of inert material is major development on the associated HGV movements. The QC argues that the MWPA have approved developments on the same site with similar HGV movements, and not classed it as a major development. He does not believe the MWPA to be consistent in its approach.

- (c) The QC also states if the MWPA conclude the proposed importation of inert material is major development, then exceptional circumstances exist to satisfy NPPF para 177. In the QC's view 'exceptional circumstances' is a less onerous and less demanding test than 'the very special circumstances' required for inappropriate development within the Green Belt. The QC doesn't believe harm will be caused to the AONB. He doesn't believe the MWPA have considered the qualitative benefits of the proposed restoration scheme, with a landform which assimilates better in the AONB. He believes the proposed restoration scheme is of a higher quality, than what is already permitted. He believes its in the public interest, as the revised scheme would improve safety on site.

Highways Additional Information

32. A revised Location Plan was provided showing a revised blue line boundary. This was requested by the Highways Team, in order to prove the hedgerows on either side of the junction to the A361 was controlled by the applicant, in order to maintain the visibility splays.
33. After advice from the Highways Team, an additional passing bay was proposed on 'Quarry Lane'.
34. The Highways Team required a number of conditions if minded to approve. It was agreed at the meeting the applicant's agent would draft some conditions for consideration of the MWPA and Highways Team. Some minor amendments to the conditions have been proposed. The final wording is yet to be agreed. In order to protect the condition of Quarry Lane, including a requirement to complete a road condition survey prior to importation of inert infill, and regularly over the life of the development.

Revisions to Restoration Scheme

35. Modifications were made to the restoration scheme, due to concerns from the Lead Local Flood Authority (LLFA). These include changes to the attenuation ponds, and creation of an additional dip to the south of the southern attenuation pond, to create an area for surface water run-off.

Revised Flood Risk Assessment

36. Revised Hydrological and Hydrogeological Impact and Flood Risk Assessment was provided after comments and additional meeting with the LLFA during the consultation process.

Additional Information Requested by Case Officer

37. Additional information was requested by the case officer, to provide clarification on the volume of fill required to deliver the consented restoration scheme for comparison with that proposed in application MW.0057/21. Therefore, the applicant carried out a volumetric calculation of the cut and fill requirements and can provide the following summary between the consented and proposed restoration schemes:

	Consented	Proposed
Fill Requirements (m ³)	49,200	118,000
Est. Tonnage Conversion*	78,720 - 88,560	188,800 - 212,400
Est. HGV loads / movements**	5,788 / 11,576	13,882 / 27,764
Timescale (weeks)^	36	86

*Tonnage/m³ conversion of between 1.6 - 1.8

**Based on each HGV load carrying 8.5m³ of material

^Based on 58 daily movements and 61 operational hours p/week (i.e. average of 324 movements p/week)

Additional Information

38. In addition, a Biodiversity Net Gain Calculation was provided comparing the consented and proposed restoration schemes against the pre-development baseline. The proposed restoration scheme exceeds the 10% net gain biodiversity units as required by the Environment Bill 2020.
39. A Geological Note was provided by the applicant, completed by their Geology Consultant.

PART 2 – OTHER VIEWPOINTS

40. There were two periods of public consultation. The full text of the consultation responses can be seen on the e-planning website¹, using the references MW.0057/21 and MW.0058/21. These are also summarised in Annex 3 to this report.
41. No third-party representations were received during the consultation period.

PART 3 – RELEVANT PLANNING DOCUMENTS

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

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

Development Plan Documents

43. The Development Plan for this area comprises:
 - Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (OMWCS)
 - Oxfordshire Minerals and Waste Local Plan 1996 saved policies (OMWLP)
 - The West Oxfordshire Local Plan 2031 (WOLP)

¹Click here to view applications [MW.0057/21](#) and [MW.0058/21](#)

44. The **Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy** (OMWCS) was adopted in September 2017 and covers the period to 2031. The Core Strategy set out the vision, objectives, spatial planning strategy and policies for meeting development requirements for the supply of minerals and the management of waste in Oxfordshire.
45. The **Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations** (OMWSA) (upon adoption) will set out those mineral and waste sites needed to deliver the Core Strategy and may include further development management policies. The Site Allocations Document is currently being prepared, and very limited weight can be given to the emerging plan in decision-making. There has been a delay in the production of the Preferred Options consultation, which was expected in August 2021, whilst a Review of the Core Strategy is undertaken. An updated Minerals and Waste Development Scheme setting out the revised timetable, including the Core Strategy Review, was approved in October 2021.
46. The **Oxfordshire Minerals and Waste Local Plan 1996** (OMWLP) was adopted in July 1996 and covered the period to 2006. Some policies of the OMWLP were replaced following adoption of the OMWCS in 2017 but 16 policies continue to be saved. They are due to be replaced on the adoption of the Oxfordshire Minerals and Waste Local Plan Part 2: Site Allocations. The saved policies are site-related policies and none of them apply to the area proposed in this planning application. Therefore, they are not relevant to the determination of this planning application.
47. The **West Oxfordshire Local Plan 2031** (WOLP) was adopted on 27th September 2018. The plan contains detailed development management policies.

Other Policy Documents

48. The **National Planning Policy Framework** (NPPF) was first published in 2012 and revised on the 20th July 2021. This is a material consideration in taking planning decisions.
49. The **National Planning Policy Guidance** (NPPG) contains specific advice on matters including determining a planning application and the natural environment.
50. The **Cotswolds AONB Management Plan 2018** (CAMP) is a statutory plan, which sets out the vision, outcomes and policies for the management of the AONB for the period 2018-2023. The plan was adopted on the 20th September 2018.
51. There is no adopted neighbourhood plan that encompasses the application site area.

Relevant Development Plan Policies

52. The OMWCS policies most relevant to this development are:
- M10 – Restoration of mineral workings
 - W6 - Landfill and other permanent deposit of waste to land
 - C1 – Sustainable development
 - C2 – Climate Change
 - C3 – Flooding
 - C4 – Water environment
 - C5 – Local environment, amenity and economy
 - C7 – Biodiversity and Geodiversity
 - C8 – Landscape
 - C10 – Transport
 - C11 – Rights of way
53. The WOLP policies most relevant to this development are:
- Policy EH1- Cotswolds Area of Outstanding Natural Beauty
 - Policy EH2 – Landscape Character
 - Policy EH4 – Biodiversity and Geodiversity
 - Policy EH8 - Environmental Protection
 - Policy OS1 - Presumption in favour of sustainable development
 - Policy OS3 - Prudent use of natural resources
54. The CAMP policies relevant to this development are:
- Policy CE1 – Landscape
 - Policy CE4 – Tranquillity
 - Policy CE10 – Transport
 - Policy CE11 – Major development
 - Policy CE12 – Development priorities and evidence of need
 - Policy CE13 – Waste management

PART 4 – ASSESSMENT AND CONCLUSIONS

Comments of the Assistant Director for Strategic Infrastructure and Planning

55. The NPPF sets out a presumption in favour of sustainable development (paragraph 10), which is supported by policy 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.
56. All planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, in accordance with the Town and Country Planning Act 1990. The key planning policies are set out above and discussed below in accordance with the key planning issues.

57. Application MW.0057/21 proposes the importation of inert material to contours different from that currently permitted. Application MW.0058/21 facilitates the revisions to the approved restoration scheme for the quarry and the additional time required to achieve it if the development proposed in application MW.0058/21 is permitted. It is therefore considered that the two applications serve to deliver one overall development and so should be considered in combination. The key planning issues are:
- i. Waste
 - ii. Landscape and visual impacts
 - iii. Restoration
 - iv. Biodiversity
 - v. Transport
 - vi. Rights of way and public access
 - vii. Amenity and health
 - viii. Flood risk and water environment
 - ix. Carbon emissions, natural resources and waste
 - x. Sustainable development

Waste

58. OMWCS Policy W6 states that priority will be given to the use of inert waste that cannot be recycled as infill material to achieve the satisfactory restoration of active and unrestored quarries. Policy W6 then goes on to say that permission will not otherwise be granted for development that involves the permanent deposit of inert waste on land unless there would be overall environmental benefit.
59. As discussed above at present the development has an approved restoration scheme which doesn't require the importation of inert infill in order to fulfil the scheme i.e. it is to be achieved solely through the use of remaining on-site mineral and associated material. This was approved relatively recently in 2015 and sets the contours of the land for comparison with that now proposed. The application therefore proposes to raise the final restored levels compared to this baseline. The applicant states that the current scheme cannot now be delivered without the importation of inert material, after the previous operator extracted and removed a greater amount of limestone than anticipated. Officers do not dispute that in order to achieve the approved scheme, some additional inert material may need to be imported from elsewhere. However, the application proposes to import 118,000m³ of inert infill to achieve a greater scheme than that permitted. The development is then considered by officers to be a landfilling and land raising operation, requiring over twice as much imported inert material.
60. Objections have been received from the council's Landscape Specialist which are discussed further in the 'Landscape and Visual Impacts' section below. The existing approved scheme was judged at the time it was approved to provide a suitable landform and so contours for the satisfactory restoration and afteruse of the quarry along with improved access for geological interest. It is not clear from the application why this is now considered to no longer be the case. The applicant and later Counsel Opinion, state the new scheme provides an increased biodiversity gain, over what is already permitted. They also state the

proposed scheme will 'better assimilate into the wider valued landscape'. For the requirements of policy W6 to be met, it would have to be concluded that either the importing of inert material as proposed in the application beyond that required to achieve the permitted restoration scheme and the up to three years of additional HGV movements associated with it are necessary to achieve the satisfactory restoration and afteruse of the quarry or, failing that, that it would achieve an overall environmental benefit compared to the existing approved scheme.

61. It is the officer view that the currently approved restoration scheme continues to provide for the satisfactory restoration and afteruse of the site and that the case for the importation of inert material now proposed is not required in order to achieve the same position when judged against the requirements of policy W6. It is also not considered that the application has demonstrated an overall environmental benefit compared to the existing scheme, when considering the additional HGV moments, and impacts on site caused by a landfilling operation. Therefore, the applications are considered to be contrary to Policy W6 of the OMWCS, as it is not required in order to provide for the satisfactory restoration and afteruse of the site and the scheme would not deliver an overall environmental benefit.

Landscape and Visual Impacts

62. The NPPF states under paragraph 176 that great weight should be given to conserving and enhancing AONBs. Paragraph 177 states that when considering applications for development in AONBs, permission should be refused for major development, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
63. OMWCS policy C8 states that minerals and waste development shall demonstrate that it respects and where possible enhances the local landscape character and shall be informed by landscape character assessment. Proposals shall include adequate and appropriate measures to mitigate adverse impacts. The policy reiterates the requirements of the NPPF that great weight should be given to conserving and enhancing AONBs and that 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. It also reiterates that major development within the AONB 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 development test' in the NPPF. It also requires development within AONBs to normally only be small scale, to meet local needs and should be sensitively located and designed.
64. WOLP Policy EH1 gives great weight to conserving and enhancing the area's natural beauty, landscape and countryside. It also states that the AONB's Management Plan and guidance documents are a material consideration in the decision-making process, and that major development will not be permitted within the AONB other than in exceptional circumstances. WOLP Policy EH2 requires the quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape and tranquillity to be conserved and enhanced.

65. CAMP Policy CE1 requires proposals to be compatible with and reinforce the landscape character of the location. Proposals that impact on, or create changes in, the landscape of the AONB should have regard to the scenic quality of the location and ensure that views are conserved and enhanced.
66. CAMP Policy CE4 requires proposals to have regard to the tranquillity of the AONB by seeking to avoid and minimise noise pollution and other aural and visual disturbance. It further states that measures should be taken to enhance the tranquillity of the Cotswolds AONB by removing and reducing existing sources of noise pollution and other oral and visual disturbance.
67. CAMP Policy CE10 requires proposals to have regard to the purposes of conserving and enhancing the natural beauty of the AONB and increasing the understanding of the AONB's special qualities. It further requires proposals relating to development and transport in the Cotswolds AONB to comply with national planning policy and guidance, and to have regard to the Cotswolds AONB Management Plan, and be compatible with the guidance produced by the Cotswolds Conservation Board.
68. CAMP Policy CE11 requires proposals for major development in the Cotswolds AONB to comply with national planning policy and guidance and to have regard to the guidance on major development provided in appendix 9 of the Management Plan. Any major development proposed in the AONB should be landscape led, whereby it demonstrably contributes to conserving and enhancing the natural beauty of the AONB.
69. CAMP Policy CE12 requires development in the Cotswolds AONB to be based on robust evidence of local need arising from within the AONB.
70. CAMP Policy CE13 states that new landfill sites and strategic waste facilities should not normally be permitted in the AONB. Any waste management facilities that are permitted in the AONB should be sited and managed in such a way that adverse environmental impacts are minimised, in line with relevant permitting regimes.
71. Paragraphs 176 and 177 of the NPPF define 'major development' in footnote 60 as 'a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.

Nature and scale

72. At present the existing planning permission (MW.0027/18) permits the use of on-site materials to restore the quarry. The new proposals as set out in these applications would introduce landfilling, and indeed land raising as it would lead to a landform above the existing permitted levels even if those themselves are below the level of the surrounding land. The applicant has confirmed that approximately 49,200m³ of imported inert waste would be required to restore to the permitted levels and 118,000m³ to restore to the proposed levels. The importation of inert waste material would also generate HGV movements which would otherwise not be required, had the quarry not been over worked. Again, these would be considerably less at 11,576 if the amount of inert material to be imported were only that needed to now achieve the existing permitted

restoration contours compared to the approximately 27,764 movements necessary to achieve the scheme as proposed.

73. Planning Permission MW.0027/18 requires that the winning and working of the quarry should have ceased by 31st December 2020 with the site restored by 30th June 2021. Therefore, in granting that planning permission no consent was given for associated works or vehicle movements beyond that date. Whilst the current planning permission allowed for up to 58 HGV movements per day these were in the context of the extraction of the mineral and its restoration using on-site materials. The current applications would then lead to up to 58 vehicle movements per working day associated with the importation of inert material for a period of three years which is well beyond that envisaged when the previous planning permission was granted and which, like the importation of the inert material, has not been previously considered.
74. The applications have received objections from both the Cotswolds National Landscape and the County's Landscape Specialist. The Landscape Specialist requested additional information in order to properly assess the development, but this has not been forthcoming.
75. The Landscape Specialist does not understand why the proposed restoration scheme requires more than twice as much material compared with the approved scheme. In her opinion, if the applicant has excavated more aggregate [and building stone] than originally planned, a revised scheme should seek to address this by requiring less imported material rather than more. The Landscape Specialist also requested additional information on the type and source of infill material, and a landscape assessment or appraisal of the development impacts on the special qualities of the AONB. She also notes the applicant's Counsel Opinion states a higher quality restoration as reason for the scheme being acceptable, but this point is not backed up by any landscape assessments. Whilst both the Cotswolds National Landscape and the council's Landscape Specialist agree that the revised scheme offers some potential improvements compared with the permitted scheme, if it is concluded that the development would be major development in the AONB then it is not considered that the impacts in achieving it have been justified as is required by national and development plan policy.
76. Although the proposed restoration to agricultural use would be in keeping with the local landscape character, the CAMP also has a strong emphasis on enhancing biodiversity. Whilst the council's ecologist has not raised objection to the application, both the Landscape Specialist and Cotswold National Landscape have indicated that lower restoration levels and a biodiversity led restoration scheme could be acceptable in the AONB, but this option has not been seriously explored. A biodiversity led restoration at lower levels could potentially be an opportunity for delivering significant ecological benefits.
77. As discussed above, the applicant is requesting to import inert waste material, approximately 118,000m³ on to a site covering 3.35ha which would generate approximately 27,764 HGV movements over a period of up to three years. This appears to be in excess of that required to secure the restoration and afteruse of the quarry which has a satisfactory approved restoration scheme, requiring less than half that quantity of material. It is unfortunate that the site has been over worked but it is the officer's considered view that the nature of the

development, which is the landfilling of inert material albeit for the purposes of restoration of the previously permitted quarry, and the scale which is as set out above in terms of area, quantity of material and associated HGV movements, weighs in favour of concluding that the proposals set out in the applications is for major development in the AONB.

Setting

78. The application site is set within an otherwise relatively secluded and tranquil part of the Cotswolds AONB. It is generally reasonably well screened from views by surrounding vegetation which is in the control of the applicant although there is a belt of woodland to the north which is not. Part of the assessment of setting must include that the application site is a quarry which has an existing approved restoration scheme. In planning terms, it is therefore a green field site i.e. it is not previously developed land as defined in the NPPF. As set out above the time periods for the completion of mineral extraction and restoration under the current planning permission have both passed and if they had been complied with then no further development would now be required to be carried out. Whilst it is accepted that there are similarities between the impacts of mineral extraction and landfill, which often do go together, the existing permitted restoration scheme doesn't propose the importation of inert material. The approved scheme also increased the geological interest of the site as was stated in support of the application at the time. The new proposal would see a much smaller geological feature, with more of the existing site restored to the level of the surrounding land. The introduction of the new development proposed into the setting of the application site is considered to weigh in favour of concluding that it is for major development in the AONB.

Could the development have a significant adverse impact on the purposes for which the area has been designated or defined?

79. Although the immediate setting of the site is limited from views by existing vegetation, it is a green field site and the nature of the development proposed taken with its scale and associated potential impacts in the AONB including the associated HGV movements are considered to lead to the conclusion that it could have a significant adverse impact on the purposes for which the area has been designated as an AONB. It is therefore concluded that the development is major development for which exceptional circumstances must exist along with it being demonstrated that the development is in the public interest if it is to be granted planning permission.
80. The application site is an existing worked out quarry with an approved and satisfactory restoration scheme. The applicant has declined to consider the option of proposing the importation of inert material sufficient to achieve the existing scheme or something of similar scale. It is not therefore considered that exceptional circumstances for the development have been demonstrated. With regard to the public interest, whilst it is clearly in the public interest for the site to be satisfactorily restored, there is an existing approved and satisfactory restoration scheme for the quarry and even though it is no longer possible for

this to be achieved using on site material, the option of achieving it through the more limited importation of material has not been proposed through a planning application and so its acceptability tested. The importation of the amount of material proposed in the application for up to three years is not considered to be in the public interest.

81. The proposed development set out in the applications is therefore considered to be contrary to policy C8 of the OMWCS, policies EH1 & EH2 of the WOLP, and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the CAMP.

Restoration

82. OMWCS policy M10 states that mineral workings shall be restored to a high standard and in a timely and phased manner. It lists criteria which the restoration and afteruse of mineral workings must take into account, including the character of the landscape, the conservation and enhancement of biodiversity and the quality of agricultural land. It states that planning permission will not be granted for mineral working unless satisfactory proposals have been made for the restoration, aftercare and afteruse of the site.
83. At present under the existing planning permission (MW.0027/18), restoration of the quarry should have been completed by June 2021. The applicant is requesting to vary the existing planning permission in order to extend the timescale for delivery of the imported waste to deliver site restoration by 31st December 2024. Therefore, this would delay the final restoration scheme by up to a further three-and-a-half years. The applicant wishes to import more inert material than is needed to achieve the existing permitted scheme and as discussed above this is not considered necessary in order to achieve satisfactory restoration and afteruse of the site which could be achieved in a considerably shorter time period. The restoration would not therefore be delivered 'in a timely and phased manner'.
84. Therefore, the proposed development set out in the applications is considered to be contrary to OMWCS policy M10.

Biodiversity

85. NPPF paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
86. NPPF paragraph 180 states that when determining planning applications, planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided. Development resulting in the loss or deterioration in irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable strategy for compensation. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
87. OMWCS policy C7 states that minerals development shall, where possible, lead to a net gain in biodiversity. It also states that all minerals development shall

make an appropriate contribution to the maintenance and enhancement of local habitats, biodiversity or geodiversity and satisfactory long-term management for the restored site shall be included in proposals.

88. WOLP policy EH3 states that biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.
89. No objections were received by the County's ecologist although the County's Landscape Specialist felt there could potentially be developed a scheme with a greater biodiversity gain by restoring the quarry to lower levels. Overall, the proposals are considered to be in accordance with policies related to biodiversity including OMWCS policy C7 and WOLP policy EH3.

Transport

90. NPPF paragraph 113 states that all development that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Paragraph 111 states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
91. OMWCS policy C10 states that minerals development will be expected to make provision for safe and suitable access to the advisory lorry routes shown in the plan and if possible, lead to improvements in the safety of all road users, the efficiency and quality of the network and residential and environmental amenity. Where practicable minerals shall be transported by rail, water or conveyor. Where minerals are to be transported by road, they should be in locations which minimise road distances.
92. In order to restore the quarry to the new proposed restoration contours, it is estimated that HGV movements would be no more than 58 daily movements. In addition, the applicant also proposes an amendment to the agreed lorry routeing agreement and to make improvements to the local highway network. The applicant proposes to use a shorter route to the A361 using an 'Quarry Lane' an unnamed highway to the south-east of the site entrance. Initially the Highways Team objected to the application, but this has now been removed, subject to suitably worded conditions for condition surveys, highway repairs, and a Section 106 covenant for maintenance of the visibility splays. Condition surveys would be required prior to the importation of inert material, and then regularly while the development takes place, a second passing bay added to Quarry Lane with the junction arrangements proposed to be addressed in an agreement under Section 278 of the Highways Act 1980 as amended. Overall, subject to a routeing agreement and conditions, the development is considered to comply with these policies.

Rights of Way and Public Access

93. NPPF paragraph 100 states that planning policies should protect and enhance public rights of way and access and local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.
94. OMWCS policy C11 states that the integrity and amenity value of the rights of way network shall be maintained and if possible, it shall be retained in situ in a safe and useable condition. Diversions should be safe, attractive and convenient and, if temporary, shall be reinstated as soon as possible. Improvements and enhancements to the rights of way network will generally be encouraged.
95. There have been no objections from the OCC rights of way team to the proposals. The proposals are considered to be in accordance with relevant development plan policy relating to rights of way.

Amenity and health

96. NPPF paragraph 185 states that decisions should ensure new development is appropriate for the location by taking into account the likely effects (including cumulative effects) on health, living conditions and the natural environment. This includes mitigating and reducing to a minimum potential noise impacts and limiting the impact of light pollution on amenity, intrinsically dark landscapes and nature conservation.
97. OMWCS policy C5 states that proposals for mineral 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 the local economy, including from a range of factors including noise, dust, visual intrusion, light, traffic, air quality and cumulative impact. Where necessary, appropriate buffer zones between working and residential development will be required.
98. WOLP EH8 states proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality, and amenity.
99. OCC Public Health were consulted and stated that whilst there is the potential for dust to be generated as part of the process, impacts are likely to be very localised and have limited impact on human health. From an air quality public health perspective, the officer therefore has no objections to the proposals. The case officer received a further response from West Oxfordshire's Pollution Control Team, who had no objections. The development proposed in the applications is considered to be in accordance with policy EH8 of the WOLP and policy C5 of the OMWCS.

Flood risk and water environment

100. OMWCS policy C3 states that minerals and waste development will, where possible, take place in areas with the lowest probability of flooding. Where development takes place in areas of flood risk, this should only be where other areas have been discounted using the sequential and exception tests as necessary and where a flood risk assessment demonstrates that risk of flooding is not increased from any source. The opportunity should be taken to increase flood storage capacity in the flood plain where possible.
101. OMWCS policy C4 states that proposals for mineral and waste development will need to demonstrate that there would be no unacceptable adverse impact on surface or groundwater resources. Watercourses of significant value should be protected.
102. WOLP EH8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and important ecological features.
103. After the first round of consultation, the LLFA objected to the proposals. After reviewing the revised restoration scheme and Hydrological and Hydrogeological Impact and Flood Risk Assessment, the LLFA confirmed their previous concerns have been addressed.
104. The proposed development is considered to be in accordance with OMWCS policies C3 and C4, and WOLP policy EH8.

Carbon Emissions, Natural Resources and Waste

105. OMWCS policy C2 states that all developments should seek to minimise their carbon emissions. WOLP policy OS3 states that developers should make effective use of natural resources, including by minimising waste, efficient use of water, improvements to water and air quality. As set out above, it is not considered that the case has been made to support the importation of 118,000 m³ of inert material which would generate an estimated 27,764 HGV movements. These additional HGV movements would therefore generate Carbon Dioxide emissions which would not otherwise arise in and around the application site had the quarry not been over worked. As mentioned, the proposed development would require more than double the amount of inert infill required to restore the quarry to the consented contours. Therefore, it is considered that the development proposed does not minimise carbon emissions or make effective use of natural resources contrary to OMWCS policy C2 and WOLP policy OS3.

Sustainable Development

106. OMWCS policy C1 states that a positive approach will be taken to minerals and waste development in Oxfordshire, reflecting the presumption in favour of sustainable development in the NPPF. It states that planning applications that accord with the policies in OMWCS will be approved unless material

considerations indicate otherwise. WOLP policy OS1 also reflects the presumption in favour of sustainable development. NPPF paragraph 10 states that a presumption in favour of sustainable development is at the heart of the NPPF. NPPF paragraph 11 states that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. For the reasons rehearsed above, it is the officer's view that the proposals do not accord with these sustainable development policies.

Financial Implications

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

Legal Implications

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

Equality & Inclusion Implications

109. 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

110. It is very disappointing the quarry was over worked so that the permitted restoration scheme can now not be achieved using on site materials. Whilst a case may have been made to support the importation of sufficient inert material to achieve the permitted restoration scheme, this is not what is proposed in these applications. The development set out in the two applications in combination would permit a new development which would extend the period of disturbance in the AONB required to achieve the restoration of the quarry as now proposed by up to three years. As set out above, it is considered that this would be major development in the AONB for which exceptional circumstances do not exist and which would not meet the public interest test in accordance with paragraph 177 of the NPPF and development plan policies.
111. Over twice as much inert material is proposed to be imported as would now be necessary to deliver the satisfactory restoration and afteruse of the site in a timely manner contrary to policy W6 and M10 of the OMWCS respectively. The development is located in a rural location in the AONB. The additional HGV movements, and waste operation will cause significant adverse impact on the tranquillity of the AONB.
112. The development would also lead to the unnecessary generation of carbon emissions contrary to OMWCS policy C2 and would not make effective use of natural resources contrary to WOLP policy OS3.

113. RECOMMENDATION

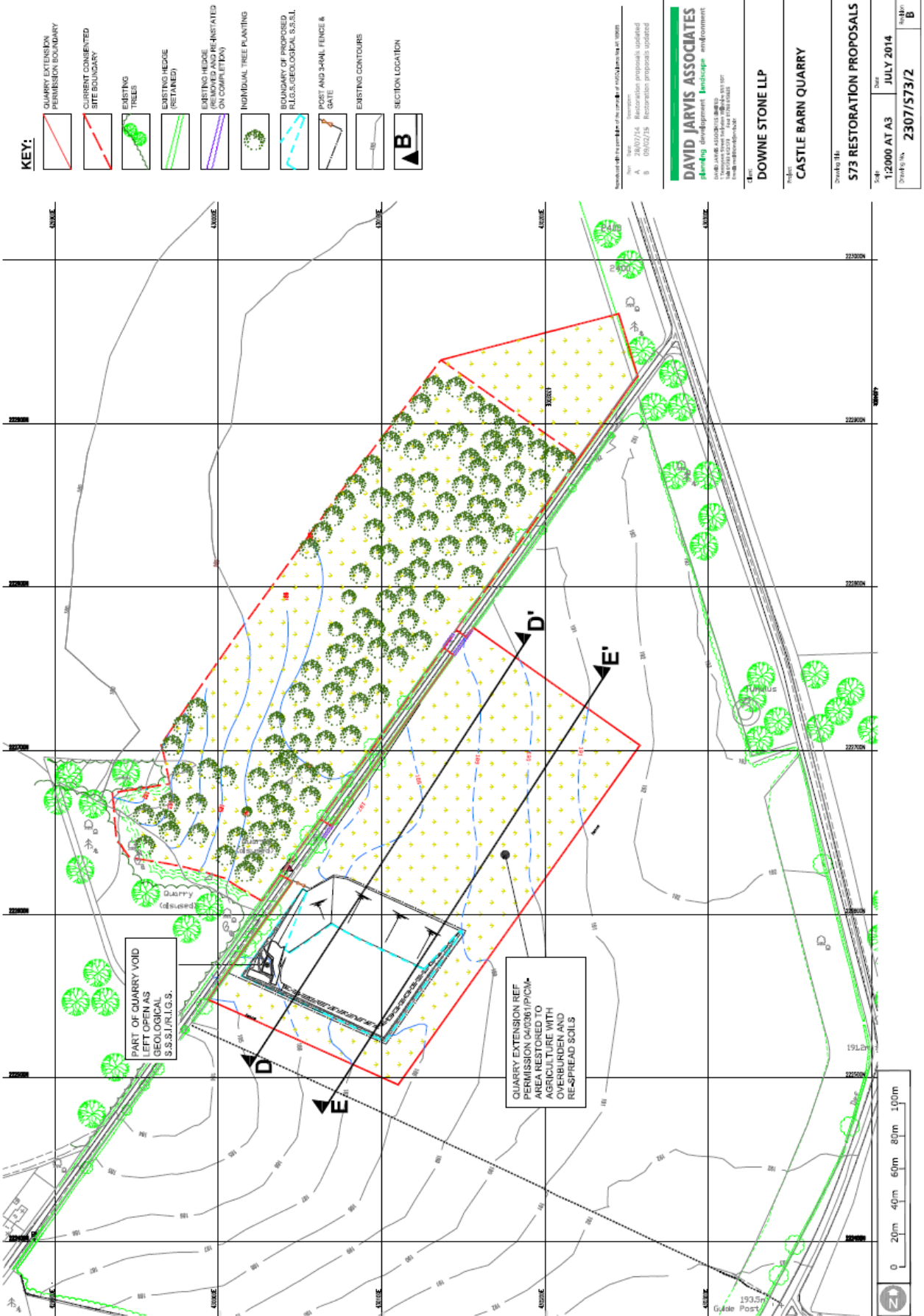
A) It is RECOMMENDED that planning permission for application MW.0057/21 be refused for the following reasons:

- i) The development is Major Development in the Cotswolds Area of Outstanding Natural Beauty for which exceptional circumstances do not exist and for which it has not been demonstrated that the development is in the public interest. Therefore, the development is contrary to paragraph 177 of the National Planning Policy Framework, policy C8 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy, policies EH1 & EH2 of the West Oxfordshire Local Plan and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the Cotswolds AONB Management Plan 2018.**
- ii) The development is not necessary in order to achieve the satisfactory restoration and afteruse of the existing quarry in a timely manner contrary to Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy policies W6 and M10.**
- iii) The development would not minimise carbon emissions nor make effective use of natural resources contrary to policy C2 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy and policy OS3 of the West Oxfordshire Local Plan.**

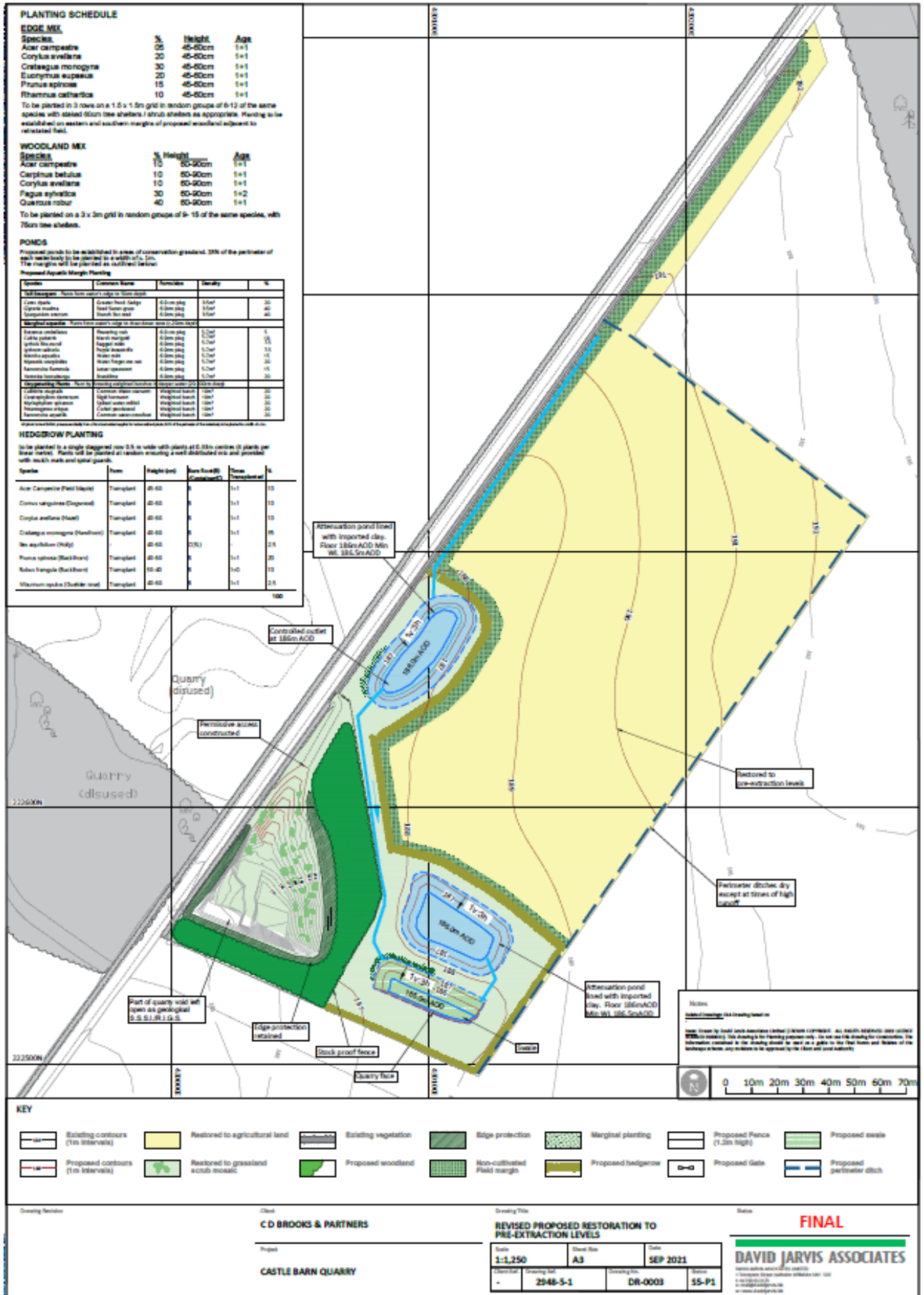
B) It is RECOMMENDED that planning permission for application MW.0058/21 be refused for the following reasons:

- i) In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development is Major Development in the Cotswolds Area of Outstanding Natural Beauty for which exceptional circumstances do not exist and for which it has not been demonstrated that the development is in the public interest. Therefore the development is contrary to paragraph 177 of the National Planning Policy Framework, policy C8 of the Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy, policies EH1 & EH2 of the West Oxfordshire Local Plan and policies CE1, CE4, CE10, CE11, CE12 & CE13 of the Cotswolds AONB Management Plan 2018.**
- ii) In combination with the importation of inert material proposed in application no. MW.0057/21 which the proposed variations to the existing planning permission 18/02008/CM (MW.0027/18) would facilitate, the development is not necessary in order to achieve the satisfactory restoration and afteruse of the existing quarry in a timely manner contrary to Oxfordshire Minerals and Waste Local Plan: Part 1 Core Strategy policies W6 and M10.**

Annex 1 – Permitted Restoration Scheme



Annex 2 - Proposed Revised Restoration Scheme



Annex 3 – Consultation Responses Summary

West Oxfordshire District Council - Planning

MW.0057/21

First Response - Officers are of the opinion that there are there is no reason to object the above application. WODC does not object to this scheme subject to OCC Highways raising no objection.

MW.0058/21 – No response received

West Oxfordshire District Council – Environmental Health

All Applications

Email 1

I write to confirm that we have no objection to this application with regard to air quality and noise considerations.

Email 2

Yes I confirm no objection in relation to dust concerns

Gloucestershire County Council

MW.0057/21 - Officers strongly encourage the assessment of localised planning matters such the impact upon the amenity of local communities and the natural environment within the sphere of influence of any operations related to the sourcing of inert materials (including their transportation). Officers envisage that scrutiny by Oxfordshire County Council as the determining planning authority, would include the possible impacts that might occur within both the areas of Gloucestershire and Oxfordshire and that respective technical experts covering each area will have been invited to provide advice.

In the event that no materially significant unacceptable adverse impacts are envisaged, officers raise no objection to this proposal.

MW.0058/21 - Officers understand that the applicant is seeking to vary the conditions of the extant permission for mineral working @ Castle Barn Quarry, which lies within the neighbouring local authority area of Oxfordshire. The details of the variations include: the extension of time for site operations; amendments to the previously agreed traffic routing; and amendments to the previously agreed site restoration scheme.

Officers raise no comment regarding the acceptability of proposal regarding its site-specific elements. However, any variations that could result in cross-boundary impacts (e.g. amenity impacts associated with changes in the use of local highway network that transcends the county boundary into Gloucestershire) should be subject

to scrutiny by Oxfordshire County Council as the determining planning authority, including a review of technical advice sought from both Gloucestershire and Oxfordshire.

Officers raise no objection overall to the proposal subject to no materially significant unacceptable adverse impacts arising within Gloucestershire.

Churchill and Sarsden Parish Council

All Applications

First Response (17/05/21): The councillors only concerns are about large vehicles accessing the site along a non-approved route – many of the surrounding roads are very small, and access via the villages of Churchill and Sarsden would be most unsuitable.

Therefore, can we request that a condition be added that lorries which do not use an approved route are put on a short-term ban.

Case Officer Response (17/05/21) - Thank you for forwarding the parish council's response to the Castle Barn Quarry application. Please could the parish council advise whether there are any issues with HGVs using the Sarsden Road (the current approved route) and, if so, whether the Quarry Road (as referred to in the Transport Statement) route would be preferable.

I am arranging for our Transport Officer to meet the Planning Agent on site to discuss the proposals further. Would a member of the parish council like to be involved? If so, the possible dates for the meeting include next week Tuesday or Wednesday. Ideally between the hours of 10am and 2pm.

Second Response (23/06/21): After the cancellation of the meeting scheduled for yesterday or today, with your Transport Officer to meet the Planning Agent on site at Castle Barn Quarry, I am not sure re your timescales for this matter. But I have a meeting this weekend with the Brooks's who own the Sarsden (Castle Barn) quarry; and I am also meeting Liz Leffman today on another matter. She has also always been very concerned about this issue.

The people of Sarsden and Churchill are very interested in the movement of large vehicles on our small roads and lanes; and it will be good to have a positive resolution. I know that Helen Tomalin (copied) has requested that a condition be added that lorries which do not use an approved route are put on a short-term ban.

Case Officer Email (29/06/21): HGVs using the Sarsden Road (the current approved route) and, if so, whether the Quarry Road (as referred to in the Transport Statement) route would preferable?) would suffice.

Third Response (29/06/21): The feedback which I have had from councillors regarding the routes is that the proposed route along Quarry Road, travelling direct to

the A361, Chipping Norton to Burford road, is preferred. This avoids using the narrow road though the village as has been happening with the current route.

It is suggested that as Quarry Road is so narrow, that passing places would be needed in the event of meeting an on-coming vehicle. These would need to be tarmacked so they did not erode the edge of the road and destroy the grass verge. Concerns were expressed about the visibility at the junction with the A361, and signage to warn of the turning was suggested. However, I am sure that Highways will address all the safety issues in that regard.

Ensuring that the HGV's use the agreed route is still a concern.

Lyneham Parish Council

The Parish seeks reassurance that the 'inert material' to be used for landfill meets the statutory requirements as set out in the Landfill Directive 1993/33/EC which states that: Inert Waste means waste that does not undergo any significant physical, chemical or biological transformations. Inert Waste will not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The total leachability and pollutant content of the waste and the ecotoxicity of the Leachate must be insignificant and in particular not endanger the quality of surface water and/or groundwater.

The Parish also seeks reassurance that all movements of waste to the site are documented by a certifiable waste transfer chain of custody which, if necessary, can track the material from its source.

The Parish has concerns that the importation of waste material to the site may result in increased HGV vehicle movements through the village of Lyneham on a C-class road (30 MPH) limit. This could be exacerbated by the weight restrictions currently in force on the A361 at Burford Bridge which encourages vehicle movements from the west to seek alternative routes.

Natural England

Both Applications - No objection.

Environment Agency

Both Applications - The infilling of the quarry with waste associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted.

Historic England

MW.0057/21 – They do not wish to offer any comments.

Oxfordshire Geology Trust

Both Applications: On the basis of the information available to date, the Oxfordshire Geology Trust has no issues with the planning permission applications MW.0058/21 (extraction and restoration) and MW.0057/21 (importation of inert material for restoration). The Middle Jurassic solid geology of this area is well known, and we are pleased that the restoration plan includes the retention of a south-west face within the quarry as a SSSI/LGS and will enable a stratigraphic sequence of the Great Oolite and Inferior Oolite to be examined by professional and local geologists.

Cotswolds Natural Landscape (AONB)

The Board acknowledges that the proposed restoration of the quarry to a pre-quarrying landform would have some beneficial effects with regards to the landscape character of the Cotswolds National Landscape. However, there are a number of factors that weigh heavily against the proposed development. On balance, we object to the proposed development.

Our reasons for objecting to the proposed development are outlined below and explained in more detail in Appendix 1. In essence, we consider that ‘the end doesn’t justify the means’.

Firstly, we consider that the proposed development constitutes ‘major development’, in the context of paragraph 172 and footnote 55 of the National Planning Policy Framework (NPPF). We do not consider that exceptional circumstances apply or that the development would be in the public interest. Planning permission should therefore be refused.

A key factor in reaching this conclusion is that the proposed development would, in effect, be a strategic waste facility, importing over 50,000 tonnes of waste per annum into the Cotswolds National Landscape. Locating a strategic waste facility in the National Landscape would not be consistent with the Oxfordshire Minerals & Waste Core Strategy or with the Cotswolds AONB Management Plan. Furthermore, the site is not located within the zones specified for such strategic waste facilities, within the Core Strategy, around Oxford and the main towns of the county.

Another key factor is the potentially significant adverse impacts of the associated HGV movements. We acknowledge the applicant’s assertion that the HGV movements would not materially exceed the HGV movements that were permitted for the quarry operation at this site. However, given that the mineral extraction operations ceased in 2020, the current baseline for HGV movements is now presumably approximately zero. The baseline if planning permission is not granted would also presumably be zero HGV movements.

In this context of these baselines, the proposed development would result in an additional 28,000 HGV movements over the anticipated three-year life of the infilling operation. All of these HGV movements would presumably pass through either Chipping Norton, to the north, or Burford, to the south. Both of these settlements are

located within the Cotswolds National Landscape and both are already highly sensitive to HGV movements. For example, HGVs are one of the main causes of the air pollution problems in Chipping Norton whilst, in Burford, the adverse impacts of HGVs have resulted in weight restrictions being imposed. The 28,000 HGV movements resulting from the proposed development would unnecessarily exacerbate these problems.

Given the distance of the site from the main sources of waste material (i.e. Oxford and the main towns in Oxfordshire), the proposed development would also result in unnecessarily excessive CO2 emissions. For example, the distance travelled in the 28,000 HGV movements would be at least 560,000km more than if the waste facility was located within the zones specified in the Core Strategy. This is equivalent to 14 times round the circumference of the world and equates to approximately 1.5 million kg (or 1,500 tonnes) of CO2 emissions. These unnecessary and excessive CO2 emissions would not be compatible with Oxfordshire County Council's stated ambition to enable a net-zero carbon Oxfordshire.

We acknowledge that the proposed development would have some biodiversity value. However, a much more significant biodiversity benefit could be achieved if there was a biodiversity-led restoration of the unfilled quarry, focussing on the creation of species-rich, limestone grassland. Taking into account all of the points raised in this consultation response, we consider that this would be the most appropriate way forward.

[Please see website for APPENDIX 1]

Second Response –No further comments to make to what was already submitted.

Oxfordshire County Council (OCC) Archaeology

Both Applications - The site has been previously quarried which would have removed any surviving archaeological features.

Public Health (OCC)

In summary, there is the potential for dust to be generated as part of the process, impacts are likely to be very localised and have limited impact on human health. From an air quality public health perspective, therefore have no major concerns related to the application.

OCC Transport Development Control (Full Response)

First Response – Objection

In order to restore the quarry by importing material, a significant number of HGV movements will be necessary over the projected three year period. It is estimated that the number will not exceed the maximum of 58 daily movements allowed under the consented quarry operation approval.

These applications include a proposal to amend the agreed lorry routeing agreement and to make improvements to the local highway network. In previous correspondence it has been made clear that OCC Highways have considerable concerns, some of which have been addressed to date. These concerns are outlined below:

1. The rationale behind amending the route. The existing route was assessed and found to be the most appropriate when the agreement was made. It is assumed that the main factor was the better visibility at the Sarsden Road junction with the A361 than the 'Quarry Road' junction. It has not been demonstrated that changing the route would provide a significant benefit to all highway users. It is noted that the Parish Council have expressed a preference for the revised route (subject to adequate passing bays), although they mention "avoids using the narrow road through the village", which does not actually happen.
2. Suitability of the revised route highway. The applicant has said that "...any type or number of vehicles can use the road at any time, without restriction." This is true up to a point, but the road is not a designated lorry route and the quarry HGVs are prohibited from using it by the existing routeing agreement. Hence, the suitability of the construction needs to be demonstrated before it's use may be approved. The applicant has suggested that the condition of the northern section of 'Quarry Road', north of the quarry access and part of the approved lorry route, indicates that the southern section will also be satisfactory, but this does not necessarily follow. It has previously been suggested that core samples are taken to determine the construction and provide evidence of the suitability; or to determine the degree of strengthening required, if necessary. Alternatively, the length of road may be made up to the OCC standard construction detail.
3. Passing bays. The 450m southern section has a "dog-leg" roughly half way along which limits forward visibility. A new formal passing bay is proposed north of the bend. Opposite patches of highway verge have been worn away to create an informal passing bay south of the bend, indicating a need here too. The highway improvements must include these areas to be kerbed and surfaced so that two HGVs may pass here. This will help to avoid the verge degradation identified in the Road Safety Audit (RSA).
4. Junction arrangement and drainage. The A361 / 'Quarry Road' junction was examined in the RSA and appropriate alterations made. Detailed design will be the subject of a S278 agreement. However, the proposals at this stage do not consider surface water drainage. A scheme to avoid water ponding at the junction must be submitted to show that the new design can achieve adequate drainage.
5. Junction visibility. The applicant has carried out a speed survey which shows the 85%ile speed in both directions to be close to the speed limit i.e. 60mph. They have accepted that a visibility splay of 215m will be provided, and this is plotted on the Potential Access Arrangements Plan, drg. no. 3305-F01 Rev. C. I am concerned that the highway boundary has not been precisely copied on

to the Visibility Splay Plan (i.e. the grey area does not correspond with the purple area):

The visibility splay will have to be constructed, levelled and drained so that the vegetation and hedge are readily accessible for regular cutting by the applicant. It will be written into the S106 legal agreement that the applicant is responsible for maintaining the visibility splay.

6. Land ownership. It has been stated that the land up to the highway boundary [adjacent to the southern visibility splay] is under the control of the applicant. This was not shown as such on the Location Plan, and an amended plan has not been received to date.
7. The routeing agreement. Burford is currently the subject of an experimental 18 month HGV ban, which may well become permanent. This would leave the route from the north, through Chipping Norton, as the only available route. This is far from ideal but will have to be acceptable if the proposal is approved. Withdrawn application MW.0126/20 proposed routeing HGVs along the Lidstone Road, which was not acceptable. If the routeing agreement is to be revised, it must still specify the length of the A361 shown in the extract below as the Approved Route, so that the Lidstone Road, and other local minor roads, may not be used.

Until the issues identified in points 2, 3, 4, 5 and 6 above have been satisfactorily addressed, OCC (as Local Highway Authority) maintain an objection to the applications.

Meeting and Agents Response – A meeting with the planning agent and Highways Team was arranged. Corrective actions were agreed in order for Highways Team to remove the objection, including the drafting of conditions. Conditions were agreed to provide a road condition survey prior to re-commencement of HGV movements, providing 3 monthly road condition surveys to MWPA.

Second Response

As a result of further correspondence and dialogue following my initial response below, I am happy to alter my recommendation to No Objection, subject to a suitably worded condition for highway repairs and a S106 covenant for maintenance of the visibility splays. My further comments on the points raised below are as follows:

Suitability of the revised route highway.

OCC continue to have concerns that the section of “Quarry Road / Lane” to the south of the site access may not be suitable for use by HGVs and may degrade as a result. It has been agreed that condition surveys are to be carried out and that the site operator/applicant will be responsible for making any necessary repairs at their own expense. This is to be ensured by a condition, the wording of which is still to be agreed by all parties.

Passing bays.

A second passing bay on “Quarry Road” has been added to the proposed scheme, which is acceptable in principle.

Junction arrangement and drainage.

OCC maintain concerns regarding the drainage of the junction. It is noted that on the latest revision of the Location Plan, the blue line area includes land to the north of the junction ("Skew Plantation") which could be incorporated into a drainage scheme if necessary. Despite remaining a concern, it is not considered that the potential drainage issues are sufficient reason for an objection to the proposals, but must be adequately addressed in the S278.

Junction visibility.

It has been agreed in principle that the applicant/site operator will be responsible for maintaining the visibility splays, at their own expense, and this will be secured by a covenant in the S106 agreement. The final wording of the covenant is not yet finalised.

Land ownership.

A revised Location Plan has been submitted, showing that all land adjacent to the visibility splays is within the control of the applicant.

OCC Rights of Way and Countryside access

Both Applications: No comments from rights of way

OCC Drainage Team and Lead Local Flood Authority

First Response (Full Response)

Both Applications: I have now looked through the information and I do have concerns with the proposals, due to the sensitive catchment downstream.

The water is not being controlled enough to mimic the pre works drainage regime. The discharge of water are being concentrated via the infiltration basin, directly into the existing limestone layer needs to be reduced significantly to ensure compliance with local and national standards. A compliance report to demonstrate accordance with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire is required.

Case Officer Note: A meeting was arranged between the Drainage Engineer, Planning Agents and applicant's drainage consultants (GWP). Corrective actions were agreed, to make amendments to the restoration scheme, and to provide further flood risk data.

Second Response:

I have now reviewed the revised Hydrological and Hydrogeological Impact and Flood Risk Assessment v.04 by GWP Consultants and I can confirm our previous concerns have been addressed. Therefore we have no further objections to these applications.

OCC Biodiversity

Both Applications: No objection on ecology grounds.

Requires a European Protected Species Informative (See Annex 4)

OCC Landscape

First Response

MW.0057/21 – *Holding Objection*

In summary (Full response on Website):

The application will need to demonstrate exceptional circumstances (NPPF, para 177) should the development be considered to be 'major'.

Whilst the proposed restoration scheme would offer some landscape and ecological benefits, it would require the importation of a large amount of infill material resulting in 58 HGV movements per day for 3.5 years. These have the potential to cause significant adverse impacts on the special qualities of the AONB, and these impacts do in my view outweigh the benefit of the proposed restoration.

The lack of infill material on site suggests that neither the proposed restoration scheme nor the approved restoration can be achieved without causing adverse effects on the AONB. However, these schemes are not the only way how the site could be restored that is acceptable in landscape and visual terms.

The Landscape Specialist suggested that a revised restoration scheme is developed, which, unlike the proposed scheme, avoids or significantly reduces the need for infilling in order to reduce the environmental impacts of the restoration. A biodiversity-led restoration is likely to be most appropriate.

For the reasons outlined in the full response she cannot support the scheme in its current form.

The Landscape Specialist states without prejudice, if the Council was minded to approve the application, a condition for a detailed landscaping scheme will be required. A condition or agreement that seeks to monitor changes to the character of affected rural lanes, and which secures funds for potential verge repairs might also be required.

MW.0058/21:

The application seeks the variation to a number of conditions of planning application MW.0027/18. The following comments should be considered in conjunction with the Landscape Specialist's comments on application MW.057/21, which seeks the importation of 118,000 m³ of inert material into this site.

Condition 1:

This condition seeks an extension of time for the restoration until 31st December 2024.

No principle issue with extending the time for the restoration, it would be beneficial if restoration was achieved at an earlier date. This variation depends on the outcome of application MW.0057/21.

Condition 2:

Approved plans and particulars. No objection once a restoration scheme has been agreed.

Condition 8:

No aggregates or waste shall be imported to the site for any purpose whatsoever to minimise lorry traffic generation. This condition prohibits the importation of inert materials to avoid further HGV movements and their related impacts on the AONB.

Whether a variation of this application is acceptable will depend on a positive outcome of the related application MW.0057/21, which seeks the importation of 118.000 m3 inert material into the site to create restoration levels. However, the wording of the condition suggests that importation of material is not supported for whatever reason, including for the benefits of restoration.

The importation of the material and related HGV movements and their impacts on the AONB raise landscape and visual concerns, and a variation of this condition should only be considered if MW.0057/21 is approved.

Condition 26:

This condition relates to the number of HGV movements and the routing agreement associated with the transportation of large stones of site. A variation of the condition is sought to allow the same number of daily vehicle movements for the importation of inert material as previously permitted for extraction.

As with condition 8 the acceptability to change this condition depends on a positive outcome of the related application MW.0057/21. The importation of the material and related HGV movements raise landscape and visual concerns, and a variation of this condition should only be considered if MW.0034/21 is approved.

Second Response (Full Response)

The additional information does not include further information on landscape issues raised by myself or the Cotswolds AONB and as such my previous comments still apply.

In my previous comments I raised concerns about the type and source of infill material, and the potentially significant impacts on the special qualities of the AONB. As a way forward I recommended that the restoration scheme should be revised with a view to reduce impacts.

I find it difficult to understand why the revised restoration requires more than twice as much infill material compared with the approved scheme although the levels are not that different from each other. If this is due to the applicant having excavated more aggregate than originally planned, a revised scheme should in my view seek to address this issue by requiring less import material rather than more.

The additional information does not provide further information on the type and source of infill material nor does it include a landscape assessment or appraisal of the development impacts on the special qualities of the AONB. The Counsel opinion states a higher quality restoration as a reason for the scheme being acceptable, but this is not backed up by any landscape assessment work. Whilst the Cotswolds AONB and I agree that the revised scheme offers some improvements compared with the previously approved scheme, it does in my view not justify the impacts in achieving it. This is especially the case since I consider the two restoration schemes not to be the only ways the site could be restored.

Whilst a restoration to agricultural would be in keeping with the local landscape character, the Cotswolds AONB Management Plan has also a strong emphasis on enhancing biodiversity. Both the AONB response and I have indicated that lower restoration levels and a biodiversity-led restoration scheme could be acceptable in the AONB but no other options seem to have been explored. A biodiversity-led restoration to lower levels could potentially be an opportunity for delivering significant ecological benefits – e.g., some of Oxfordshire’s most important ecological sites were previously quarries (e.g. Cothill SAC, Dry Sandford Pit SSSI).

The impacts of the development on the Cotswolds AONB should be assessed and further detail on the type and source of the infill material should be provided. In addition, I strongly encourage the applicant to revise the restoration scheme in a way that minimises the need for infill material and maximises the site for biodiversity.

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.

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PLANNING & REGULATION COMMITTEE – 29 NOVEMBER 2021

Policy Annex (Relevant Development Plan and other Policies)

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

POLICY M2: PROVISION FOR WORKING AGGREGATE MINERALS

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

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

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

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

POLICY M3: PRINCIPAL LOCATIONS FOR WORKING AGGREGATE MINERALS

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

Sharp sand and gravel

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

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

Soft sand

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

Crushed rock

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

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

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

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

POLICY M5: WORKING OF AGGREGATE MINERALS

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

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

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

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

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

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

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

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

POLICY M10: RESTORATION OF MINERAL WORKINGS

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

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

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

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

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

Non-hazardous waste

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

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

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

Inert waste

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

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

General

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

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

POLICY C1: SUSTAINABLE DEVELOPMENT

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

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

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

POLICY C2: CLIMATE CHANGE

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

POLICY C3: FLOODING

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

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

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

POLICY C4: WATER ENVIRONMENT

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

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

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

POLICY C5: LOCAL ENVIRONMENT, AMENITY AND ECONOMY

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

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

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

POLICY C7: BIODIVERSITY AND GEODIVERSITY

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

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

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

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

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

POLICY C8: LANDSCAPE

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

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

116). Development within AONBs shall normally only be small-scale, to meet local needs and should be sensitively located and designed.

POLICY C10: TRANSPORT

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

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

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

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

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

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

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

POLICY C11: RIGHTS OF WAY

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

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

POLICY C12: GREEN BELT

Proposals that constitute inappropriate development in the Green Belt, will not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Conditions may be imposed on any permission granted to ensure that the development only serves to meet a need that comprises or forms an 'other consideration' in the Green Belt balance leading to the demonstration of very special circumstances.

Oxfordshire Minerals and Waste Local Plan (OMWLP)

POLICY CY3: AFTER USES OF CASSINGTON-YARNTON AREA

After-uses for the Cassington-Yarnton area should normally conform with those on the Proposals Map (the categories of uses are explained in paragraph 7.2). Planning permission will not normally be granted until these after-uses and means of funding them have been secured.

POLICY CY4: PROMOTION OF PEDESTRIAN/CYCLE ROUTES

The County Council will promote the following pedestrian and cycle routes:

- (a) from Eynsham, east to link with the Oxford Canal towpath, using the old railway line as much as possible, to provide a largely segregated pedestrian/cycle route avoiding major roads and junctions;
- (b) from Eynsham, along Cassington Road, to provide a pedestrian/cycle route to Cassington;
- (c) circular walks from Eynsham, Cassington and Yarnton villages.

Planning permission will not normally be granted until the parts of the routes relevant to the proposed development and the funding of them have been secured.

Cherwell Local Plan 2031 (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 9: PROTECTION OF THE OXFORD MEADOWS SAC

Developers will be required to demonstrate that:

- During construction of the development there will be no adverse effects on the water quality or quantity of any adjacent or nearby watercourse
- During operation of the development any run-off of water into adjacent or surrounding watercourses will meet Environmental Quality Standards (and where necessary oil interceptors, silt traps and Sustainable Drainage Systems will be included)
- New development will not significantly alter groundwater flows and that the hydrological regime of the Oxford Meadows SAC is maintained in terms of water quantity and quality
- Run-off rates of surface water from the development will be maintained at greenfield rates.

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

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

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

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

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

POLICY ESD 13: LOCAL LANDSCAPE PROTECTION AND ENHANCEMENT

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

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

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

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance,

and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

POLICY ESD 14: OXFORD GREEN BELT

The Oxford Green Belt boundaries within Cherwell District will be maintained in order to:

- Preserve the special character and landscape setting of Oxford
- Check the growth of Oxford and prevent ribbon development and urban sprawl
- Prevent the coalescence of settlements
- Assist in safeguarding the countryside from encroachment
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF and NPPG. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities. Proposals for residential development will also be assessed against Policies Villages 1 and Villages 3.

A small scale local review of the Green Belt boundary in the vicinity of Langford Lane, Kidlington and Begbroke Science Park will be undertaken as part of the Local Plan Part 2, in order to accommodate employment needs (see Policy Kidlington 1). Further small scale local review of the Green Belt boundary will only be undertaken where exceptional circumstances can be demonstrated.

POLICY ESD 17: GREEN INFRASTRUCTURE

The District's green infrastructure network will be maintained and enhanced through the following measures:

- Pursuing opportunities for joint working to maintain and improve the green infrastructure network, whilst protecting sites of importance for nature conservation
- Protecting and enhancing existing sites and features forming part of the green infrastructure network and improving sustainable connectivity between sites in accordance with policies on supporting a modal shift in transport (Policy SLE4: Improved Transport and Connections), open space, sport and recreation (Policy BSC 10: Open Space, Outdoor Space and Recreation Provision), adapting to climate change (Policy ESD 1: Mitigating and Adapting to Climate Change), SuDS (Policy ESD 7: Sustainable Drainage Systems (SuDS)), biodiversity and the natural environment (Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment), Conservation Target Areas (Policy ESD 11: Conservation Target Areas), heritage assets (Policy ESD: 15) and the Oxford Canal (Policy ESD 16)
- Ensuring that green infrastructure network considerations are integral to the planning of new development. Proposals should maximise the opportunity to maintain and extend green infrastructure links to form a multi-functional network

of open space, providing opportunities for walking and cycling, and connecting the towns to the urban fringe and the wider countryside beyond

- All strategic development sites (Section C: 'Policies for Cherwell Places') will be required to incorporate green infrastructure provision and proposals should include details for future management and maintenance.

Cherwell Local Plan 1996 (CLP)

POLICY C1: NATURE CONSERVATION

The council will seek to promote the interests of nature conservation. Development which would result in damage to or loss of sites of special scientific interest or other areas of designated wildlife or scientific importance will not normally be permitted. Furthermore, the council will seek to ensure the protection of sites of local nature conservation value. The potential adverse affect of development on such sites will be a material consideration in determining planning applications.

POLICY C2: NATURE CONSERVATION

Development which would adversely affect any species protected by Schedule 1, Schedule 5 and Schedule 8 of the 1981 Wildlife and Countryside Act, and by the E.C. Habitats Directive 1992 will not normally be permitted.

POLICY C7: LANDSCAPE CONSERVATION

Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

POLICY TR7: MINOR ROADS

Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.

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.

POLICY ENV1: POLLUTION CONTROL

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

West Oxfordshire District Council Local Plan 2031

POLICY EH1: COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY

In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB.

Major development will not be permitted within the AONB other than in exceptional circumstances, as required by national policy and guidance.

Proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes and small scale renewable energy development, will be supported, provided they are consistent with the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area.

POLICY EH2: LANDSCAPE CHARACTER

The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced.

New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds. Conditions may be imposed on development proposals to ensure every opportunity is made to retain such features and ensure their long-term survival through appropriate management and restoration.

Proposals which would result in the loss of features, important for their visual, amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures which can be secured to the satisfaction of the Council.

Proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality, reversing existing pollution where possible.

Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project Area.

POLICY EH4: PUBLIC REALM AND GREEN INFRASTRUCTURE

The existing areas of public space and green infrastructure of West Oxfordshire will be protected and enhanced for their multi-functional role, including their biodiversity, recreational, accessibility, health and landscape value and for the contribution they make towards combating climate change.

Public realm and publicly accessible green infrastructure network considerations should be integral to the planning of new development.

New development should:

- avoid the loss, fragmentation loss of functionality of the existing green infrastructure network, including within the built environment, such as access to waterways, unless it can be demonstrated that replacement provision can be provided which will improve the green infrastructure network in terms of its quantity, quality, accessibility and management arrangements
- provide opportunities for walking, and cycling within the built-up areas and connecting settlements to the countryside through a network of footpaths, bridleways and cycle routes
- maximise opportunities for urban greening such as through appropriate landscaping schemes and the planting of street trees
- provide opportunities for improvements to the District's multi functional network of green infrastructure (including Conservation Target Areas) and open space (through for example extending spaces and connections and/or better management), particularly in areas of new development and/or where stakeholder/partnership projects already exist or are emerging, in accordance with the Council's Green Infrastructure Plan, its Open Spaces Strategy, Playing Pitch Strategy, Living Landscape Schemes, locally identified Nature Improvement Areas and any future relevant plans (such as Neighbourhood Plans) and programmes as appropriate
- consider the integration of green infrastructure into proposals as an alternative or to complement 'grey infrastructure' (such as manmade ditches and detention ponds and new roads)
- demonstrate how lighting will not adversely impact on green infrastructure that functions as nocturnal wildlife movements and foraging corridors.

Contributions towards local green infrastructure projects will be sought where appropriate. If providing green infrastructure as part of a development, applicants should demonstrate how it will be maintained in the long term

POLICY EH8: ENVIRONMENTAL PROTECTION

Proposals which are likely to cause pollution or result in exposure to sources of pollution or risk to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity. The following issues require particular attention:

Air quality

The air quality within West Oxfordshire will be managed and improved in line with National Air Quality Standards, the principles of best practice and the Air Quality Management Area Action Plans for Witney and Chipping Norton. Where appropriate, developments will need to be supported by an air quality assessment.

Contaminated land

Proposals for development of land which may be contaminated must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination, remedial measures must be identified and satisfactorily implemented.

Hazardous substances, installations and airfields

Development should not adversely affect safety near notifiable installations and safeguarded airfields.

Artificial light

The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where:

- the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light;
- the elevations of buildings, particularly roofs, are designed to limit light spill;
- the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscape or nature conservation.

Noise

Housing and other noise sensitive development should not take place in areas where the occupants would experience significant noise disturbance from existing or proposed development.

New development should not take place in areas where it would cause unacceptable nuisance to the occupants of nearby land and buildings from noise or disturbance.

Water resources

Proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and important ecological features.

Waste

Proposals for development that make provision of the management and treatment of waste will need to be in accordance with the Oxfordshire Minerals and Waste Local Plan.

POLICY OS1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – 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 that Framework indicate that development should be restricted.

POLICY OS3: PRUDENT USE OF NATURAL RESOURCES

All development proposals (including new buildings, conversions and the refurbishment of existing building stock) will be required to show consideration of the efficient and prudent use and management of natural resources, including:

- making the most efficient use of land and buildings, whilst having regard to the character of the locality;
- delivering development that seeks to minimise the need to travel;
- minimising use of non-renewable resources, including land and energy, and maximising opportunities for travel by sustainable means;
- minimising their impact on the soil resource*
- minimising energy demands and energy loss through design, layout, orientation, landscaping, materials, and the use of technology;
- minimising summer solar gain, maximising passive winter solar heating, lighting, natural ventilation, energy and water efficiency and reuse of materials;
- maximising resource efficiency, including water. All new residential development will be expected to achieve the optional building regulations requirement for water efficiency of 110 litres/person/day;
- minimising risk of flooding;
- making use of appropriate sustainable drainage systems;
- using recycled and energy efficient materials;
- minimising waste and making adequate provision for the re-use and recycling of waste and causing no deterioration and, where possible, achieving improvements in water or air quality.

*Guidance includes the 2011 DEFRA publication: Construction Code of Practice for the Sustainable Use of Soils on Construction Sites

Cotswolds AONB Management Plan 2018

POLICY CE1: LANDSCAPE

1. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines.
2. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and its setting and ensure that views – including those into and out of the AONB – and visual amenity are conserved and enhanced.
3. Landscape character should be a key component of future agri-environment, land management and rural development support mechanisms in the Cotswolds AONB.
4. Rural skills training and the utilisation of those skills – such as dry stone walling, traditional woodland management and hedgelaying – will be promoted, to ensure the long-term retention, creation and management of the key features of the Cotswolds AONB landscape.

POLICY CE4: TRANQUILLITY

1. Proposals that are likely to impact on the tranquillity of the Cotswolds AONB should have regard to this tranquillity, by seeking to (i) avoid and (ii) minimise noise pollution and other aural and visual disturbance.
2. Measures should be taken to enhance the tranquillity of the Cotswolds AONB by (i) removing and (ii) reducing existing sources of noise pollution and other aural and visual disturbance

POLICY CE10: DEVELOPMENT AND TRANSPORT – PRINCIPLES

1. Development and transport in the Cotswolds AONB and in the setting of the AONB should have regard to – and help to deliver – the purposes of conserving and enhancing the natural beauty of the AONB and increasing the understanding and enjoyment of the AONB's special qualities. They should also contribute to the economic and social well-being of AONB communities.
2. Proposals relating to development and transport in the Cotswolds AONB and in the setting of the AONB should comply with national planning policy and guidance. They should also have regard to – and help to deliver – the Cotswolds AONB Management Plan and be compatible with guidance produced by the Cotswolds Conservation Board, including the:
 - (i) Cotswolds AONB Landscape Strategy and Guidelines;
 - (ii) Cotswolds AONB Landscape Character Assessment;
 - (iii) Cotswolds AONB Local Distinctiveness and Landscape Change;
 - (iv) Cotswolds Conservation Board Position Statements.

3. The purposes of conserving and enhancing the natural beauty of the Cotswolds AONB and increasing the understanding and enjoyment of the AONB's special qualities should be identified as priorities in Local Plans³⁰, Neighbourhood Plans, Local Transport Plans and other relevant plans and strategies. These plans and strategies should explicitly identify the Cotswolds AONB Management Plan as a material consideration

POLICY CE11: MAJOR DEVELOPMENT

1. Proposals for major development in the Cotswolds AONB and in the setting of the AONB, including site allocations in Local Plans, must comply with national planning policy and guidance and should have regard to – and be compatible with – the guidance on major development provided in Appendix 9 of the Cotswolds AONB Management Plan.

2. Any major development proposed in the Cotswolds AONB, including major infrastructure projects, should be 'landscape-led', whereby it demonstrably contributes to conserving and enhancing the natural beauty of the Cotswolds AONB and, where appropriate, to the understanding and enjoyment of its special qualities³¹. This should include fully respecting and integrating the special qualities of the AONB into the planning, design, implementation and management of the development, from the very beginning of the development's inception.

3. The A417 'missing link' scheme should be an exemplar of the 'landscape-led' approach outlined in this policy³².

POLICY CE12: DEVELOPMENT PRIORITIES AND EVIDENCE OF NEED

1. Development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB³³. Priority should be given to the provision of affordable housing, maintaining and enhancing local community amenities and services, and improving access to these amenities and services³⁴.

2. The extent to which the Cotswolds AONB is required to accommodate objectively assessed housing needs arising from outside the AONB should be limited³⁵. Where, as a result of this constraint, objectively assessed needs cannot be met wholly within a particular plan area, local planning authorities should work together to identify if these needs could be met elsewhere, outside of the AONB³⁶.

3. Local planning authorities should provide annual statistics on the rate of development in their sections of the Cotswolds AONB and its setting³⁷.

POLICY CE13: WASTE MANAGEMENT

1. The waste hierarchy, shown below, should be promoted:

- Reduce.
- Reuse.

- Recycle.

2. Proposals for new landfill sites and strategic waste facilities should not normally be permitted in the AONB. Any waste management facilities that are permitted in the AONB should be sited and managed in such a way that adverse environmental impacts are minimised, in line with relevant permitting regimes.